

FILED

STATE OF NORTH CAROLINA

2018 SEP 12 AM 8: 55 IN THE GENERAL COURT OF JUSTICE

COUNTY OF HAYWOOD

HAYWOOD CO., C.O.C. SUPERIOR COURT DIVISION

CASE NO. 18CVS 116

DEBORAH KING

VS

HAYWOOD REPUBLICAN ALLIANCE

OCT 8 2018

JEREMY DAVIS, RICHARD WEST,

A.E. CABE, ET. AL

FAILING TO STATE A CAUSE OF ACTION

NOW COMES Defendant Cabe, PRO SE, and Shows this Honorable Court the Following:

This Motion is based on the requirements of NC Rules Civil Procedure 8, 9, 10 and 12(b)(6) in that an overreach On allegations, unsupported by facts, do not meet the requirements of cited statutes and said complaint is void Of any substantial facts enabling the Plaintiff to reach the trial level. Plaintiff has failed to state a claim upon which relief can be granted. Deficiencies follow in numbered paragraphs.

1. Plaintiff has alleged a case of a taking of the value of her persona and character by one or more Parties and; has further alleged that this taking was done by three Parties, plus 6 John Doe's, and the Haywood Republican Alliance, to include this Defendant. None of the Defendants is accused of performing any acts providing certain political "buttons", allegedly depicting herself and the Chairman of the "Rival" Haywood Republican Party. The only exception to this allegation is the possibility of a vague reference to Jeremy Davis (now deceased). There is a paucity and, absence, of any distinct damages related to any matter connected in the slightest to stated buttons, and especially this defendant.

2. The other allegations of Plaintiff seem to refer to the Parodies, Political Satire or Political cartoons of her displayed by certain popular songs of, perhaps, some 30 years past in a Jib Jab video . In fact, the depiction of her is not even close to a match; and is unrecognizable; she appears as a playful child, not dissimilar to the cartoon of the 1950, THE KATZENJAMMER KIDS, a work displaying the antics of two German children; no disrespectful antics or sexual innuendos. In fact, if the Plaintiff in her eagerness to establish a tort by someone, had not declared her humiliation created by others' actions; she would just be a politico and vice chair for the Haywood Republican Party.

3. Nevertheless, the generalities of the complaint are such as to diminish the few specifics of her submission, none of which relate to a claim for damages for the sum of \$75000. As for the claim of punitive damages, it is established in N.C. that these are 'punishments' for proven, not alleged, actions of a vengeful mind; not the mind of a unnamed political prankster. If all ran to the Courthouse, every time that they were displeased with the conduct of another, the Courts would be more overburdened.

Although the concept/remedy of 'De Minimis' maybe premature at this time; it will be ripe when Plaintiff's case is concluded. This Case rests on 12 Political Buttons admittedly made by Deceased Defendant Jeremy Davis at a cost of 25 cents each for a total of 3 dollars. See: Motion from Counsel Amanda Martin's, Answer and Motion for Judgement on the Pleadings, for Defendant Richard West dated August 24 , 2018 Paragraph 10 and 'Exhibit A' Copy of Invoice.

4. To consolidate the deficiencies of the complaint we enumerate, without favoritism, a failure to even allege Specific injuries or losses because of this Defendant's actions or inactions; moreover, for Plaintiff to fail to List or produce any evidence of any misconduct by this Defendant defeats her intents toward this Defendant. The far greater portion of the complaint is composed of "filler", put in to bulk up the paperwork BUT has no Legal sufficiency or vitality. Emotion has little place in pleading especially when the facts are just NOT there. If there is any culpability in any Defendant in the alleged incidents, it is not the Movant herein; words do not constitute, except under rare circumstances, any tort or any matter cognizable under the law authorizing Compensation.

5. The Movant herein denies that he produced any Videos, or Political Buttons, or sold, or trafficked, or profited off of, any 'buttons' or intentionally demeaned or assaulted Plaintiffs character. All of this confusion and expenditures are based solely on the Plaintiff's exaggerated sense of self and never-ending verbal encounters with the Haywood Republican Alliance, the contender for the GOP vote in Haywood, with her Haywood County GOP organization where she is the Vice Chairperson. Yes, POLITICS raised its head in Feb, 2018 when this complaint first saw the light of day. As provided in the North Carolina Rules of Civil Procedure, the written word is not magic nor fills the gaps of nothingness, when it is used to bring a legal action against one, who had not even been notified of any alleged misconduct. Hurt feelings or political differences should not be permitted to camouflage themselves as 'wrongs'; deceiving courts as to the real 'purpose' or intent of the action. Political revenge! Against her Rival Haywood Republican Alliance.

6. Movant asks for the dismissal of this suit based on the facts presented herein, combined with the deficiencies Of Plaintiff's complaint; it is the opinion of the Movant that the Defendant's burden has been carried.

Respectfully Submitted, this 11 day of Sept, 2018



A. E. CABE, Def. Pro-Se

Signature Affixed with knowledge of the Penalties of Perjury For False Swearing

A.E. Cabe

13 Haven Place

Canton, NC 28716

828-734-0422

SERVICE NOTICE

STATE OF NORTH CAROLINA

COUNTY OF HAYWOOD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT
Civil Case 18CVS 116

DEBORAH KING

VS

HAYWOOD REPUBLICAN ALLIANCE,

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

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BY HAYWOOD CO. C.S.C.

MOTION FAILING TO STATE A CAUSE OF ACTION

On this 11 day of Sept., 2018, a copy of attached MOTION FAILING TO STATE A CAUSE OF ACTION 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 TO PERMIT COUNTERCLAIM AGAINST PLAINTIFF AND ATTORNEY MCCLEAN

On this 11 Day of Sept. 2018



A.E. Cabe PRO_SE

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13 Haven Place
Canton , NC 28716