

STATE OF NORTH CAROLINA

File No.

24

CVS

228

MITCHELL County

In The General Court Of Justice
District Superior Court Division

Name And Address Of Plaintiff 1
DAVID B. WHEELER
PO BOX 51
SPRUCE PINE, NC 28777

Name And Address Of Plaintiff 2

GENERAL CIVIL ACTION COVER SHEET

INITIAL FILING SUBSEQUENT FILING

2:39 P

Rule 5(b) of the General Rules of Practice for the Superior and District Courts

VERSUS

Name And Address Of Defendant 1
DONALD JOHN TRUMP
1100 S OCEAN BLVD
PALM BEACH, FL 33480

Name And Address Of Attorney Or Party, If Not Represented
(complete for initial appearance or change of address)

DAVID B. WHEELER
PO BOX 51
SPRUCE PINE, NC 28777

Summons Submitted

Yes No

Telephone No.

Cellular Telephone No.

312 213 6001

NC Attorney Bar No.

Attorney Email Address

DAVIDBWHEELER1@GMAIL.COM

Name And Address Of Defendant 2

Initial Appearance in Case Change of Address

Name Of Firm

PRO-SE

Fax No.

Summons Submitted

Yes No

Counsel For

All Plaintiffs All Defendants Only: (list party(ies) represented)

Jury Demanded In Pleading Complex Litigation Stipulate to Arbitration

TYPE OF PLEADING

(check all that apply)

- Amend (AMND)
Amended Answer/Reply (AMND-Response)
Amended Complaint (AMND)
Assess Costs (COST)
Answer/Reply (ANSW-Response) (see Note)
Change Venue (CHVN)
Complaint (COMP)
Confession Of Judgment (CNFJ)
Consent Order (CONS)
Consolidate (CNSL)
Contempt (CNTP)
Continue (CNTN)
Compel (CMPL)
Counterclaim (CTCL) Assess Court Costs
Crossclaim (list on back) (CRSS) Assess Court Costs
Dismiss (DISM) Assess Court Costs
Exempt/Waive Mediation (EXMD)
Extend Statute Of Limitations, Rule 9 (ESOL)
Extend Time For Complaint (EXCO)
Failure To Join Necessary Party (FJNP)

- Failure To State A Claim (FASC)
Implementation Of Wage Withholding In Non-IV-D Cases (OTHR)
Improper Venue/Division (IMVN)
Including Attorney's Fees (ATTY)
Intervene (INTR)
Interplead (OTHR)
Lack Of Jurisdiction (Person) (LJPN)
Lack Of Jurisdiction (Subject Matter) (LJSM)
Modification Of Child Support In IV-D Actions (MSUP)
Notice Of Dismissal With Or Without Prejudice (VOLD)
Petition To Sue As Indigent (OTHR)
Rule 12 Motion In Lieu Of Answer (MDLA)
Sanctions (SANC)
Set Aside (OTHR)
Show Cause (SHOW)
Transfer (TRFR)
Third Party Complaint (list Third Party Defendants on back) (TPCL)
Vacate/Modify Judgment (VCMD)
Withdraw As Counsel (WDCN)
Other (specify and list each separately)

NOTE: All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts, and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must include either a General Civil (AOC-CV-751), Motion (AOC-CV-752), or Court Action (AOC-CV-753) cover sheet.

(Over)

CLAIMS FOR RELIEF

- | | | |
|--|--|---|
| <input type="checkbox"/> Administrative Appeal (ADMA) | <input type="checkbox"/> Limited Driving Privilege - Out-Of-State Convictions (PLDP) | <input type="checkbox"/> Product Liability (PROD) |
| <input type="checkbox"/> Appointment Of Receiver (APRC) | <input type="checkbox"/> Medical Malpractice (MDML) | <input type="checkbox"/> Real Property (RLPR) |
| <input type="checkbox"/> Attachment/Garnishment (ATTC) | <input type="checkbox"/> Minor Settlement (MSTL) | <input type="checkbox"/> Specific Performance (SPPR) |
| <input type="checkbox"/> Claim And Delivery (CLMD) | <input type="checkbox"/> Money Owed (MNYO) | <input checked="" type="checkbox"/> Other (specify and list each separately) |
| <input type="checkbox"/> Collection On Account (ACCT) | <input type="checkbox"/> Negligence - Motor Vehicle (MVNG) | UNFAIR AND DECEPTIVE TRADE PRACTICES, NEGLIGENCE, MISREPRESENTATION, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS & PUBLIC NUISANCE |
| <input type="checkbox"/> Condemnation (CNDM) | <input checked="" type="checkbox"/> Negligence - Other (NEGO) | |
| <input type="checkbox"/> Contract (CNTR) | <input type="checkbox"/> Motor Vehicle Lien G.S. Chapter 44A (MVLN) | |
| <input type="checkbox"/> Discovery Scheduling Order (DSCH) | <input type="checkbox"/> Possession Of Personal Property (POPP) | |
| <input checked="" type="checkbox"/> Injunction (INJU) | | |

Date

12/18/2024

Signature Of Attorney/Party

FEES IN G.S. 7A-308 APPLY

- Assert Right Of Access (ARAS)
- Substitution Of Trustee (Judicial Foreclosure) (RSOT)
- Supplemental Procedures (SUPR)

PRO HAC VICE FEES APPLY

Motion For Out-Of-State Attorney To Appear In NC Courts In A Civil Or Criminal Matter (Out-Of-State Attorney/Pro Hac Vice Fee)

No.	<input type="checkbox"/> Additional Plaintiff(s)	<input type="checkbox"/> Third Party Defendant(s)	Summons Submitted
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

Plaintiff(s) Against Whom Counterclaim Asserted

Defendant(s) Against Whom Crossclaim Asserted

STATE OF NORTH CAROLINA

File No. 79 CVS 228

MITCHELL County

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff: DAVID B. WHEELER
Address: PO BOX 51
City, State, Zip: SPRUCE PINE NC 28777
Name Of Defendant(s): DONALD JOHN TRUMP

CIVIL SUMMONS
ALIAS AND PLURIES SUMMONS (ASSESS FEE)
G.S. 1A-1, Rules 3 and 4
Date Original Summons Issued
Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:
Name And Address Of Defendant 1: 1100 S OCEAN BLVD, PALM BEACH, FL 33480

Name And Address Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!
¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!
Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

- 1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff): DAVID B. WHEELER, PRO-SE LITIGANT, PO BOX 51, SPRUCE PINE, NC 28777

Date Issued: 12-18-24 Time: 2:37 PM
Signature: [Handwritten Signature]
Deputy CSC Assistant CSC Clerk Of Superior Court

ENDORSEMENT (ASSESS FEE)
This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement Time
Signature
Deputy CSC Assistant CSC Clerk Of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM	<input type="checkbox"/> PM	<i>Name Of Defendant</i>
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- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

<input type="checkbox"/> Acceptance of service. Summons and complaint received by: <input type="checkbox"/> Defendant 1.	<i>Date Accepted</i>	<i>Signature</i>
<input type="checkbox"/> Other: <small>(type or print name)</small>		

Other manner of service *(specify)*

Defendant WAS NOT served for the following reason:

DEFENDANT 2

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM	<input type="checkbox"/> PM	<i>Name Of Defendant</i>
--------------------	--------------------	-----------------------------	-----------------------------	--------------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

<input type="checkbox"/> Acceptance of service. Summons and complaint received by: <input type="checkbox"/> Defendant 2.	<i>Date Accepted</i>	<i>Signature</i>
<input type="checkbox"/> Other: <small>(type or print name)</small>		

Other manner of service *(specify)*

Defendant WAS NOT served for the following reason:

<i>Service Fee Paid</i> \$	<i>Signature Of Deputy Sheriff Making Return</i>
<i>Date Received</i>	<i>Name Of Sheriff (type or print)</i>
<i>Date Of Return</i>	<i>County Of Sheriff</i>

NORTH CAROLINA
MITCHELL COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

24 CVS 228

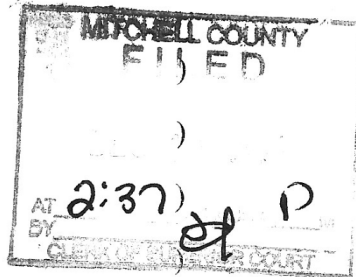
DAVID B. WHEELER

Plaintiff,

v.

DONALD JOHN TRUMP

Defendants.



COMPLAINT

**COMPLAINT FOR VIOLATION OF NORTH CAROLINA UNFAIR AND DECEPTIVE
TRADE PRACTICES ACT, NEGLIGENT MISREPRESENTATION, INTENTIONAL
INFLICTION OF EMOTIONAL DISTRESS, AND PUBLIC NUISANCE**

JURY TRIAL DEMANDED

Now, comes the Plaintiff David B. Wheeler and makes the complaint as follows:

INTRODUCTION

1. Plaintiff David B. Wheeler ("Plaintiff"), a resident of Mitchell County, North Carolina, initiates this complaint against Defendant Donald J. Trump ("Defendant"), both individually and in his capacity as titular head of his presidential campaign entities.
2. Plaintiff alleges violations of the North Carolina Unfair and Deceptive Trade Practices Act, Negligent Misrepresentation, Public Nuisance, and Intentional Infliction of Emotional Distress. This case arises from Defendant's persistent and deliberate dissemination of false, misleading, and incendiary statements during the 2023-2024 Presidential Campaign, causing significant, measurable harm to Plaintiff and the broader public. Defendant's

- misconduct has caused irreparable harm to Plaintiff's emotional well-being, sense of safety, and financial stability, necessitating therapeutic care and life-altering protective measures.
3. The cumulative emotional distress has compelled Plaintiff to consider drastic steps to protect himself and his family. These include initiating the sale of his home in North Carolina, obtaining passports for his three children, and researching relocation options to escape potential harassment or violence instigated by Defendant's supporters. Plaintiff has even contemplated purchasing a firearm for self-defense, a measure in stark contrast to his prior principles. These burdens are compounded by the extraordinary financial and emotional strain Plaintiff has endured while repairing his home following the devastation of Hurricane Helene.

PARTIES

4. **Plaintiff:** David B. Wheeler is an individual residing in Mitchell County, North Carolina.
5. **Defendant:** Donald J. Trump is a resident of Florida, a public figure, and an individual who engages in interstate commerce, including campaign fundraising, solicitation of donations, and political appearances within North Carolina.

AMOUNT IN CONTROVERSY

6. The amount in controversy exceeds \$25,000, reflecting the substantial damages Plaintiff has incurred, including but not limited to financial losses, costs of therapy and protective measures, and emotional harm.

JURISDICTION AND VENUE

7. This Court possesses jurisdiction under N.C.G.S. § 75-1.1, as well as general principles of tort and declaratory relief.

8. Venue is appropriate in Mitchell County, as Plaintiff resides in this jurisdiction, and Defendant's unlawful conduct caused actionable harm within this county.

FACTUAL ALLEGATIONS

9. Throughout the 2023-2024 campaign cycle, Defendant Donald J. Trump engaged in a pervasive pattern of knowingly false, misleading, and inflammatory public statements while campaigning in North Carolina. Defendant's conduct included intentional misrepresentations and inflammatory statements that directly endangered public safety and Plaintiff's well-being. Defendant's reckless and harmful statements fostered instability, undermined trust in public institutions, and created actionable harm for Plaintiff. These include, but are not limited to, the following:

a. **False Promise to Lower Grocery Costs**

- **Statement:** "If I am elected, grocery costs will drop so quickly your head will spin."
- **Fact:** In November 2024, Defendant publicly admitted that reducing grocery costs immediately was impossible given economic conditions (Source: NBC News).
- **Impact:** Plaintiff relied on this statement as a promise of financial relief. The failure of this promise caused severe emotional distress, frustration, and financial strain.

b. **False Promise to End the Russia-Ukraine War**

- **Statement:** "I will end the Russia-Ukraine war in 24 hours after I take office."

- **Fact:** Experts, including foreign policy analysts, debunked this claim as impractical and unfounded (Source: Associated Press, January 2024).
- **Impact:** Plaintiff experienced emotional harm due to false hopes of relief from the impact of global fuel and food price inflation.

c. **False Claims About FEMA Disaster Relief**


- **Statement:** "Democrats in North Carolina are deliberately withholding aid from Republican areas affected by Hurricane Helene."
- **Fact:** FEMA officials confirmed that aid distribution was equitable and non-partisan (Source: FEMA Press Release, October 2023).
- **Impact:** Plaintiff suffered significant emotional distress from fear that his community was targeted, coupled with financial burdens of repairing his home after Hurricane Helene.

d. **Threats of Retribution Against Non-Supporters**


- **Statement:** "We're going to have retribution. If you don't support me, you're against me, and we know what happens to people who work against us."
- **Fact:** Plaintiff received credible threats against his life via X.com messaging, text messages, email and voicemails. These include the following sample screenshots of messages received by Plaintiff. These are three of more than 100 messages received by Plaintiff.

←  **Humphrey Ploughjog...**



Humphrey Ploughjogger 

@asatrunc

Army Vet/WCU Alum/Appalachia 



111 Followers

Today

Your organization is a disgrace. Definitely an enemy of the people.
Moe Davis is a disgraceful

Your organization is a disgrace. Definitely an enemy of the people. Moe Davis is a ...

The Boogaloo won't be easy for you, David Wheeler or Moe Davis.

5:46 PM



Rick Freshwater

@FreshwaterRick

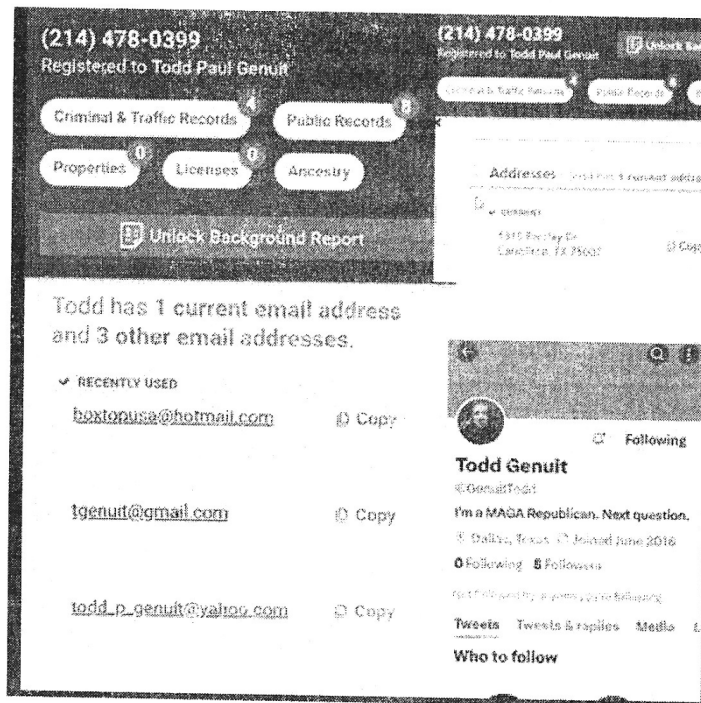
Football. Jesus. Blue Mountains.

Joined January 2022 · 311 Followers

Not followed by anyone you're following

You're a faggot. Go fuck yourself you communist. You must hate America. You're a pussy. Kamala is a dei Whore

10:44 AM



A transcript of a voicemail left for Plaintiff by Todd Paul Genuit of Dallas, Texas:

“Hey you tranny loving faggots. You are so lucky that I'm not the preacher. See, he's going after legal way. I'm gonna come up there with a bat and bash skulls and burn your houses down, you'd never know it was me. And you are cocksuckers. Literally, you tranny cocksuckers. So go fuck yourself. Thanks.”

- **Fact:** Defendant's own lawsuit filed in December 2024 against Selzer & Co., the Des Moines Register & Tribune Co, and Gannet, Inc, accused pollsters of election interference and misrepresentation, highlighting his awareness of the harm caused by false information. Yet, Defendant continues to knowingly disseminate false and inflammatory statements that endanger public trust, incite hostility, and cause widespread emotional harm (Source: *Trump v. Selzer, Polk County Court, Des Moines, IA*)

- **Impact:** Plaintiff received credible threats, forcing him to consider relocating his family, asking law enforcement for protection, potentially selling his home and moving out of state, and purchasing a firearm for self-defense, despite his principled opposition to gun ownership. These measures have caused severe emotional distress.

e. **False Claims About Debate Victories**

- **Statement:** "According to the polls, I won every single debate, Republican and against Hillary."
- **Fact:** Independent polling showed Hillary Clinton won the majority of debates in 2016 (Source: FactCheck.org).
- **Impact:** Defendant's misleading narrative undermined trust in public discourse and caused Plaintiff emotional distress.

f. **False Claim About 2020 Election Fraud in North Carolina**

- **Statement:** "We won North Carolina by a landslide in 2020, but they tried to steal it from us just like in other states."
- **Fact:** Official results confirmed that no evidence of fraud was found (Source: North Carolina State Board of Elections, 2020).
- **Impact:** Plaintiff suffered anxiety and distrust in democratic processes due to Defendant's baseless claims.

g. False Claim About Healthcare Costs

- **Statement:** "If I'm re-elected, your healthcare premiums will drop immediately by 60 to 70 percent."
- **Fact:** No actionable plan to lower healthcare costs was presented, and experts debunked this claim as impossible (Source: Kaiser Family Foundation).
- **Impact:** Relying on this statement, Plaintiff experienced heightened financial strain and frustration.

h. False Statements About Migrant Crime in North Carolina

- **Statement:** "Migrants are flooding into North Carolina, committing crimes at unprecedented levels."
- **Fact:** North Carolina crime data reveals no correlation between immigration and rising crime rates (Source: NCDPS).
- **Impact:** These statements incited community hostility and fear, causing Plaintiff severe anxiety and emotional distress.

i. False Claim About North Carolina Jobs

- **Statement:** "Biden destroyed 50,000 jobs in North Carolina, and I'm the only one who can bring them back."
- **Fact:** North Carolina employment data showed steady job growth (Source: Bureau of Labor Statistics).
- **Impact:** Plaintiff suffered economic anxiety as a result of these false assertions.

j. False Claims About Economic Conditions

- **Statement:** "Our economy was the best it's ever been under my leadership, and it collapsed because of my opponents."
- **Fact:** The economic downturn in 2020 was caused primarily by the global COVID-19 pandemic (Source: U.S. Federal Reserve).
- **Impact:** Defendant's misrepresentation caused Plaintiff financial distress and heightened frustration over economic uncertainty.

FIRST CLAIM FOR RELIEF: VIOLATION OF N.C.G.S. § 75-1.1 (UNFAIR AND DECEPTIVE TRADE PRACTICES ACT)

10. Plaintiff incorporates all preceding allegations by reference.
11. Defendant engaged in unfair and deceptive acts and practices in commerce by disseminating knowingly false and misleading statements during campaign fundraising, public speeches, and solicitations.
12. Defendant's conduct constitutes a violation of the North Carolina Unfair and Deceptive Trade Practices Act, N.C.G.S. § 75-1.1, as it deceived the public, including Plaintiff, for personal and political gain.
13. Plaintiff suffered actual damages as a direct and proximate result of Defendant's actions, including financial losses, emotional distress, and costs related to personal safety measures in excess of \$25,000.
14. Pursuant to N.C.G.S. § 75-16, Plaintiff is entitled to treble damages, reasonable attorney's fees, and injunctive relief prohibiting Defendant's further deceptive conduct.

SECOND CLAIM FOR RELIEF: NEGLIGENT MISREPRESENTATION

15. Plaintiff incorporates all preceding allegations by reference.
16. Defendant made false and misleading statements to the public, including Plaintiff, without exercising reasonable care to ensure their accuracy.
17. Defendant's statements included promises of financial relief, safety assurances, and policy changes that lacked any factual or actionable basis.
18. Plaintiff reasonably relied on Defendant's misrepresentations, which caused foreseeable harm, including financial strain, emotional distress, and disruption to his personal and family life in excess of \$25,000.
19. As a direct result of Defendant's negligent misrepresentations, Plaintiff incurred financial expenses, emotional harm, and the burden of taking drastic protective measures in excess of \$25,000.

THIRD CLAIM FOR RELIEF: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

20. Plaintiff incorporates all preceding allegations by reference.
21. Defendant engaged in extreme and outrageous conduct by making false, inflammatory, and threatening statements that incited fear, hostility, and harassment.
22. Defendant knew or should have known that such conduct would cause severe emotional distress to members of the public, including Plaintiff.

23. Plaintiff suffered severe emotional distress, including anxiety, fear for his safety, nightmares, and psychological trauma, requiring therapy and other protective measures in excess of \$25,000.
24. Defendant's conduct incited hostility, distrust, and division within the community, directly harming Plaintiff's emotional health and financial stability.
25. Ironically, Defendant acknowledged the dangers of misinformation in his December 2024 lawsuit vs. Seltzer & Co, Gannett, and the Des Moines Register, where he alleged that misleading polling data constituted "*election interference*" and "*fraud.*" By knowingly spreading false claims, Defendant engaged in the same conduct he condemned, amplifying public harm and creating widespread panic.
26. Defendant's intentional or reckless disregard for the consequences of his rhetoric directly caused Plaintiff's extreme emotional harm in excess of \$25,000.

FOURTH COUNT FOR RELIEF: PUBLIC NUISANCE

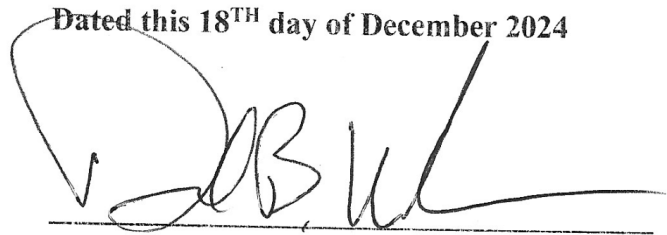
27. Plaintiff incorporates all preceding allegations by reference.
28. Defendant's repeated false and inflammatory statements disrupted public order, created widespread fear, and endangered community safety.
29. Defendant's conduct incited hostility, distrust, and division within the community, directly harming Plaintiff's emotional health and financial stability including death threats, threats to "burn down your home," and personal threats.
30. Plaintiff experienced direct harm as a result of Defendant's creation of a public nuisance, including emotional turmoil, financial burden, and the extraordinary need for protective measures to ensure his and his family's safety in excess of \$25,000.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

1. Award actual damages to compensate for financial losses, therapy costs, and emotional harm;
2. Award treble damages pursuant to N.C.G.S. § 75-16 for Defendant's violation of N.C.G.S.;
3. Award punitive damages to punish and deter Defendant's egregious misconduct;
4. Issue injunctive relief prohibiting Defendant from further disseminating false or inflammatory statements that endanger Plaintiff or the public;
5. Award Plaintiff reasonable attorney's fees and litigation costs;
6. Plaintiffs receive trial by jury of all issues so triable;
7. Grant such other relief as the Court deems just and proper.

Dated this 18TH day of December 2024

A handwritten signature in black ink, appearing to read 'David B. Wheeler', written over a horizontal line.

David B. Wheeler (pro-se litigant)

PO Box 51

Spruce Pine, NC 28777

(312) 213-6001

davidbwheeler1@gmail.com