

STATE OF NORTH CAROLINA  
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
19 CVS 8163

STEVEN MCRAE,

Plaintiff,

v.

KYLE RUSSELL CURTIS,

Defendant.

**AFFIDAVIT OF KYLE RUSSELL CURTIS**

Kyle Russell Curtis, being duly sworn, states as follows:

1. My name is Kyle Russell Curtis. I am over the age of eighteen and am competent to provide this affidavit.

2. I am submitting this affidavit in response to the declarations of Benjamin Potts and Megan Joyce that were filed on September 9, 2020 (ECF Nos. 38 & 39). As detailed below, those declarations contain several false allegations.

3. In my previous affidavit, submitted on July 28, 2020, I testified that, beginning on July 16, 2019, I lived at 2543 Anna Garrison Road in Charlotte, North Carolina. (ECF No. 31.1.) I also submitted a rental agreement for that address, along with a credit card statement and my 1099 tax form for 2019. (ECF No. 31.1 Exs. B–D.)

4. Benjamin Potts is my ex-boyfriend. I have reviewed the allegations in his declaration. Many of those allegations are false and serve only to retaliate against me following a bad break-up.

5. First, Mr. Potts claims that I never lived with him. That allegation is directly contradicted by my July 28 affidavit and the accompanying documentation. I am attaching further documentation to this affidavit showing that I did in fact live at 2543 Anna Garrison Road in July and August 2019—the relevant time period for purposes of this litigation. First, I am attaching a screenshot of an Amazon purchase from August 4, 2019, showing that an order was shipped to me at 2543 Anna Garrison Road. That screenshot is attached as Exhibit A. Second, I am attaching the W-9 form that I submitted to my employer on August 5, 2019. That form is attached as Exhibit B. I submitted the W-9 form on August 5, 2019, because of my address change from Pleasant Garden to Charlotte. As shown on the W-9, I reported to my employer that my new address was 2543 Anna Garrison Road. On the last page of that form, I also listed that address as my home address under Employee Information—a form provided by my employer. Mr. Potts was listed as my first emergency contact on that form.

6. Second, Mr. Potts claims that I forged his signature on two documents submitted to the Court—the rental agreement and an affidavit. That is false. I sent Mr. Potts a message confronting him about this allegation. In that message, I reminded Mr. Potts of the night on which he signed the affidavit that I submitted to the Court with an earlier motion. In response, Mr. Potts did not deny that he signed the affidavit. Instead, he responded, “[g]ood thing you got that notarized while I was apparently drunk.” My message and Mr. Potts’s response are attached as Exhibit C.

7. I have been in contact with my cell phone provider to request copies of deleted text messages with Mr. Potts. While I was not able to obtain those text messages by today's filing deadline, those messages, once received, will show unequivocally that Mr. Potts signed both the rental agreement and the affidavit submitted to the Court.

8. I am also attaching two screenshots from my Zelle account showing that I made rent payments to Mr. Potts in two installments on July 29, 2019, and July 30, 2019. Those screenshots are attached as Exhibit D.

9. I have also reviewed the declaration of Megan Joyce, in which Ms. Joyce claims that I forged the address on my Discover bank statement because, in her opinion, the address is typed in two different fonts. That allegation is false. Attached as Exhibit E is a screenshot of that same bank statement showing the same address—2543 Anna Garrison Road.

10. Ms. Joyce also alleges that my Discover statement was altered because the USPS bar code on the deposit slip corresponds with a Pleasant Garden address rather than a Charlotte address. I cannot explain why a deposit slip from a bank statement that I printed from my online Discover account would correspond with a USPS bar code to my old address. To be clear, I did not receive that statement by mail; I printed it from my online account. I believe that the bar code mix-up is an error, and I have contacted Discover to confirm that. I was told that Discover's engineering support team will contact me about this issue within five business days.

11. The declarations submitted to this Court on September 9 are consistent with efforts by Mr. McRae and the individual bankrolling this litigation for him—multi-millionaire Glenn Williamson—to harm my reputation and my ability to make a living. Attached as Exhibits F and G are two examples of such behavior. The first is an email that Mr. Williamson sent to my employer, falsely accusing me of forging a court document. The second is a true and accurate copy of a Twitter post, in which Mr. McRae publicly states that the hearing on my amended motion to set aside is merely a “formality,” and that he is “thinking multiple steps ahead and about future criminal proceedings.”

12. The filings that I submitted to the Court in support of my amended motion to set aside—and my earlier motion to set aside—are true and accurate and have in no way been forged. Those documents show indisputably that I lived at 2543 Anna Garrison Road in Charlotte on the dates that Mr. McRae attempted to serve me with the summons and complaint in this lawsuit.

Pursuant to North Carolina’s Emergency Directive 5, I affirm, under penalty of perjury, that the foregoing representations are true.

This the 14th day of September, 2020.



Kyle Russell Curtis

# EXHIBIT A



Amazon.com

8/4/19

To: 800democrat@gmail.com >

Your Amazon.com order  
#111-2567081-7056237



Order Confirmation

Hello Kyle Curtis,

Thank you for shopping with us. We'll send a confirmation when your item ships.

Details

Order #111-2567081-7056237

Arriving:  
Thursday, August 8

Ship to:  
**Kyle Curtis**  
2543 ANNA GARRISON RD...

View or manage order

Total Before Tax:	\$7.00
Estimated Tax:	\$0.00
<b>Order Total:</b>	<b>\$7.00</b>

We hope to see you again soon.

[Amazon.com](#)

Top picks for you



Ring Pop Individually  
Wrapped...  
\$6.98



AmazonBasics Gaffers  
Tape - 2 Inch...  
\$12.99

The payment for your invoice is processed by Amazon Payments, Inc. P.O. Box 81226 Seattle, Washington 98108-1226. If you need more information, please contact (866) 216-1075

By placing your order, you agree to [Amazon.com's Privacy Notice](#) and [Conditions of Use](#). Unless otherwise noted, items sold by [Amazon.com](#) are subject to sales tax in select states in accordance with the applicable laws of that state. If your order contains one or more items from a seller other than [Amazon.com](#), it may be subject to state and local sales tax, depending upon the seller's business policies and the location of their operations. Learn more about [tax and seller information](#).

This email was sent from a notification-only address that cannot accept incoming email. Please do not reply to this message.



# EXHIBIT B



**Request for Taxpayer  
Identification Number and Certification**

Give Form to the  
requester. Do not  
send to the IRS.

Print or type  
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <b>Kyle Curtis</b>		
2 Business name/disregarded entity name, if different from above		
3 Check appropriate box for federal tax classification; check only one of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ <b>Note.</b> For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. <input type="checkbox"/> Other (see instructions) ▶	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>	
5 Address (number, street, and apt. or suite no.) <b>2543 Anna Garrison Road</b>	Requester's name and address (optional)	
6 City, state, and ZIP code <b>Charlotte, NC 28206</b>		
7 List account number(s) here (optional)		

**Part I**

Enter your TIN  
backup withho  
resident alien,  
entities, it is yo  
TIN on page 3.

**Note.** If the acc  
guidelines on v

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

**Sign  
Here**

Signature of  
U.S. person ▶

Date ▶ **8-5-2019**

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at [www.irs.gov/fw9](http://www.irs.gov/fw9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.



**Note.** If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China Income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

**Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

## What is FATCA reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the Instructions for the Requester of Form W-9 for more information.

## Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

## Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

## Specific Instructions

### Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.

**a. Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

**Note. ITIN applicant:** Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

**b. Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

**c. Partnership, LLC that is not a single-member LLC, C Corporation, or S Corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

**d. Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

**e. Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.



ACH Form

Account Name

Bank

Address

Account Type

Routing No.

Account No.

Contact Number

Email

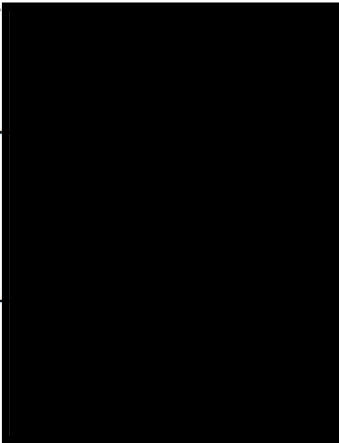
ATTACH VOIDED CHECK  
HERE

**Employee Information**

Employee Name	Kyle Curtis	
Home Address	2543 Anna Garrison Road	
	Charlotte, NC 28206	
Contact Number	<div></div>	
	Home	Cell
Email	<div></div>	
Date of Birth	<div></div>	
Start Date	07/01/2019	

**Emergency Contact Information**

Contact	Benjamin Potts	BF
	Name	Relationship
Contact	Susan Curtis	Mother
	Name	Relationship



# EXHIBIT C



me to Benjamin

✓✓ 6 Sep



Forging your signature? I didn't forge anything. Do you not remember the conversation we had (because I have the screenshots in case you don't) where I said there's something I need you to sign and you responded playfully with a 🤪 and then followed it up with a whatever you need? I'll be happy to send that on over if you don't. Those screenshots aren't going to look good to a court. You're going to look just like what you are. A vindictive ex. You signed it that night after we went to Billy Jacks. Or do you not remember bc you were drunk as usual. I wouldn't forge anything knowing you could come back and say it wasn't you. And I didn't end up using that in my motion anyway bc I figured you'd try and start shit.



Good thing you got that notarized while I was apparently drunk off my ass cause that would have been bad for you if I didn't get taken advantage of to the max.

...



**Benjamin to me**  
6 Sep



# EXHIBIT D



Available Balance

Activity

Scheduled

Filters:

07/01/2019 - 08/01/2019 X



Jul 29, 2019

7-ELEVEN

Balance: \$262.36 - \$8.92

Zelle Payment To BENJAMIN POTTS PB9CL4QXD

Balance: \$271.28 - \$300.00

Transfer From ONLINE SAVINGS 5708

Balance: \$571.28 \$300.00

AMTRAK

Balance: \$271.28 - \$24.50

UBER TRIP

Balance: \$295.78 - \$5.00

UBER TRIP

Balance: \$300.78 - \$2.41

Jul 28, 2019

7-ELEVEN

Balance: \$303.19 - \$6.39

THE CRUNKLETON

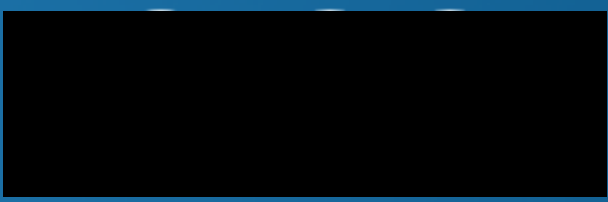
Balance: \$309.58 - \$112.18

POPEYES 12092

Balance: \$421.76 - \$8.64

DAIRI-O OF ASHE

Balance: \$430.40 - \$16.14



Available Balance

Activity

Scheduled

Filters:

07/01/2019 - 08/01/2019 X



Jul 31, 2019

Balance: \$252.21 - \$7.63

Jul 30, 2019

7-ELEVEN

Balance: \$259.84 - \$5.35

Mexico Chiquito CHARLOTTE NC ATM Fee  
Balance: \$265.19 - \$2.00

Mexico Chiquito  
Balance: \$267.19 - \$20.00

Zelle Payment To BENJAMIN POTTS SB4C642VD  
Balance: \$287.19 - \$300.00

Debit Card Cashback Bonus One-Time Redemption  
Balance: \$587.19 \$19.93

QT 1044  
Balance: \$567.26 - \$8.64

SUNOCO 02733319  
Balance: \$575.90 - \$6.05

KFC E320066  
Balance: \$581.95 - \$5.77

UBER TRIP  
Balance: \$587.72 - \$10.38

# EXHIBIT E



**Deposit Slip**      Account number ending in 8942

Date \_\_\_\_\_

List Checks Separately	Dollars	Cents
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
<b>TOTAL</b>	\$ _____	_____

# EXHIBIT F

Begin forwarded message:

**From:** frank.gu@800democrat.com  
**Date:** September 13, 2020 at 7:40:13 PM EDT  
**To:** Kyle Curtis <kylercurtis@gmail.com>  
**Subject:** Fwd: Civil legal issue (unrelated to 800DEMOCRAT)

\u-257 ?

Begin forwarded message:

**From:** Glenn Williamson <glenn@dubz.com.au>  
**Date:** September 10, 2020 at 12:01:01 AM EDT  
**To:** "Frank.Gu@800DEMOCRAT.COM" <frank.gu@800democrat.com>  
**Subject:** Civil legal issue (unrelated to 800DEMOCRAT)

\u-257 ?

Hi Frank,

I am involved in a civil suit in North Carolina where it appears that the defendant has falsified documents to mislead the court. One of the documents in question is a 1099 form for the year 2019.

I am hoping you can put me in touch with someone in your legal department who can help us determine whether the document has indeed been forged. I am obviously happy to share with that individual the details of the case. I do not have a subpoena at the moment, I'm just making some initial enquiries.

Thanks,

Glenn Williamson | Phone: +61 (0)411 843 829 | Email: [glenn@dubz.com.au](mailto:glenn@dubz.com.au)

# EXHIBIT G

Done

Edit

**John Fubka** @JohnFubka · 1h

Replying to @SteveMcRae\_ @Cheshireviqq and 2 others

Was there a final ruling?

**Steve McRae** 🗡️ 📖 🐱 🙌 @SteveMcR... · 1h

Not yet, but really at this point it is formality...I am thinking multiple steps ahead and about future criminal proceedings.

More