

STATE OF NORTH CAROLINA
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
14 Cvs 327

BEAUFORT COUNTY

PCS PHOSPHATE COMPANY, INC.)
Plaintiff)

v.)

ESSIE MOORE LONG, MARCELLUS)
BLOUNT, AND BERNARD MOORE,)
each individually and as a)
Representative of the Class)
of All Heirs of ELIZA ANN)
MOORE DIAMOND,)
Defendants.)

DEFENDANTS' NOTICE OF FILING

9:01a 08/27/14
FILED IN OFFICE

V. MARTIN PARAMORE, CLERK
SUPERIOR COURT, BEAUFORT
COUNTY, NORTH CAROLINA

By W Moore
DEP ASSISTANT CLERK

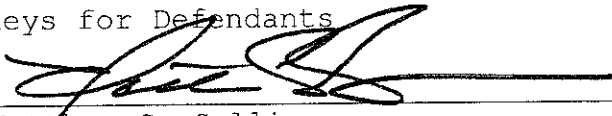
Please take notice that the Defendants hereby file the following in support of the Notice of Proposed Class Certification, representation by the Defendants of the Class and in support of the undersigned's representation of the Class as Counsel:

1. Affidavit of Essie Moore long
2. Affidavit of Marcellus Blount
3. Affidavit of Bernard Moore
4. Affidavit of Matthew Sullivan

This 27th day of August, 2014.

WHITE & ALLEN, P.A.
Attorneys for Defendants

By:


Matthew S. Sullivan
P. O. Box 3169
Kinston, N.C. 28502-3169
Tel.: (252) 527-8000
N.C. State Bar #22343

#48/112387-1

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this Notice of Filing in the above entitled action upon all other parties to this cause by hand delivering a copy hereof to the said parties or attorneys for said parties to:

William P.H. Cary
BROOKS, PIERCE, MCLENDON,
HUMPHREY & LEONARD, L.L.P.
Suite 2000, 230 N. Elm Street
Greensboro, North Carolina 27401

This 27th day of August, 2014.



Matthew S. Sullivan
Attorney for Defendants
WHITE & ALLEN, P.A.
P. O. Box 3169
Kinston, N.C. 28502-3169
Tel.: (252) 527-8000
N.C. State Bar # 22343

STATE OF NORTH CAROLINA
BEAUFORT COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

14 Cvs 327

PCS PHOSPHATE COMPANY, INC.)

Plaintiff)

v.)

ESSIE MOORE LONG, MARCELLUS)
BLOUNT, AND BERNARD MOORE, each)
individually and as a Representative of the)
Class of All Heirs of ELIZA ANN MOORE)
DIAMOND,)

Defendants.

AFFIDAVIT OF
MATTHEW SULLIVAN

The undersigned, first being duly sworn, deposes and says:

1. That I am a citizen and resident of Kinston, Lenoir County, North Carolina and a shareholder in the law firm of White & Allen, P.A.


2. That I received my Juris Doctor in 1995. I am in good standing and licensed to practice before all North Carolina State Courts, the Federal District Court for the Eastern and Middle Districts of North Carolina, the United States Court of Appeals for the Fourth Circuit, and the United States Supreme Court. I am a member of the North Carolina and American Bar Associations, the Eighth Judicial District Bar Association, the Lenoir County Bar Association (president 1997-1998), the North Carolina Advocates for Justice (member of Board of Governors), and The Eastern North Carolina Inn of Court.

3. My primary area of practice is civil litigation and personal injury. I have litigated complex personal injury and business cases throughout my 19 years including serving as Co-lead Counsel representing 30 plaintiffs consisting of families and workers that were injured or killed in an industrial plant explosion that occurred at the West Pharmaceutical Services plant in 2003.

3. That I have been selected to The Best Lawyers in America in the specialty of Product Liability Litigation since 2010 and was recently selected for North Carolina Business Magazine Legal Elite for Litigation for 2013.

Further, your affiant sayeth not.

This 20th day of August, 2014.

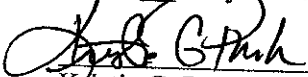

Matthew S. Sullivan

NORTH CAROLINA

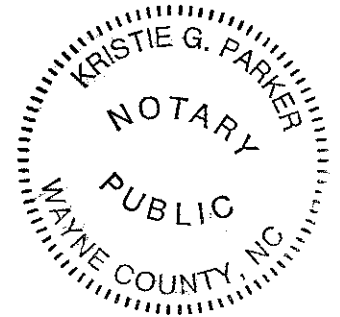
LENOIR COUNTY

Personally appeared before me this day MATTHEW S. SULLIVAN, being personally known to me or identified by satisfactory evidence and acknowledged to me his due voluntary execution of the foregoing instrument for the terms and purposes therein set forth.

Witness my hand and notarial seal, this 11th day of August, 2014.

 / Kristie G. Parker
Kristie G. Parker, Notary Public

My commission expires: October 1, 2017



STATE OF NORTH CAROLINA
BEAUFORT COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
14 CvS 327

PCS PHOSPHATE COMPANY, INC.)

Plaintiff)

v.)

ESSIE MOORE LONG, MARCELLUS)
BLOUNT, AND BERNARD MOORE, each)
individually and as a Representative of the)
Class of All Heirs of ELIZA ANN MOORE)
DIAMOND,)

Defendants.

AFFIDAVIT OF
BERNARD MOORE

The undersigned, first being duly sworn, deposes and says:

1. That I am a resident of Beaufort County and am over the age of eighteen (18).
2. That I am a relative of Eliza Ann Moore Diamond, who previously owned tract 1 & 2 that are referenced in the Complaint.
3. That the Referee Report that is attached to the Complaint filed in this action references my father, Ivy Moore, who was identified as owner of a 1/315 individual interest in Tract 2.
4. That I graduated from both high school and Pamlico Technical Institute, where I earned a degree in Light Construction, after which I also earned Airframe and Power Plant Licenses from the Mid-Continent Aviation School in Kansas City in 1975. In 1977, I began work for Texas Gulf at its Aurora, NC facility, now owned by PCS. I am presently a Lead Man in Fertilizer Maintenance and serves on the HAZMAT team as well as the fire and rescue team. I have no responsibilities related to land management or acquisition. I serve as the President of the Bonnerton Community Club and as Chairman of the Deacon Board and Trustee of Moore's Chapel Missionary Baptist Church.
5. That I generally am familiar with the property and the heirs of Eliza Ann Moore Diamond and I am willing to serve as a Class Representative for the heirs of Eliza Ann Moore Diamond.

Further, your affiant sayeth not.

This 26th day of August, 2014.

Bernard Moore
Bernard Moore

NORTH CAROLINA
BEAUFORT
LENOIR COUNTY

Personally appeared before me this day BERNARD MOORE, being personally known to me or identified by satisfactory evidence and acknowledged to me his due voluntary execution of the foregoing instrument for the terms and purposes therein set forth.

Witness my hand and notarial seal, this 26th day of August, 2014.

Patricia A. Joler
_____, Notary Public

My commission expires: 11-22-2016

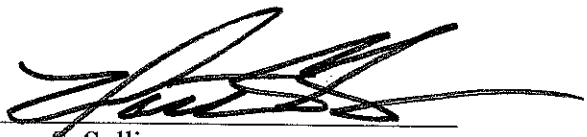


CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this AFFIDAVIT in the above entitled action by First Class Mail upon the parties as follows:

William P.H. Cary
Brooks Pierce McLendon Humphrey & Leonard
P.O. Box 26000
Greensboro, NC 27420

This 27 day of August, 2014.

By: 
Matthew S. Sullivan
Attorney for Defendants
WHITE & ALLEN, P.A.
Attorneys at Law
P. O. Box 3169
Kinston, N.C. 28502-3169
Tel.: (252) 527-8000
Fax: (252) 527-8128
N.C. State Bar # 22343

MSS\kgp #42
112387-1

STATE OF NORTH CAROLINA
BEAUFORT COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
14 CvS 327

PCS PHOSPHATE COMPANY, INC.)
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Plaintiff)
)
v.)
)
ESSIE MOORE LONG, MARCELLUS)
BLOUNT, AND BERNARD MOORE, each)
individually and as a Representative of the)
Class of All Heirs of ELIZA ANN MOORE)
DIAMOND,)

AFFIDAVIT OF
MARCELLUS BLOUNT

Defendants.

The undersigned, first being duly sworn, deposes and says:

1. That I am a resident of Craven County and am over the age of eighteen (18).
2. That I am a relative of Eliza Ann Moore Diamond, who previously owned Tract 1 & 2 that are referenced in the Complaint.
3. That the Referee Report that is attached to the Complaint filed in this action references my father John E. Blount, who was identified as owner of a 1/189th individual interest in both Tracts 1 & 2.
4. That I am a graduate of both high school and Brooklyn College where (after also having attended North Carolina A&T) I earned his BA degree in Industrial Technology in 1963. I then worked in New York, Alaska, Canada and Germany in the construction industry until I retired in 1980 (while working on the NY Trade Center). I continue to serve as a member of the Aurora Fire Department and the Aurora Rescue Squad.
5. That I generally am familiar with the property and the heirs of Eliza Ann Moore Diamond and I am willing to serve as a Class Representative for the heirs of Eliza Ann Moore Diamond.

Further, your affiant sayeth not.

This 16th day of August, 2014.

Marcellus Blount

Marcellus Blount

NORTH CAROLINA

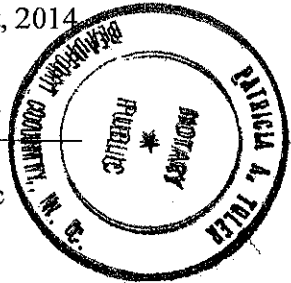
LENOIR COUNTY

Personally appeared before me this day Marcellus Blount, being personally known to me or identified by satisfactory evidence and acknowledged to me his due voluntary execution of the foregoing instrument for the terms and purposes therein set forth.

Witness my hand and notarial seal, this 26th day of August, 2014

Patricia A. Tolva

_____, Notary Public



My commission expires: 11-22-2016

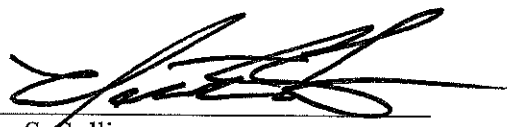
CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this AFFIDAVIT in the above entitled action by First Class Mail upon the parties as follows:

William P.H. Cary
Brooks Pierce McLendon Humphrey & Leonard
P.O. Box 26000
Greensboro, NC 27420

This 27th day of August, 2014.

By: _____


Matthew S. Sullivan
Attorney for Defendants
WHITE & ALLEN, P.A.
Attorneys at Law
P. O. Box 3169
Kinston, N.C. 28502-3169
Tel.: (252) 527-8000
Fax: (252) 527-8128
N.C. State Bar # 22343

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STATE OF NORTH CAROLINA
BEAUFORT COUNTY

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PCS PHOSPHATE COMPANY, INC.)

Plaintiff)

v.)

ESSIE MOORE LONG, MARCELLUS)
BLOUNT, AND BERNARD MOORE, each)
individually and as a Representative of the)
Class of All Heirs of ELIZA ANN MOORE)
DIAMOND,)

Defendants.

AFFIDAVIT OF
ESSIE MOORE LONG

The undersigned, first being duly sworn, deposes and says:

1. That I am a resident of Beaufort County and am over the age of eighteen (18).
2. That I am a relative of Eliza Ann Moore Diamond, who previously owned Tract 1 & 2 and are referenced in the Complaint.
3. That the Referee Report that is attached to the Complaint filed in this action references my father, Raymond Moore who was identified as owner of a 1/315th individual interest in Tract 1.
4. That I am a graduate of both high school and Elizabeth City College, where she earned her teaching degree. Thereafter, she had a distinguished career of over 50 years as a teacher in the Beaufort County public schools prior to her retirement in 1984. Since 1996, she was worked part-time with the Beaufort County Board of Education as a community schools coordinator. In the early 1980s, she was a chairperson of the Bonnerton Community Club and was instrumental in the establishment of a Head Start Program.
5. That I generally am familiar with the property and the heirs of Eliza Ann Moore Diamond and I am willing to serve as a Class Representative for the heirs of Eliza Ann Moore Diamond.

Further, your affiant sayeth not.

This 30th day of August, 2014.

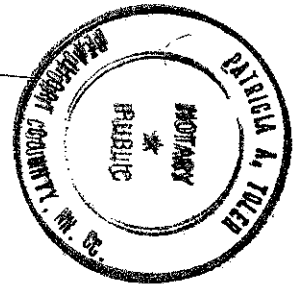
NORTH CAROLINA
LENOIR COUNTY

Essie Mae Moore Long
Essie Mae Moore Long

Personally appeared before me this day ESSIE MAE MOORE LONG, being personally known to me or identified by satisfactory evidence and acknowledged to me his due voluntary execution of the foregoing instrument for the terms and purposes therein set forth.

Witness my hand and notarial seal, this 26th day of August, 2014.

Patricia A. Tolson
_____, Notary Public




My commission expires: 11-22-2016

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this AFFIDAVIT in the above entitled action by First Class Mail upon the parties as follows:

William P.H. Cary
Brooks Pierce McLendon Humphrey & Leonard
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Greensboro, NC 27420

This 27th day of August, 2014.

By: 
Matthew S. Sullivan
Attorney for Defendants
WHITE & ALLEN, P.A.
Attorneys at Law
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