

AUG 15 2018

STATE OF NORTH CAROLINA  
COUNTY OF HAYWOOD

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

DEBORAH KING,  
Plaintiff,

v.

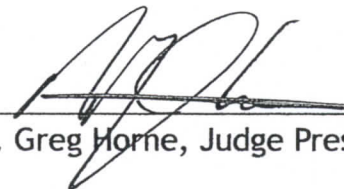
HAYWOOD REPUBLICAN ALLIANCE, a  
Political Action Committee by and  
through, RICHARD OWEN WEST,  
Individually and as Treasurer of the  
HAYWOOD REPUBLICAN ALLIANCE,  
JEREMY DAVIS, Individually and as  
Member of the HAYWOOD REPUBLICAN  
ALLIANCE, and EDDIE CABE, Individually  
and as a Member of the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

ORDER: RULE 12(b)(6) as to  
DEFENDANTS WEST and DAVIS

FILED  
2018 AUG -6 PM 1:14  
HAYWOOD COUNTY, C.S.C.

THIS MATTER heard at the June 11, 2018 term on the Rule 12(b)(6) motion to dismiss filed by Defendants West and Davis. C. Amanda Martin, Esq. appeared on behalf of Defendants West and Davis. Plaintiff was present in court represented by Russell L. McLean, III, Esq. "The function of a motion to dismiss under Rule 12(b)(6) is to test the law of a claim and not the facts which support the claim. The allegations of the complaint are taken as true for the limited purpose of testing its sufficiency. A claim for relief should not be dismissed unless it affirmatively appears that the plaintiff is entitled to no relief under any state of facts which could be presented in support of the claim." Renick v. News and Observer Publ'g Co., 310 N.C. 312 (1984) (internal citations omitted). Applying this standard and based upon a review of the complaint, arguments of counsel, and review of applicable law, the court grants the Rule 12(b)(6) motion as to the intentional infliction of emotional distress claim. The motion to dismiss the invasion of privacy by appropriation of name or likeness claim is denied.

This the 31 day of July 2018.

  
R. Greg Horne, Judge Presiding