

NORTH CAROLINA  
GUILFORD COUNTY

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

STEVEN MCRAE, )  
)  
Plaintiff, )  
)  
v. )  
)  
KYLE RUSSELL CURTIS, )  
)  
Defendant. )  
)  
)  
)

**SUPPLEMENTAL AFFIDAVIT OF  
STEVEN MCRAE IN OPPOSITION TO  
DEFENDANT’S AMENDED MOTION TO  
SET ASIDE**

I, Steven McRae, being duly sworn, state as follows:

1. I am over the age of 18 and am competent to make this affidavit.
2. I previously submitted an affidavit in support of my Opposition to Defendant’s Motion to Set Aside Default Judgment (ECF No. 22).
3. In support of his reply, Mr. Curtis has submitted another affidavit. (ECF No. 33.1.) This affidavit responds directly to Mr. Curtis’s allegations in his new affidavit.
4. In my previous affidavit, I explained that the address that my attorney used to serve Mr. Curtis is the address that Mr. Curtis always used in my dealings with him. (ECF No. 22 at ¶¶ 3-6.) Mr. Curtis has not disputed this in any of his affidavits.
5. In my previous affidavit, I also provided evidence of instances where Mr. Curtis represented in public forums that he had been served with the complaint, that he understood the allegations in the complaint, and that he failed to appear in the case, even after telling people he had hired an attorney to appear on his behalf. (Id. at ¶ 7.) Mr. Curtis has not disputed these instances in any of his affidavits.
6. Mr. Curtis states that his mother Susan Curtis was not authorized to accept service

on his behalf. (Id. at ¶ 4.) He does not dispute that she did sign for it on his behalf. Ms. Curtis stated in her affidavit that she signed for the certified mail addressed to Mr. Curtis. (ECF No. 31.2 at ¶ 3.)

7. Mr. Curtis further states he “did not receive notice of this lawsuit from [his] mother” and that he “first obtained a copy of the complaint several months later.” (ECF No. 31.1 at ¶ 5.) This statement is contradicted by multiple statements made by Mr. Curtis in public forums.

8. The complaint was served on August 30, 2019. (ECF. No. 7.) A few weeks later, on September 23, 2019, Mr. Curtis participated in a group chat session on Discord, which is an online text, voice, and video chat service that allows users to communicate online. This discussion was open to the public and took place well before the deadline for Mr. Curtis to respond had passed. A true and accurate recorded copy of the session can be found here:

<https://drive.google.com/file/d/1LkYXrRkxyXujugCc2TEc0t0kv1LkHGwZ/view?usp=sharing>

- a. At 19:51, the interviewer stated to Mr. Curtis: “As I understand it, you were served papers on a suit from Steve against you. And I’m curious if you have legal representation or if you either have or are intending to respond to it?”
- b. Mr. Curtis did not deny that he had received the complaint. Instead, he said: “Of course I responded to the lawsuit, not responding to it would be a dumb decision. So that’s going to be taking place in a couple weeks. There is a . . . I’m not going to speak to it any more aside from that but yet, it will be happening. We are set to rumble.”
- c. Later in the same discussion, at about 44:20, Mr. Curtis appears to

contradict his contentions concerning his residence. When he was asked if he had moved, Mr. Curtis responded: “No, I spent . . . Me and my boyfriend live in different cities, so I guess if I’m gone from home more than twice a week I moved?”

9. On October 6, 2019, three days after the entry of default was filed, Mr. Curtis participated in another Discord conversation. This conversation was referenced in my prior affidavit (ECF No. 22 at ¶7), and a true and accurate recording of it can be found at this link:

[https://drive.google.com/file/d/1NnTztRs9bd\\_vkp\\_1pfoDgIHa7rcUTKA/view](https://drive.google.com/file/d/1NnTztRs9bd_vkp_1pfoDgIHa7rcUTKA/view)

- a. At 4:30 in the recording, discussing his failure to respond, Mr. Curtis states: “I missed a filing deadline because of something going on with, with on my side, not Steve’s. So that was my fault. But there . . . it’s going to be appealed.”
- b. At 15:57, Mr. Curtis states: “What I did was, in the original papers that I was served, there’s an attachment part. I had to fill out where I, you know, messed up on the, the procedural issues with that and then filed that on Friday with the clerk of the court.” Mr. Curtis, of course, had not filed anything with the clerk.

10. Finally, on January 20, 2020, Mr. Curtis participated in a YouTube interview in which he discussed the case in some detail. The video for the interview is available online and can be found here: <https://www.youtube.com/watch?v=j2tfgYU89n4>

- a. At 1:10:44 of the interview, Mr. Curtis states that he “made a mistake and didn’t handle things the right way. And, I mean, it’s been shown now, but I didn’t show up to court and I lied about having an attorney that was

continuing in the case . . .”

- b. At 1:14:40, Mr. Curtis states about the court case that he “didn’t want to deal with anything that was going on and that’s why [he] didn’t show up.”
- c. At 1:20:24, Mr. Curtis states: “If I could go back, and I would have absolutely not just, you know, blown it away and, and shown up like I was supposed to. But it’s still the situation where even though I didn’t show up and there was a default judgment declared, he’s not been able to prove his side of the damages.”
- d. Mr. Curtis does not, at any point in the interview, complain that he did not receive a copy of the complaint until several months later, as he states in his latest affidavit. (ECF No. 331 at ¶ 5.)

Pursuant to Emergency Directive 5, I affirm, under penalties for perjury, that the foregoing representations are true.

This the 3rd day of September, 2020

  
\_\_\_\_\_  
Steven McRae

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed with the North Carolina Business Court through its electronic filing system, which will cause a copy to be served electronically on all counsel of record listed below:

Scottie Forbes Lee  
ELLIS & WINTERS LLP  
PO Box 2752  
Greensboro, NC 27402  
*Attorney for Defendant*

This the 3rd day of September, 2020.

**REVOLUTION LAW GROUP**

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