

9. Defendant, Trevor Nathan Tilley (“Tilley”) is a citizen and resident of Dare County, North Carolina, is over the age of eighteen (18), is mentally competent, and is not under any legal disability.
10. This action is brought against Tilley in his individual capacity.
11. On or about December 7, 2024, Defendant Tilley was operating a fire truck owned by the Defendant Town in the course of his employment for the Defendant Department and Defendant Town.
12. On that date, Defendant Tilley was traveling in a westbound direction on E. Epstein St. in Nags Head, North Carolina attempting to turn left onto US 158.
13. Tilley was returning to the Department’s location at 5314 S. Croatan Highway, Nags Head and was not responding to a fire alarm or other emergency.
14. Tilley was not sounding a siren or alarm, nor displaying emergency lights at the time he entered the intersection.
15. Defendant Tilley had a duty to yield to oncoming traffic as he proceeded left.
16. On that same date, and at the same time, Gary was traveling on W. Seachase Dr. on a bicycle in an easterly direction attempting to cross US 158 and proceed straight.
17. At the time Gary was crossing US 158, he was traveling in accordance with a green traffic control signal, on the correct side of the road, and traveling in the proper direction with other traffic traveling east on W. Seachase Dr.
18. At the time Gary was crossing US 158, he had the right of way in relation to vehicles turning left in the opposite direction, including the truck being driven by the Defendant Tilley.
19. As Defendant Tilley attempted to make his turn, the truck ran into Gary causing him to fall to the pavement causing him to suffer catastrophic injuries and death.
20. Prior to his death Gary spent 5 days in the hospital and suffered conscious pain and suffering.
21. Defendant Tilley was charged with unsafe movement in violation of NCGS Section 20-154 and accepted responsibility for the same.

FIRST CLAIM FOR RELIEF
NEGLIGENCE
All Defendants

22. Plaintiff hereby incorporates by reference and realleges all aforementioned and foregoing paragraphs of this Complaint as if fully set forth herein.
23. Gary's injuries and subsequent death were caused by the negligent, reckless and wanton conduct of the Defendants, in that Defendant, Tilley:
- a. failed to keep a proper lookout for traffic;
 - b. failed to pay proper attention to his direction of travel;
 - c. failed to reduce his speed or to turn to the left or the right to avoid the crash;
 - d. attempted to make a left turn when it was unsafe to do so;
 - e. violated NCGS Section 20-154 by making an unsafe movement on the highway;
 - f. violated NCGS Section 20-155 by failing to yield the right of way at an intersection;
 - g. was negligent in other respects, which will be set forth at trial.
24. As a direct and proximate cause of Defendants' negligent, careless, and reckless conduct, Gary sustained significant bodily injuries which resulted in his death on December 12, 2024.
25. Prior to his death, Gary suffered conscious pain and suffering and severe emotional distress.
26. Jane Ferguson, sister of Gary and Executrix of his estate, has incurred expenses for her brother's medical expenses, funeral and burial.
27. Prior to his death, Gary offered services, protection, care, and assistance to his sister, Jane.
28. As a result of Gary's death caused by the Defendants' negligent, careless, and reckless conduct, Jane has lost Gary's services, protection, care, and assistance.
29. Prior to his death, Gary offered society, companionship, comfort, guidance, kindly offices, and advice to his sister, Jane.
30. As a result of Gary's death caused by Defendants' negligent, careless, and reckless conduct, Jane has lost her brother's society, companionship, comfort, guidance, kindly offices, and advice.
31. As a direct and proximate cause of the Defendants' actions the Plaintiff has suffered damages in excess of Twenty-Five Thousand (\$25,000.00) Dollars.

The Plaintiff claims a trial by jury.

WHEREFORE, Plaintiff prays the Court find:

1. That Defendants were negligent, careless, and reckless.
2. That Plaintiff recover of Defendants compensatory damages in amounts to be determined by the Court, but in any event a sum in excess of Twenty-Five Thousand and No/100 Dollars (\$25,000.00).
3. That the costs of this action, including, but not limited to, reasonable attorney's fees, be taxed against the Defendants.
4. That Plaintiff recover from Defendant all interest at the statutory rate from the time this suit is initiated until the judgment is satisfied in full as provided by law.
5. For such further relief as the Court deems equitable and just.

This the 29th day of January 2026.

ROSE HARRISON GILREATH & POWERS, P.C.

By: *Lucia M. Mercurio*
Lucia M. Mercurio (NCSB #59926)
700 Blue Jay Street
P.O. Box 405
Kill Devil Hills, North Carolina 27959
Telephone: 252-480-1414
Fax: 252-480-1765
Email: lucia@outerbanksllaw.com
Attorney for Plaintiff