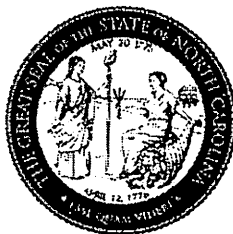


Philip A. Baddour, III, Chair
Myra L. Griffin, Vice-Chair
James C. Gillen, Commissioner



Kenneth L. Goodman, Commissioner
Adrian A. Phillips, Commissioner
Wanda Blanche Taylor, Commissioner

NORTH CAROLINA INDUSTRIAL COMMISSION

April 29, 2022

Mr. James C. White
Attorney
J. C. White Law Group PLLC
100 Europa Drive, Suite 401
Chapel Hill, North Carolina 27517

Re: Docket TA-30056 Lisa Higgins, Administrator of the Estate of Michael S. Higgins v.
North Carolina State Highway Patrol, North Carolina Department of Public Safety,
and East Carolina University

Dear Mr. White:

The Industrial Commission acknowledges receipt of the above-referenced claim under the North Carolina Tort Claims Act. Pursuant to the requirements of the Tort Claims Act, the Industrial Commission is serving a copy of this claim, along with a copy of this letter, on the Office of the Attorney General of North Carolina.

The Industrial Commission is the agency that administers and adjudicates claims under the North Carolina Tort Claims Act. The Office of the Attorney General will assign legal representation for any state agency or agencies named in this claim.

You can expect to receive further filings and/or notices in this claim within the next 30 to 60 days from the Industrial Commission and/or the Office of the Attorney General. Except as modified by the Tort Claims Act and/or the Industrial Commission's Tort Claim Rules, the North Carolina Rules of Civil Procedure apply in tort claims before the Industrial Commission.

Sincerely,

A handwritten signature in black ink that reads "Emily M. Baucom". The signature is fluid and cursive.

Emily M. Baucom
Clerk of the Industrial Commission

cc: North Carolina Attorney General's Office, Tort Claim Division

STATE OF NORTH CAROLINA
COUNTY OF PITT

FILED
APR 28 2022
NCIC CLERK

AFFIDAVIT TA30056

Lisa Higgins, Administrator of the Estate of Michael S. Higgins, being duly sworn, deposes and says:

1. My name is Lisa Higgins. I am the administrator of the Estate of Michael S. Higgins, duly appointed by the Clerk of Perquimans County.
2. I live at 173 Atkins Way, Hertford, NC 27944, and that is my mailing address as well.
3. I hereby file a claim against the North Carolina State Highway Patrol ("NCSHP"), Department of Public Safety, and its mailing address is 4201 Mail Service Center, Raleigh, NC 27699-4201. I also hereby file a claim against East Carolina University ("ECU") and its mailing address is 215 Spilman Building, Greenville, NC 27858.
4. I have been damaged in the amount of \$1,000,000.00 by reason of the negligent conduct of the employees/agents named here: Omar Romero Mendoza, Brandon Cesar Cruz, Heather Wilson and David R. Oglesby, of the NCSHP and Mark Jones and employees of ECU responsible for executing institutional control over their internship program.
5. The injury or accident giving rise to this claim occurred in Pitt County at SR 1799 on August 22, 2020 at 12:53 AM.
6. The injury or property damage occurred in the following manner: Michael S. Higgins ("Michael") was a 22-year-old student at ECU majoring in criminal justice and security studies. As part of Michael's major, he participated in ECU's Criminal Justice Practice internship program and was placed with the NCSHP. He was assigned to a ride-along with Trooper Cruz, but in violation of NCSHP policy, Trooper Cruz told him to ride with Trooper Romero. On Saturday, August 22, 2020 at approximately 12:21 a.m., Trooper Cruz responded to a collision where a vehicle had driven off the road on SR 1779 in Pitt County and collided with a tree. Trooper Romero determined to respond to the collision in order to assist if needed, and in order to allow his intern, Michael, to witness an accident investigation. Upon information and belief, Trooper Cruz mentioned a woman whose breath "smelled drunk," and even though he was aware that Michael was on a ride-along he told Trooper Romero to "go stop her." Upon information and belief Trooper Cruz encouraged Trooper Romero to take Michael with him and pursue the woman in a high-speed chase. Trooper Romero did not contact a supervisor and did not get authority to proceed with this dangerous and reckless chase. Upon information and belief he accelerated his cruiser to a speed of at least 110 miles per hour in a matter of seconds and in approximately thirty seconds he lost control of his vehicle and crashed, killing Michael Higgins. This conduct was negligent and grossly negligent. Troopers Romero and Cruz violated N.C. Gen. Stat. §§ 20-145 and 20-156(b) as well as NCSHP Directives O.04 and B.02. Lieutenant Oglesby violated Directive O.04 by permitting Michael to be placed on a ride-along with someone other than a Senior Trooper or Field Training Officer. Mark Jones and other employees of ECU were negligent for failing to ensure that NCSHP complied with its policies and placed ECU interns on ride-alongs only with Senior Troopers or FTOs.
7. The damages claimed above consist of wrongful death damages as set forth in N.C. Gen. Stat. § 28A-18-2.

* NOTARIZATION IS MANDATORY

Lisa Higgins
(Signature of Claimant)

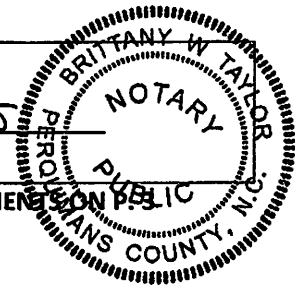
l12dance@yahoo.com
(Email Address)

4-21-2022
(Date)

Subscribed and sworn to before me this 21 day of April 2022

Brittany W Taylor
Signature and Seal of Clerk of Court or Notary Public

My Commission Expires 10/19/2025



FILE TWO COMPLETE COPIES WITH THE INDUSTRIAL COMMISSION AND SEE FILING FEE REQUIREMENTS