

NORTH CAROLINA
HAYWOOD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 18-CVS-116

DEBORAH KING,

Plaintiff,

vs.

HAYWOOD REPUBLICAN
ALLIANCE, a Non-Incorporated
Political Action Committee by and
through, RICHARD OWEN WEST,
Individually and as Treasurer of the
HAYWOOD REPUBLICAN
ALLIANCE, JEREMY DAVIS,
Individually and as Member of the
HAYWOOD REPUBLICAN
ALLIANCE, and EDDIE CABE,
Individually and as Member of the
HAYWOOD REPUBLICAN
ALLIANCE, and JOHN DOE 1
THROUGH 6,

Defendants.

MOTION TO DISMISS

FILED
2019 MAR 12 AM 8:50
HAYWOOD COUNTY, C.S.C.
RT

NOW COME Defendants Richard Owen West and Jeremy Davis, by and through undersigned counsel and pursuant to Rules 8 and 12(b)(6) of the North Carolina Rules of Civil Procedure, and move the Court to dismiss the Complaint filed by Plaintiff in its entirety, for failure to state a claim upon which relief can be granted.

The alleged facts do not state a claim for misappropriation or intentional infliction of emotional distress. Additionally, the complaint fails to state with particularity any specific actions by defendants West and Davis, and pursuant to

G.S. § 59B-7, neither defendant is vicariously liable for any alleged liability of the defendant Haywood Republican Alliance or any of its members.

WHEREFORE, Defendants West and Davis request (a) that the Court dismiss the Complaint filed by Plaintiff in its entirety for failure to state a claim upon which relief can be granted, (b) that the Court find a complete absence of justiciable issues raised by the complaint and (c) all other proper relief.

Respectfully submitted this the 8th day of March, 2018.

STEVENS MARTIN VAUGHN & TADYCH, LLP

C. Amanda Martin

C. Amanda Martin
N.C. Bar No. 21186
Attorneys for Defendants
1101 Haynes St., Suite 100
Raleigh, North Carolina 27604
Telephone: (919) 582-2300
Facsimile: (866) 593-7695

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing upon plaintiff by depositing a copy with the United States Postal Service, first-class postage prepaid, addressed to:

Russell L. McLean, III
P.O. Box 4
Waynesville, NC 28786

This the 8th day of March, 2018.

C. Amanda Martin

C. Amanda Martin

C20180437

STATE OF NORTH CAROLINA

File No.

18 cvs 116

HAYWOOD County

FILED

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff: DEBORAH KING
Address: c/o Russell L. McLean, III
City, State, Zip: P.O Box 4, Waynesville, NC 28786

2018 FEB -8 PM 3:56

HAYWOOD COUNTY Y. C.S.C.

CIVIL SUMMONS

ALIAS AND PLURIES SUMMONS (ASSESS FEE)

VERSUS

G.S. 1A-1, Rules 3 and 4

Name Of Defendant(s): HAYWOOD REPUBLICAN ALLIANCE, a Non-Incorporated Political Action Committee, by and through RICHARD OWEN WEST, Individually and as Treasurer, et al

Date Original Summons Issued: 02/06/2018
Date(s) Subsequent Summons(es) Issued:

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1: HAYWOOD REPUBLICAN ALLIANCE
By and through its Treasurer RICHARD OWEN WEST
561 Westwood Circle
Waynesville, NC 28786

Name And Address Of Defendant 2: RICHARD OWEN WEST
Individually
561 Westwood Circle
Waynesville, NC 28786

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): Russell L. McLean, III
McLean Law Firm, P.A.
P.O Box 4
Waynesville, NC 28786

Date Issued: 2-8-18 Time: 3:56 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: AM PM
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.

RECEIVED

FEB 08 2018

(Over)

BY: _____

STATE OF NORTH CAROLINA

File No.

18 cvs 116

HAYWOOD

County

FILED

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff

DEBORAH KING

2018 FEB -9 PM 3:55

Address

c/o Russell L. McLean, III

HAYWOOD COUNTY, C.S.C.

CIVIL SUMMONS

ALIAS AND PLURIES SUMMONS (ASSESS FEE)

City, State, Zip

P.O Box 4, Waynesville, NC 28786

VERSUS

G.S. 1A-1, Rules 3 and 4

Name Of Defendant(s)

HAYWOOD REPUBLICAN ALLIANCE, a Non-Incorporated Political Action Committee, by and through RICHARD OWEN WEST, Individually and as Treasurer, et al

Date Original Summons Issued

02/06/2018

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

HAYWOOD REPUBLICAN ALLIANCE
By and through its Treasurer RICHARD OWEN WEST
561 Westwood Circle
Waynesville, NC 28786

Name And Address Of Defendant 2

RICHARD OWEN WEST
Individually
561 Westwood Circle
Waynesville, NC 28786

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)

Russell L. McLean, III
McLean Law Firm, P.A.
P.O Box 4
Waynesville, NC 28786

Date Issued

2-8-18

Time

3:55 AM 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

AM PM

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.

RECEIVED

FEB 08 2018

(Over)

BY: _____

STATE OF NORTH CAROLINA

COUNTY OF HAYWOOD

DEBORAH KING

VS

HAYWOOD REPUBLICAN ALLIANCE,

JEREMY DAVIS, RICHARD WEST, A.E.CABE, ET. AL

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT

Civil Case 18CVS 116

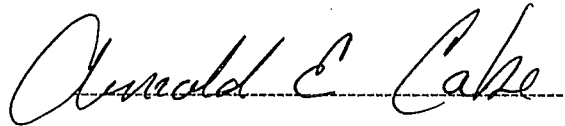
LIBEL

FILED
2018 MAR -8 PM 12:53
HAYWOOD COUNTY, C.S.C.
18Y

NOTICE OF MOTION

On this ⁸ day of March, 2018, a copy of attached Motions was served by U.S. Mail with sufficient postage affixed directed to Russell L. McLean at P.O. Box 4 Waynesville, N.C. 28786.
And Hand delivered to the Haywood County Clerk of Court

AMENDMENT TO ANSWER and
MOTION TO DISMISS II



A.E. CABE, PRO-SE

A.E.CABE
13 Haven Place
Canton, N.C.28716

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF HAYWOOD

SUPERIOR COURT DIVISION

CASE NO. 18CVS 116

DEBORAH KING

VS

JEREMY DAVIS, HAYWOOD REPUBLICAN,
RICHARD WEST AND A.E.CABE

AMENDMENT TO ANSWER and
MOTION TO DISMISS II

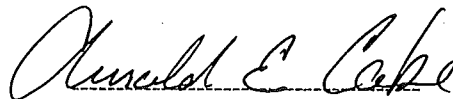
FILED
2018 MAR -8 PM 12:53
HAYWOOD COUNTY, C.S.C.
BY _____

NOW comes the Defendant herein, and moves to replace his original Amendment to Answer/Motion to Dismiss Filed on 7 March 2018 for an inadvertent missing passage; this amendment modifies the Answer of Defendant, dated 2 March 2018 by A motion for Dismissal. Complaint, dated the 2d day of March in the year 2018 by: Adopting each Defense, Averment Cases with cites and DICTA proffered, delivered, submitted and filed BY: Amanda Martin

The Honorable Attorney for Defendants Davis and West on March 8, 2018 in their Motion to Dismiss said Complaint of Plaintiff; Defendant herein restates his amendment to his Answer by Moving this Honorable Court to Dismiss Plaintiff's Complaint for Failure to properly to state a legal cause of action; AND to receive authorities in support of this Motion as Offered and filed by Defendants' Davis and West's Attorney on 8 March 2018 with the Clerk of Court, Haywood County, North Carolina.

WHEREFORE, DEFENDANT PRAYS that this Honorable Court entertain this amended AMENDMENT/MOTION TO DISMISS;

RESPECTFULLY SUBMITTED, THIS 8th day of March, 2018.



A.E.CABE, DEF. PRO-SE

STATE OF NORTH CAROLINA

COUNTY OF HAYWOOD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT

DEBORAH KING

Civil Case 18CVS 116

VS

HAYWOOD REPUBLICAN ALLIANCE,

LIBEL

JEREMY DAVIS, RICHARD WEST, A.E.CABE, ET. AL

HAYWOOD CO., N.C.
BY
RT

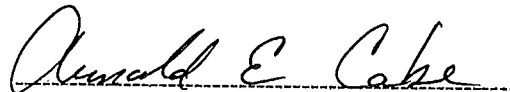
2018 MAR -7 PM 2:16

FILED

NOTICE OF MOTIONS

On this ^{17th} day of March, 2018, a copy of attached Motions was served by U.S. Mail with sufficient postage affixed directed to Russell L. McLean at P.O. Box 4 Waynesville, N.C. 28786.
And Hand delivered to the Haywood County Clerk of Court

MOTION IN LIMINE III
AND
AMENDMENT TO ANSWER and
MOTION TO DISMISS



A.E. CABE, PRO-SE

A.E.CABE
13 Haven Place
Canton, N.C.28716

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF HAYWOOD

SUPERIOR COURT DIVISION

CASE NO. 18CVS 116

DEBORAH KING

VS

JEREMY DAVIS, HAYWOOD REPUBLICAN ALLIANCE,
RICHARD WEST AND
A.E.CABE

FILED
2018 MAR -7 PM 2:16
HAYWOOD CO., C.S.C.

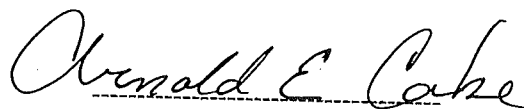
AMENDMENT TO ANSWER and
MOTION TO DISMISS

NOW comes the Defendant herein, and moves to Amend his original Answer to Plaintiff's Complaint, dated the 2d day of March in the year 2018 by: Adopting each Defense, Averment Cases with cites and DICTA proffered, delivered, submitted and filed BY: C Amanda Martin The Honorable Attorney for Defendants Davis and West on March 6, 2018 in their Motion to Dismiss said Complaint of Plaintiff; Defendant herein restates his amendment to his Answer by Moving this Honorable Court to Dismiss Plaintiff's Complaint for reasons stated explicitly, directly, with an abundance of legal authorities, on point, disputing in Its entirety said complaint .

WHEREFORE, DEFENDANT PRAYS that this Honorable Court entertain this AMENDMENT/MOTION TO DISMISS;

Giving consideration to all legal theories and case law contained within and; with the wisdom of this Court And its dedication to Justice; Dismissing said Complaint while Accepting this amendment and Motion to Dismiss.

RESPECTFULLY SUBMITTED, THIS 7th day of March, 2018.



A.E.CABE, DEF. PRO-SE

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF HAYWOOD

SUPERIOR COURT

CIVIL CASE 18CVS 116

MOTION IN LIMINE III

DEBORAH KING

VS

HAYWOOD REPUBLICAN ALLIANCE

JEREMY DAVIS, RICHARD WEST

A.E. CABE

FILED
2018 MAR -7 PM 2:16
HAYWOOD CO., C.S.C.
BY _____

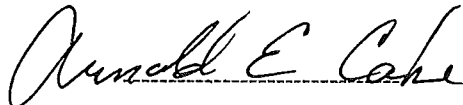
WHEREFORE, THE issues of Plaintiff's Exhibits are in violation of the statutes and case law By, primarily, the placing of irrelevant, prejudicial items in the case file, not even renewing the objection of unauthenticated material in the file knowing that most of the exhibits are inadmissible in their present formats and posture.

THEREFORE exhibits C-1 is challenged due to statements contained by a 3rd party, not in this case; C-4 where Plaintiff put the exhibit with a bowl of money, implying that this in some way was connected to this Defendant; this should be removed and Plaintiff and Counsel rebuked. Exhibits D's and E's- again full of conversations by 3rd parties, irrelevant, not germane and prejudicial. E-4 full of hearsay by parties with no connection to the case; F. the entire exhibit is conversations and observations, all irrelevant, hearsay and prejudicial. Exhibit G, again replete with observations and comments of others. If these travesties are not remedied to the satisfaction of the Defendant, then consideration might be given to requesting the extra time from this Honorable Court to file a Counterclaim.

WHEREFORE, DEFENDANT PRAYS THAT;

1. This Honorable Court inquire into this Motion and requires remedial action of the Plaintiff to correct the Exhibits; AND
2. Defendants have such other relief as deemed appropriate.

Respectfully submitted this 7th day of March, 2018



A.E.CABE, PRO SE

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

2018 MAR -6 AM 11:32

COUNTY OF HAYWOOD

HAYWOOD COUNTY, C.S.C.

HAYWOOD SUPERIOR COURT

BY PT

CIVIL CASE 18CVS 116

MOTION OF WITHDRAWAL

DEBORAH KING

VS

HAYWOOD REPUBLICAN ALLIANCE

JEREMY DAVIS, RIC HARD WEST,

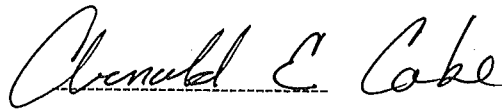
A.E. CABE, ET AL

COMES NOW THE DEFENDANT A.E. CABE AND MOVES TO WITHDRAW A MOTION FILED ON 2 MARCH 2018 titled "MOTION TO CLARIFY", as it was incomplete.

The complete Motion of Replacement Titled "MOTION TO DESIGNATE PLAINTIFF AS A LIMITED PURPOSE PUBLIC FIGURE" is filed this 6 day of March 2018.

Respectfully submitted this 6 day of March 2018.

RESPECTFULLY,



A.E. CABE, PRO-SE

STATE OF NORTH CAROLINA

FILED

2018 MAR -6 AM 11:32

COUNTY OF HAYWOOD

HAYWOOD COUNTY, N.C. IN THE DISTRICT COURT

DEBORAH KING

Civil Case 18CVS 116

VS

BY RT

HAYWOOD REPUBLICAN ALLIANCE,

LIBEL

JEREMY DAVIS, RICHARD WEST, A.E.CABE, ET. AL

NOTICE OF MOTION

On this 6 day of March, 2018, a copy of attached Motion was served by U.S. Mail with sufficient postage affixed directed to Russell L. McLean at P.O. Box 4 Waynesville, N.C. 28786. And the delivered to the Haywood County Clerk of Court

MOTION TO DESIGNATE PLAINTIFF
AS A LIMITED PURPOSE PUBLIC FIGURE

A. E. Cabe

A.E. CABE, PRO-SE

A.E.CABE
13 Haven Place
Canton, N.C.28716

STATE OF NORTH CAROLINA **FILED**

IN THE GENERAL COURT OF JUSTICE

2018 MAR -6 AM 11:32

COUNTY OF HAYWOOD HAYWOOD COUNTY, C.S.C.

HAYWOOD SUPERIOR COURT

BY RT

CIVIL CASE 18 CVS 116

MOTION TO DESIGNATE PLAINTIFF

AS A LIMITED PURPOSE PUBLIC FIGURE

NOW COMES THE DEFENDANT HEREIN and shows this Honorable Court the following : In order to facilitate an orderly progression of the pending trial AND; permit said Defendant to organize his defense; IT is necessary that the Plaintiff be designated and appointed as a Limited Purpose Public Figure or, in the alternative, some other Public Figure(GOETZ V

WELC H, 418 US 323, 1974). This decision will provide the Defendant with the certainty required to pinpoint and resist the Plain tiff's shotgun attacks.

Attached as exhibit A is the reasoning and facts to support this Motion; a enumeration of Plaintiff's Political activities in Haywood these past 8-10 years.

WHEREFORE, DEFENDANT PRAYSTHAT:

This Motion be inquired into and, the Plaintiff be designated as requested with legal limitations placed on her continuation of her Complaint; and That Defendant be given such other relief as deemed appropriate.

THIS ⁶-----Day of March, 2018.

Respectfully Submitted.

A.E. CABE, PRO SE

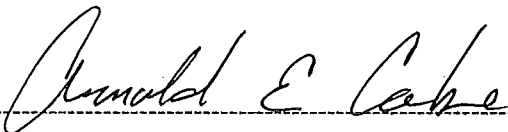


Exhibit A

Debbie King "Limited Public Use Figure" Profile

2017-2018 Vice chair of the Haywood County GOP (Current HCGOP Vice Chairwoman)

2015-2016 Spear headed and lead the fight against Haywood County Emergency Management Ordinance
(Addressed County Board of Commissioner meeting and Public hearings on Video)

2015 Spear headed and lead the fight against Haywood County's Beaverdam Recycling center (held
rally's and meetings) (Addressed County Board of Commissioner meeting and Public hearings many
on Video)

2014 Campaign Manager and Campaign Finance Officer for Husband Denny King's run for Haywood
County Commissioner

2013 Law Suit against Haywood County Property Tax Commission (Addressed County Board of
Commissioner meeting and Public hearings on Video, and the Court)

2012 Campaign Manager and Campaign Finance Officer for Husband Denny King's run for Haywood
County Commissioner

2010 Campaign Manager and Campaign Finance Officer for Husband Denny King's run for Haywood
County Commissioner

2009 spear headed and lead the fight against Haywood county Board of Health Solid Waste Rule.

(Addressed County Board of Commissioner meeting and Public hearings at Haywood County Health
Department, Also on Video)

2008 Local Campaign organizer for Ron Paul for US President.

Other past and present Political elected Positions

Haywood GOP Vice Chair

Haywood County GOP Precinct Chair

Member at Large for 11th District NCGOP

County GOP Delegate

District 11 GOP delegate

State NCGOP Delegate

Other Activities

Fund raising for Haywood GOP and County, State, and National Republican and Libertarian Candidates.

And many other Public Figure activities.

Arnold E. Cole PRO-SE

March 6, 2018

IN THE SUPERIOR COURT OF HAYWOOD COUNTY

FILED

2018 MAR -2 PM 1:08

STATE OF NORTH CAROLINA
HAYWOOD COUNTY, C.S.C.

BY

PK

CASE File No. 18 CVS 116

DEBORAH KING VS. HAYWOOD REPUBLICAN ALLIANCE;

JEREMY DAVIS, RICHARD WEST, EDDIE CABE, ET AL

NOW COMES Defendant Cabe herein, filing his Answer, Objections, Counterclaim and illegality of Plaintiff's assertions and innuendoes:

GENERAL

Paras 1, 2, 3 Defendant cannot admit or deny any of these as assertions, demanding proof of same;

Para 4 is admitted.

Para 5 cannot be admitted or denied for lack of proof.

Para 6 Unknown

COUNT I

Invasion of Privacy

Paras:

7. Deny in totality;

8, 9 Admit

10. Cannot admit or deny without more proof;

11. Deny, demand strict and adequate proof;

12. Unable to agree as there are too many offenders alleged without any partitioning of specific acts; cannot respond as to unknown defendants or members of HRA;

13. Unable to respond without specific proof directed to any possible acts of this defendant;

14. Deny;

15. Cannot admit/deny for lack of knowledge;

16. Unknown; demand proof before designating Defendant on these allegations;

17. Deny as alleged, political discourse engaged in by Plaintiff, are not illegal in N.C.;

18. Deny that ANY harm was intended or received; the Plaintiff has, herself, participated in political Acts towards others;

19. Deny receiving any profit from the sale of any items as alleged,

20. Unknown

PUNITIVE DAMAGES

21. Deny the unwarranted words of Plaintiff, i.e. intent to harm her, spiteful, reputation of Plaintiff, ridicule of her; demand strict proof of her reputation as well as alleged medical treatment for all of these unproven allegations of misconduct;

22. Deny the totality of this paragraph; no facts or veracity contained herein;

23. Unable to respond without the famous Emails referred to in this Para.

24. Not enough info to respond to;

25. Cannot comment of Plaintiff's mental problems with sufficient data as to medications, Psychiatrists and/or Psychologists;.

26. Unknown

INJUNCTIVE RELIEF

27. Deny this claim; Plaintiff is a Public Figure within libel/slander laws (NY Times V Sullivan, US Sup. CT), therefore, there can be no recovery or other actions without the proof by Plaintiff of intent, not just to embarrass, but to damage permanently her reputation by this Defendant.

28. Deny that Plaintiff s without remedies; Witness this lawsuit, is this not sufficient for Plaintiffs? She does not lack access to courts or resources to retain the attorney of her choice. I deny and challenge every false statement contained in this para.

29. Same answer as para28; NC laws do not permit such a proposed action without some request from Plaintiff to the Defendant to cease and desist. There has been no request AND no alleged acts in months and months.

30. Deny in its entirety.

Continuing Defendant challenges and denies any facts or evidence that would permit any damages, attorney fees or injunction, reserved for the most drastic types of actions; The political nature of this case disturbs most in this and other counties because of its instance on the most severe malignment and chastisement of anyone selected by lot by a Plaintiff to walk the plank. Additionally, this is just the reason that many avoid politics; not for the words BUT because of the courts.

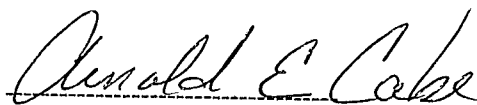


AE CABE, PRO-SE

PRAYER
CASE File No. 18 CVS 116

WHEREFORE, Defendant Prays that this Honorable Court administer justice with the following:

1. Dismiss all pleadings of Plaintiff as there is no precedent in North Carolina for the confused presentations of Plaintiff; no veracity in her claim of thousands of dollars for what? A bit of political embarrassment in which she was a major player;
2. Denial of any claim for punitive damages as the incidents even if vaguely valid are not permissible reasons in this state for the imposition of such a harsh remedy, resembling revenge and irrational in her attempts to profit rather than assert correct legal principles;
3. Strike and dismiss the count of the complaint seeking an injunction as there are NO facts or even vague allegations with legal standing to justify any authorization to issue such a fiat; their drastic remedy is reserved for situations requiring immediate action or where incidents have been repeated or continued for a period of time. In view of the facts and no request by Plaintiff for the conduct to abate, this request has no legs;
4. The allegations of the Plaintiff fail in most instances to identify and specify the individual who is alleged to have committed the acts, using instead the Haywood Republican Alliance or referring to a group. This, without elaboration, is improper, deficient and reckless. Pray that the Plaintiff be directed to revise her complaint to be specific about each claimed incident as to party, time and place. There is no way to defend oneself against generalized, shotgun like and careless allegations.
5. That Defendant receive attorney's fees from Plaintiff for abuse of process, irrational claims as well as ignoring the laws of the State of North Carolina in her eagerness to collect a few dollars.



EDDIE CABE, PRO-SE

STATE OF NORTH CAROLINA

FILED

COUNTY OF HAYWOOD

2018 MAR -2 PM 1:09

IN THE DISTRICT COURT

DEBORAH KING

HAYWOOD COUNTY, C.S.C. Civil Case 18CVS 116

VS

BY RT

HAYWOOD REPUBLICAN ALLIANCE,

LIBEL

JEREMY DAVIS, RICHARD WEST, A.E.CABE, ET. AL

NOTICE OF MOTIONS

On this 2nd day of March, 2018, a copy of attached Motions was served by U.S. Mail with sufficient postage affixed directed to Russell L. McLean at P.O. Box 4 Waynesville, N.C. 28786. And the delivered to the Haywood County Clerk of Court

- MOTION FOR SPECIFICITY
- MOTION IN LIMINE #1
- MOTION IN LIMINE #2
- MOTION TO CLARIFY
- MOTION ON EXHIBITS

Arnold E Cabe

A.E. CABE, PRO-SE

A.E.CABE
13 Haven Place
Canton, N.C.28716

STATE OF NORTH CAROLINA

FILED

GENERAL COURT OF JUSTICE

2018 MAR -2 PM 1:09

COUNTY OF HAYWOOD

HAYWOOD COUNTY, C.S.C.

SUPERIOR COURT OF HAYWOOD

BY _____

CIVIL CASE 18CVS116

DEBORAH KING

VS

JEREMY DAVIS, RICHARD WEST, A.E.CABE,

HAYWOOD REPUBLICAN ALLIANCE, ET AL

MOTION for SPECIFICITY

Throughout the Complaint of Plaintiff, she uses the term group and organization as well as frequent referrals to the undersigned personally, et al, interchangeably. There is no way to separate the multitude of allegations and charges by Defendant nor is there any certainty or specificity as to whom the plaintiff is alleging did what to whom and when these acts occurred. With this mass confusion caused by a 'scattergun' the actions of the Plaintiff are unreasonable, unfair and unjustified. If she is lacking in knowledge of the party who supposedly did the things alleged by her, she should use methods of inquiry BEFORE rushing to the courthouse to accuse any and all for her woes. Defendant seeks this relief prior to the initiation of formal court in order to limit the possible issues, thereby preserving this Honorable Court's time and resources.

WHEREFORE,

1. Defendant Prays that this Motion be inquired into and corrective action be required of the Plaintiff;
AND
2. Plaintiff be admonished for "group" allegations, thereby tarnishing Defendant as she alleges was done to her;
3. Defendant receive such other justice and consideration as deemed proper.

Respectfully submitted this 2nd day of March 2018.



A.E. Cabe, PRO-SE

STATE OF NORTH CAROLINA
JUSTICE

FILED

2018 MAR -2 PM 1:09

HAYWOOD COUNTY, C.S.C.

IN THE GENERAL COURT OF

SUPERIOR COURT

COUNTY OF Haywood

CIVIL CASE 18 CVS 116

BY _____

DEBORAH KING
VS

HAYWOOD REPUBLICAN ALLIANCE,

RICHARD WEST, JEREMY DAVIS, A.E. CABE

ET. AL.

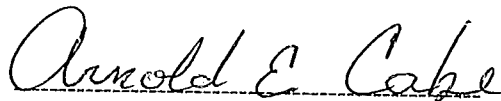
MOTION IN LIMINE #1

NOW COMES DEFENDANT CABE HEREIN and moves this Honorable Court to prohibit Plaintiff From speaking about, displaying, or referring in any manner to Exhibits attached to Plaintiff's Complaint, specifically as B,C2,C3,C4,D1,D3, E1, E2, F, G. These exhibits have no authentication, Contain Hearsay, and alleged messages from third parties, not parties to this action, nor with any consent of these third parties. Plaintiff should be cautioned by this Honorable Court should any delay ensue before a hearing on this Motion, to insure that the named exhibits are not released or referred to by her.

There is no showing that said exhibits were received in a lawful manner or achieve the status of evidence in any manner whatsoever.

WHEREFORE, Defendant Prays that this Honorable Court issue a protective order directed to Plaintiff Insuring that potentially illegal matters taint this trial; AND Render a decision invalidating and prohibiting any of said exhibits being produced in said Court.

Respectfully Submitted,



A.E. CABE, PRO-SE

This 2nd day of March, 2018.

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

2018 MAR -2 PM 1:09

COUNTY OF HAYWOOD

HAYWOOD COUNTY, C.S.C.

HAYWOOD SUPERIOR COURT

BY _____

DEBORAH KING

CASE File No. 18 CVS 116

VS

JEREMY DAVIS, RICHARD WEST, A.E.

CABE, HAYWOOD REPUBLICAN ALLIANCE,

ET. AL

MOTION IN LIMINE #2

NOW comes the Defendant A.E. Cabe and in furtherance of his motion shows this Honorable Court the following: certain of the exhibits alleged in the first Motion In Limine are incomplete, indicating that someone, intentionally or accidentally terminated or cut off parts of exhibits showing pictures or words, which are likely to give different meanings to characterizations, conversations or interplay of the parties.

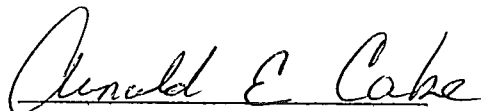
As the evidence proving this is technical, it might be necessary to retain an expert to Verify the allegations contained herein.

WHEREFORE DEFENDANT PRAYS THAT;

A, Plaintiff be precluded from changing, replacing any exhibits from B, C1, C2, C3, C4, D1, D2, D3,D4, E1,E2, F and G, until this matter is heard; AND

B. Defendant have a hearing on this matter prior to the initiation of trial.

Respectfully Submitted this 2nd day of March 2018.



A.E.Cabe

IN THE SUPERIOR COURT OF **FILED**

2018 MAR -2 PH 1:09

STATE OF NORTH CAROLINA HAYWOOD COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE

BY _____

DEBORAH KING

HAYWOOD SUPERIOR COURT

Vs

HAYWOD REPUBLICAN ALLIANCE,
JEREMY DAVIS, RICHARD WEST,
A.E. CABE
ET. AL.

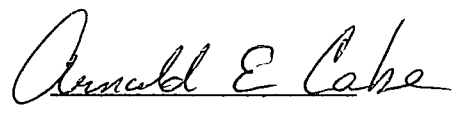
CIVIL CASE 18 CVS 116

LIBEL

MOTION TO CLARIFY

This Motion is made in efforts to clarify the status of the Plaintiff, i.e. private party or limited purpose public party. This determination to be made by the Court could save a great deal of time for all persons involved in this trial. The selections of manners of proof depend greatly on the Court's ruling on this Motion. The cases of Gaunt V Pittway, 139 NC Ct Appeals 778(2000) and Gertz V Welch, 418 US 323 are on "all fours" with the facts in the present case.

Respectfully Submitted THIS ^{2nd} DAY OF MARCH 2018



E. CABE, PRO SE

STATE OF NORTH CAROLINA

FILED

2018 MAR -2 PM 1:09

COUNTY OF HAYWOOD

HAYWOOD COUNTY, C.S.C. IN THE GENERAL JUSTICE COURT

BY _____

MOTION ON EXHIBITS

HAYWOOD SUPERIOR COURT

DEBORAH KING

Vs

JEREMY DAVIS, RICHARD WEST,
A.E. CABE, HRA, ET AL

NOW COMES Defendant Cabe and Motions this Honorable Court as follows: While renewing objections in Motion 1 on Exhibits stated, Defendant makes the following objections to Exh. D4 as being incomplete, as shown by expiration shown on clock attached; Paused at 00:28 seconds, it appears as if this is only a partial exhibit; object to exh E-2 as being primarily the voices of persons not associated with this case, being hearsay and irrelevant. Objections to Exhibits F and G as not being relevant or pertinent and composed of language by third persons. The objection to all of hearsay, failure to authenticate and lack of original documents is renewed.

WHEREFORE, Defendant Prays that this Honorable Court grant this Motion, requiring Plaintiff to meet the standards outlined herein and in MOTION IN LIMINE 1 and 2 AND
2. Approve such other measures as deemed appropriate.

Submitted this 2d day of March, 2018,



A.E. Cabe, Pro Se

In Re: Service of Answer, Interrogatories, Prayer, and Request for Production of Documents

FILED

2018 MAR -2 PM 1:08

TO; MR. McLean, Attorney for Plaintiff WYOMING COUNTY, C.S.C.

BY AT

UP the provisions of Article 33, N.C. Rules of Civil Procedure, you are served the Answer and stated Documents, interrogatories, and request for Documents, to be completed and returned within 30 days from date of receipt.

INTERROGATORIES

Respectfully Submitted
A.E. Cabe, PRO-SE

 Arnold E Cabe

This 2nd day of March, 2018

A.E. Cabe
13 Haven Place
Canton, NC

IN THE CIRCUIT COURT OF HAYWOOD COUNTY

STATE OF NORTH CAROLINA
2018 MAR -2 PM 1:09

HAYWOOD COUNTY, C.S.C.

DEBORAH KING

BY _____

18 CVS 116

COMPLAINT FOR DAMAGES/INJUNCTION

V

HAYWOOD REPUBLICAN ALLIANCE, JEREMY

DAVIS, RICHARD WEST, EDDIE CABE, ET AL

MOTION TO ANSWER INTERROGATORIES

NOW COMES Defendant Cabe and submits the following interrogatories' for Plaintiff's

Completion IAW Civil Procedure, State of North Carolina:

1. State if you have been married before; the children that you have and the term of your Residence in Haywood County;
2. State if you have ever been a party to a lawsuit, your position and the court with case stated, as well as subject matter;
3. State the period that you have been involved in politics, local and statewide, and candidates whom you have supported, including family members. State in detail the conversations that you had on election night in 2016 at the HRA regarding your daughter being threatened by anonymous persons.
4. State if you ever advised, cajoled or pleaded with Eddie Cabe to cease his activities, if any, to pursue photographs, images, buttons, emails, etc. to embarrass you and your family. If not, why not. How long a period did you know about the alleged items in circulation? Why did you not act sooner to halt any embarrassment?

5. State any Psychiatrist, psychologist or medical person that you consulted, had an interview with or any contact with since 1 April 2017; also describe/list any drugs ingested by you, the total amount and number of prescriptions used or possessed since the date outlined.

6. State any hospitalization, trips to the ER or any contacts with medical personnel since 1 April 2017 not outlined herein. Did you receive any prescriptions from your Son-in-Law? If so what drug, amount and disorder treated?

7. Did you see any of THE buttons being sold or purloined or did anyone report it to you? If so, who told you and who was present at this conversation? If you knew, did you take action to stop the sales? If not, why not? How did you find out first about the buttons? And when did you find out?

8. Did anyone at the HCGOP urge or advise you to initiate this action? Did you talk to anyone at HCGOP at any time about your embarrassment or the way you felt about the alleged incidents?

9. Did you serve or undergo any confinement at home or a medical facility since 1 April 2017 for any of the conditions outlined in your complaint? Be specific, giving names of parties who can verify your illnesses.

10. When did you first see any picture of you, alone or with another, in a humorous pose? Did you consider at that point looking into the sponsors of the photos?

11. Have you never seen a politician's face on something hilarious? Did you know that most politicians are 'public figures' with impediments to their suing for defamation/libel etc.?

12. Have you ever said, since 1 April 2017; to a 3rd party anything derogatory about Jeremy Davis, Richard West or Eddie Cabe? If so, where and when and before whom did this occur?

13. Now you swore to each word, each sentence and each paragraph in your complaint; this is a massive pursuit. Do you want to revise or curtail your inflammatory language in favor of the facts of the issues?

14. From 1 April 2017 to the present, your parameters for the time element, have you reacted to your alleged stress by acting irrationally or doing acts not normal or sane? Indicate where, when and the witnesses.

15. You said in your appeal for an injunction that you were without remedies; what do you call this present suit with 9 Defendants? Is your statement referred to accurate?

16. You say in the midst of an expensive lawsuit that you never asked any Defendant, including Mr. Cabe To cease any activities embarrassing to you; isn't that your testimony? In effect you did nothing to keep these matters from festering, did you?

17. How many years have you been involved with politics, including your husband's races? Has no one during this period spoken in your presence profanity or other demeaning words?

18. Who are your closest associates (5 is enough)? Where do they live?

19. What bothers you the most, the picture of you and the man OR the joined name Kebbie? How did you first find out about the items floating around?

20. Have you in the last 5 years associated with anyone with a criminal background? If so, who was it? And where was the location?

21. Did you not consider that your failure of efforts to defuse these incidents led directly to the Courthouse?
Did you not know these 3 before the incidents? Weren't all of you associated politically? If not, explain.

22. You implied that you shied from publicity BUT your actions lead directly to more; explain. Were you involved in efforts to diminish the HRA or put it out of business?

23. If you are a peacemaker as inferred, why did you not attempt to resolve some of the issues between the two groups? If so, what specifically did you do in this regard?

24. You've held office in the HCGOP for many years now; would you say that there is stress in that position? If you suffer from stress, why did you not just resign the political position?

25. Do you not hold against the Defendants the same thoughts, i.e. that you allege against them.....evil, hateful, desire to hurt/embarrass? If not, why do you seek thousands of dollars from them?

26. Were you upset because a few might interpret the picture as showing you and the Chairman (HCGOP) as more than friends?

27. Did Mr. Cabe's wife Selena, not ask you repeatedly, not to call her husband and get him involved in your political problems? Did Selena not tell you that it was because Mr. Cabe had been through a year of chemotherapy and a bone marrow transplant, due to stage 4 Mantle Cell Lymphoma; that his health wasn't good and he did not need the stress and aggravation?

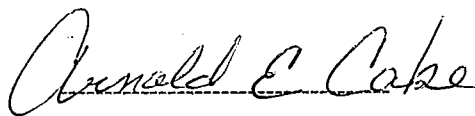
28. Has Michele Nix, Vice Chair of the North Carolina GOP, or Anyone else at the NCGOP contributed any money, legal advice, or encouragement for this Civil Action?

Arnald E Cabe PRO-SE
3/2/2018

PRAYER
CASE File No. 18 CVS 116

WHEREFORE, Defendant Prays that this Honorable Court administer justice with the following:

1. Dismiss all pleadings of Plaintiff as there is no precedent in North Carolina for the confused presentations of Plaintiff; no veracity in her claim of thousands of dollars for what? A bit of political embarrassment in which she was a major player;
2. Denial of any claim for punitive damages as the incidents even if vaguely valid are not permissible reasons in this state for the imposition of such a harsh remedy, resembling revenge and irrational in her attempts to profit rather than assert correct legal principles;
3. Strike and dismiss the count of the complaint seeking an injunction as there are NO facts or even vague allegations with legal standing to justify any authorization to issue such a fiat; their drastic remedy is reserved for situations requiring immediate action or where incidents have been repeated or continued for a period of time. In view of the facts and no request by Plaintiff for the conduct to abate, this request has no legs;
4. The allegations of the Plaintiff fail in most instances to identify and specify the individual who is alleged to have committed the acts, using instead the Haywood Republican Alliance or referring to a group. This, without elaboration, is improper, deficient and reckless. Pray that the Plaintiff be directed to revise her complaint to be specific about each claimed incident as to party, time and place. There is no way to defend oneself against generalized, shotgun like and careless allegations.
5. That Defendant receive attorney's fees from Plaintiff for abuse of process, irrational claims as well as ignoring the laws of the State of North Carolina in her eagerness to collect a few dollars.



A.E. CABE, PRO-SE

REQUEST FOR PRODUCTION OF DOCUMENTS

Copies of requested documents are sufficient; if documents have a different name or number than is commonly used, the closest document will satisfy. This request will be completed within the time allotted by N.C. laws:

Plaintiff will furnish requested documents, signing under oath as to her belief that these are compatible with the request OR such documents are not available:

Produce any/all copies of prescriptions prescribed within 36 months from the date of your receipt

Of this request;

1. Identify each medical doctor that you have seen in said 36 month period, along with his/her address and phone number;
2. Produce copies of all Physicians' notes for each visit OR a complete narrative summary including facts each visit;
3. Copies of any notebooks, memo books, calendars or any written matter incorporating any Doctor's visit, or prescription;
4. Copies of all Emails that you sent or received at any time from 1/1/2017 till the date of your receipt of this request IN WHICH you or your correspondent mention, allude to or conceal any identity of this Defendant or the Haywood Republican Alliance.
5. Copy of any law enforcement report of your allegation made on election night 2016 that "someone had threatened your daughter's life".
6. Any correspondence from the NCGOP, any officer of same, or the 11th District GOP, REGARDING the HRA and/or the Defendant originating this request.

Respectfully Submitted

A.E. Cabe, PRO-SE



This 2nd day of March, 2018

HAYWOOD COUNTY CLERK OF COURT

L133931 03/16/18 11:55:43

PAYOR: MILLER, M
PAYEE: COPIES
CASE#: VCAP: N
CITA#:

21410 COPY FEES	9.50
TOTAL PAID	9.50
CA TENDERED	10.00
CHANGE	.50

5689 ID C43BCB