

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
18-CVS-11280

ROBERT M. PITTENGER and wife,
SUZANNE B. PITTENGER,

Plaintiffs,

v.

GLENEAGLES HOMES ASSOCIATION,
a North Carolina Nonprofit Corporation,
RICHARD B. BOOTH, JR., individually
and as an Officer and Director of
GLENEAGLES HOMES ASSOCIATION,
KEVIN J. ROCHE, individually and as an
Officer and Director of GLENEAGLES
HOMES ASSOCIATION, DWIGHT H.
BERG, individually and as an Officer and
Director of GLENEAGLES HOMES
ASSOCIATION, and DOUG L. LEBDA
(a/k/a DOUGLAS R. LEBDA) and
MEGAN GRUELING,

Defendants.

VERIFIED SUPPLEMENTAL COMPLAINT

Plaintiffs Robert M. Pittenger and Suzanne Pittenger, for their Verified Supplemental Complaint against Defendants Douglas L. Lebda and Megan Greuling, say and allege as follows:

INTRODUCTION

100. These new claims and factual allegations arise out of Lebda and Greuling's continuing pattern of invasive, intrusive, and irresponsible conduct, designed to cause and has caused Plaintiffs anguish, discomfort, and insecurity in a place that should be the most secure to them: their home.

101. For two years, Lebda and Greuling have intruded into Plaintiffs' privacy. Lebda and Greuling built a 15,000-square-foot home mere feet from Plaintiffs' pre-existing home. Lebda and Greuling's home is unacceptably close to Plaintiffs' home.

Lebda and Greuling are able to peer into Plaintiffs' home and overlook Plaintiffs' back yard.

102. Lebda and Greuling again showed callous disregard for Plaintiffs' privacy when they obtained and retained Plaintiffs' most personal financial documents. Those personal financial documents were stolen from Plaintiffs. Lebda and Greuling allegedly found Plaintiffs' personal financial documents in the street and kept them overnight, without notifying Plaintiffs. Lebda and Greuling failed to return them immediately. By keeping Plaintiffs' financial documents overnight, Lebda and Greuling could have learned Plaintiffs' Social Security Numbers, income, and investments—information that most people keep from all but their closest advisors. Lebda and Greuling's retention of Plaintiffs' personal financial documents is especially alarming for two reasons. For one, Defendant Douglas Lebda is the chief executive officer of a large lending institution; of all people, he should have known the importance of immediately returning Plaintiffs' personal financial documents. For another, given the ongoing lawsuit between Plaintiffs and Lebda and Greuling, those documents should have been returned immediately to avoid the now grave appearance of impropriety.

103. Lebda and Greuling's disregard for Plaintiffs' privacy reached new heights in violation of clear North Carolina law. Specifically, Lebda and Greuling have used unauthorized aerial drone photography to capture images of Plaintiffs' home. Plaintiffs learned of Lebda and Greuling's drone use only by happenstance, when Plaintiff Suzanne Pittenger left Plaintiffs' home later than usual, spotting two men photographing the home.

104. In this Supplemental Complaint, Plaintiffs allege violations of both statutory and common law arising from Lebda and Greuling's most recent intrusions upon Plaintiffs' privacy. First, Plaintiffs allege a violation of N.C. Gen. Stat. § 15A-300.1, which prohibits the use of aerial drone photography. Second, Plaintiffs allege a claim for intrusion upon seclusion. By flying a drone around, and taking pictures of, Plaintiffs' home, Lebda and Greuling have unreasonably and offensively intruded into Plaintiffs' private lives.

105. Defendant Douglas L. Lebda is the chief executive officer and managing member of the multi-million-dollar lending institution, LendingTree, LLC

("LendingTree"), America's largest online lending marketplace. Because Defendant Lebda works in the highly regulated mortgage and lending industry, he works with and manages confidential financial data on a regular, if not daily, basis. Upon information and belief, because of his position with LendingTree, Defendant Lebda understands the importance of keeping personal information—like social security numbers and income, among others—secret and well protected.

106. This Court has jurisdiction over the subject matter of these additional claims.

107. This Court has continuing jurisdiction over the parties.

108. Venue remains proper in this Court.

FACTUAL ALLEGATIONS

109. Since 2006, Plaintiffs have owned a home in Charlotte's Quail Hollow neighborhood. From the time Plaintiffs acquired their home until 2017, Plaintiffs' home provided a refuge from the outside world and a place where Plaintiffs could feel safe and secure, especially given Plaintiff Robert Pittenger's political service.

110. In 2017, Lebda and Greuling purchased the lot adjacent to Plaintiffs' home, also in the Quail Hollow neighborhood. At the time, Plaintiffs knew little about Lebda and Greuling. As new neighbors, Plaintiffs tried to form a cordial relationship with Lebda and Greuling, but quickly learned that such a relationship would be impossible.

111. Shortly after Lebda and Greuling purchased their lot, they began to build a 15,000 square-foot mansion. That massive, apartment building size structure sits fewer than 10 feet from Plaintiffs' property line. It is also three and one-half stories tall—one full story taller than the Quail Hollow neighborhood's restrictive covenants allow. This massive structure towers over Plaintiffs' home, allowing Lebda and Greuling full view of Plaintiffs' kitchen, living room, sun room, and pool area, all of which were formerly private.

112. But Lebda and Greuling's home does more than dwarf Plaintiffs' home; it also gives Lebda and Greuling a front-row seat into Plaintiffs' lives. Most of Plaintiffs' home is exposed to Lebda and Greuling's view at all times.

113. In May 2019, Plaintiffs' personal financial documents were stolen from Plaintiffs' vehicle. The theft of these personal financial documents was distressing to Plaintiffs, who were concerned about their private, personally identifiable information

being disclosed to unauthorized persons, and being misappropriated. Plaintiffs were especially concerned following the theft because the information contained in their personal income tax returns, including their Social Security Numbers, income, and investment details, could be used to steal Plaintiffs' identities or otherwise impair Plaintiffs' financial wellbeing.

114. On May 28, 2019, Defendant Megan Greuling allegedly found Plaintiffs' personal financial documents in the street between Plaintiffs' home and Lebda and Greuling's 15,000-square-foot mansion. Rather than acting appropriately, and immediately delivering Plaintiffs' personal financial documents to Plaintiffs, Defendant Megan Greuling kept Plaintiffs' personal financial documents, taking them into her home.

115. Defendant Douglas Lebda knew that Defendant Megan Greuling had found Plaintiffs' personal financial documents, which contained Plaintiffs' sensitive, personally identifiable information. Defendant Douglas Lebda, as chief executive officer of LendingTree, knew that Plaintiffs' personal financial documents contained sensitive, personally identifiable information and that most people, including Plaintiffs, desired to keep such information secret. Upon information and belief, Defendant Douglas Lebda knew that misappropriation of Plaintiffs' personally identifiable information, and, indeed, anyone's personally identifiable information, could have devastating consequences, including, but not limited to, identity theft.

116. Despite finding Plaintiffs' personal financial documents, and despite Defendant Douglas Lebda's knowledge that such returns contained sensitive, personally identifiable information that the disclosure of such information could lead to serious, negative consequences, Lebda and Greuling did not return Plaintiffs' income tax returns in a timely fashion. Lebda and Greuling did not even notify Plaintiffs that they had come into possession of such documents.

117. Rather, Lebda and Greuling kept Plaintiffs' personal financial documents overnight, for a period of more than 12 hours. During that period, Lebda and Greuling had unfettered access to Plaintiffs' income tax returns, giving Lebda and Greuling the opportunity to copy, inspect, study, and review Plaintiffs' income tax returns and Plaintiffs' sensitive, personally identifiable information.

118. Lebda and Greuling did not notify Plaintiffs or attempt to return Plaintiffs' personal financial documents until the next morning, when Lebda and Greuling's attorney delivered Plaintiffs' personal financial documents to Plaintiffs' attorney in an opened envelope.

119. Lebda and Greuling's delay in returning Plaintiffs' personal financial documents was especially troubling in light of the acrimonious character of Plaintiffs' and Lebda and Greuling's relationship. On June 6, 2018, Plaintiffs sued Lebda and Greuling in this case. This lawsuit was ongoing in May 2019 and still is ongoing today. At the time that Lebda and Greuling obtained Plaintiffs' personal financial documents, the parties were actively involved in litigating this lawsuit. Because Plaintiffs and Lebda and Greuling already were adverse to one another, it is especially troubling that Lebda and Greuling had unfettered access to Plaintiffs' personal financial documents over a period of more than 12 hours.

120. Lebda and Greuling's retention of Plaintiffs' personal financial documents, without even notifying Plaintiffs that they had this information, continued Lebda and Greuling's pattern of callous disregard for Plaintiffs' privacy that began when Lebda and Greuling built their invasive home in violation of neighborhood rules designed to protect privacy. For example, Lebda and Greuling destroyed all trees on their lot, including several which could have provided some privacy to Plaintiffs. Lebda and Greuling did no privacy restoration along the common border shared by Plaintiffs and Lebda and Greuling. Conversely, Lebda and Greuling massively landscaped the front and rear portions of their property with trees and shrubs.

121. More recently, Lebda and Greuling continued their pattern of conduct; this time violating clear North Carolina law designed to protect individual privacy.

122. On August 15, 2019, Plaintiffs discovered that Lebda and Greuling were using an unauthorized aerial drone to photograph Plaintiffs' home and property.

123. On August 15, 2019, Plaintiff Suzanne Pittenger left Plaintiffs' home mid-morning and noticed two men standing in the street, one of whom was holding a large remote control. Plaintiff Suzanne Pittenger saw the men looking up and observed that they were looking at an unmanned aerial drone, which was flying between Plaintiffs' and

Lebda and Greuling's homes. The drone was controlled exclusively by an external pilot using a remote control.

124. At the time, Plaintiff Robert Pittenger was not at home. Nor should Plaintiff Suzanne Pittenger have been at home. Typically, Plaintiff Suzanne Pittenger would have left for work earlier in the day. But that day, Plaintiff Suzanne Pittenger left the home later than usual because she had been waiting for an appliance repairman. Upon information and belief, Lebda and Greuling knew Plaintiffs' schedule, knew that Plaintiff Robert Pittenger would not be home, and expected that Plaintiff Suzanne Pittenger would not be home.

125. Plaintiff Suzanne Pittenger confronted the two men who appeared to be flying the drone. When asked, the two men confirmed that Lebda and Greuling had hired them to photograph Plaintiffs' home and property.

126. While the Plaintiffs previously had conducted authorized aerial drone photography of the Lebda/Greuling property during construction of the Lebda/Greuling mansion, that drone photography was done with Lebda and Greuling's knowledge and consent in connection with this lawsuit, and before they occupied their new mansion. All photographs and video from the Plaintiffs' drone were promptly disclosed to Lebda and Greuling. In this instance, Lebda and Greuling did not ask Plaintiffs for permission to photograph Plaintiffs' home. Nor had Lebda and Greuling informed Plaintiffs of their intention to photograph Plaintiffs' home. Lebda and Greuling's August 15, 2019, drone photography was shocking to made Plaintiffs, and made Plaintiffs feel vulnerable and spied upon in their home.

127. Upon information and belief, Lebda and Greuling took multiple photographs of Plaintiffs' home and property using a drone on August 15, 2019. Upon information and belief, several of those photographs included portions of the interior of Plaintiffs home, which was occupied at the time that the photographs were taken.

128. Plaintiffs recently discovered Lebda and Greuling have caused a large drainage pipe to be constructed which drains above-ground onto Plaintiffs' property, creating a wet and mushy area in Plaintiffs' yard. This unauthorized discharge is an unnatural diversion of water onto Plaintiffs' property and a nuisance to Plaintiffs.

EIGHTH CLAIM FOR RELIEF

(Violation of N.C. Gen. Stat. § 15A-300.1)

129. Plaintiffs incorporate the preceding paragraphs by reference.

130. N.C. Gen. Stat. § 15A-300.1 prohibits surveillance of any "dwelling occupied by a person" or the curtilage of such dwelling using an "unmanned aircraft system."

131. On August 15, 2019, Lebda and Greuling surveilled Plaintiffs' home and yard—a dwelling occupied by a person and its curtilage—using an aerial drone—an unmanned aircraft system. Lebda and Greuling's drone was unmanned in that there was no possibility of human intervention from within or on the aircraft. Further, Lebda and Greuling's drone was an unmanned aircraft "system" because it was being flown by means of a remote control.

132. Lebda and Greuling surveilled Plaintiffs using that unmanned aircraft system when they used that system to take multiple photographs of Plaintiffs' home.

133. Lebda and Greuling's use of an unmanned aircraft system violates N.C. Gen. Stat. § 15A-300.1.

134. By reason of Lebda and Greuling's violation of N.C. Gen. Stat. § 15A-300.1, Plaintiffs have suffered damages in excess of Twenty-Five Thousand Dollars and 00/100 (\$25,000.00).

NINTH CLAIM FOR RELIEF

(Intrusion Upon Seclusion)

135. Plaintiff incorporates the preceding paragraphs by reference.

136. Lebda and Greuling's use of an aerial drone to photograph Plaintiffs' home was an intentional intrusion into Plaintiffs' private affairs or concerns.

137. That intrusion was highly offensive to Plaintiffs and, indeed, would be highly offensive to any reasonable person.

138. By reason of Lebda and Greuling's unreasonable, offensive intrusion upon their seclusion, Plaintiffs have suffered damages in excess of Twenty-Five Thousand and 00/100 (\$25,000.00).

WHEREFORE, Plaintiffs pray:

14. That Plaintiffs have and recover of Lebda and Greuling a sum in excess of Twenty-Five Thousand and 00/100 (\$25,000.00), plus interest from the date this suit was filed and costs;

15. That Plaintiffs recover their reasonable attorney's fees, as allowed by law;

16. That these claims be tried by a jury;

17. That Plaintiffs have and recover such other and further relief as set forth in their Complaint and Amended Complaint.

Respectfully submitted, this the 16th day of June, 2020.

LAW OFFICE OF KENNETH T. DAVIES, P.C.

s/ Kenneth T. Davies

N.C. Bar No. 9190

Attorney for Plaintiffs

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STATE OF NORTH CAROLINA)
)
COUNTY OF MECKLENBURG)

VERIFICATION

Robert M. Pittenger, being first duly sworn, deposes and says that he has read the foregoing **Verified Supplemental Complaint**, and knows the contents thereof; and that the same is true of his own knowledge except as to those matters and things set forth therein upon information and belief, and, as to those, he believes to be true.



Robert M. Pittenger
Plaintiff

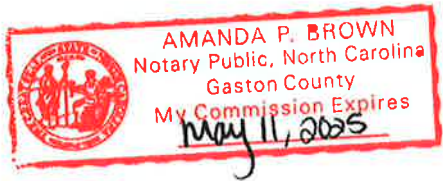
STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

Sworn to and subscribed before me,
this the 4 day of June, 2020.



NOTARY PUBLIC

My Commission Expires: May 11, 2025



STATE OF NORTH CAROLINA)
)
COUNTY OF MECKLENBURG)

VERIFICATION

Suzanne B. Pittenger, being first duly sworn, deposes and says that she has read the foregoing **Verified Supplemental Complaint**, and knows the contents thereof; and that the same is true of her own knowledge except as to those matters and things set forth therein upon information and belief, and, as to those, she believes to be true.



Suzanne B. Pittenger
Plaintiff

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

Sworn to and subscribed before me,
this the 4 day of June, 2020.



NOTARY PUBLIC

My Commission Expires: May 11, 2025

