

STATE OF NORTH CAROLINA

COUNTY OF HAYWOOD

DEBORAH KING

VS

HAYWOOD REPUBLICAN ALLIANCE

JEREMY DAVIS, RICHARD WEST,

A.E. CABE, ET. AL

MOTION FOR HEARING

NOW COMES Defendant A.E. Cabe, Pro Se and Motions this Honorable Court for an expedited Hearing on his Motion to dismiss this Case (Incl), filed in September, 2018, offering the following facts in support of this Motion:

This case was initiated in February, 2018 and for over 4 months, no Trial Judge Looked at this Case in Haywood County to referee the Parties who were attempting to follow the NCRCP in attempting discovery or any effort to work towards a settlement. In fact, the Plaintiff was served with discovery in March and only served a few answers to admissions then; finally serving more answers in Mid-October, some 6-7 months later. During this period, certain defense Motions to Compel Motions to Compel were squashed or ignored by the sitting Judge. During this entire period of nine months, Movant has suffered financial loss and undue stress on himself and his family, primarily, by the way that this case has been handled by the Court.

But, that is not the crux of the matter; one of the Defendants, Jeremy Davis, died in August and Richard West, another Defendant, was dismissed in October After actions of his Lawyer Amanda Martin; leaving the Movant as the only viable and live Defendant. As this matter continues to writhe as a serpent without any evidence produced as to the guilt of this PRO-SE Defendant or anyone else, without any apparent concern from anyone, while the hardships on my family continue to take their toll.

FILED

2018 OCT 25 PM 2:29

HAYWOOD COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

CASE NO. 18CVS 116

NOV 9 2018

The reasoning behind the expedited request is that, based on its history, this case can continue indefinitely (All over a matter of \$3 in Political buttons, showing Political Satire, invoice attached). This case is merely Political Revenge and greed, All over Political Satire and Political Cartoons that this Defendant had no part in Making or Marketing.

A Case of Rhetorical Hyperbole!!

I realize that the public does not manage the court system, BUT it does have the ability to determine equity and fairness. It has determined in this County (except for the Plaintiff and her Lawyer) that this Political matter should have been concluded when the other Judge was here, but there were no visible efforts of the Judiciary to attempt this. This is not an effort to criticize but the facts are what they are.

WHEREFORE MOVANT PRAYS THAT:

1. The Court set for a Hearing as soon as possible, on Defendant's Motion To Dismiss; and
2. That Defendant have such other and appropriate relief as determined to be just.

RESPECTFULLY SUBMITTED this ^{25th} day of October, 2018.

A.E. Cabe PRO_SE

Arnold E Cabe PRO-SE

A. E. Cabe

13 Haven Place

Canton, NC 28716

SERVICE NOTICE

STATE OF NORTH CAROLINA

COUNTY OF HAYWOOD

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

DEBORAH KING

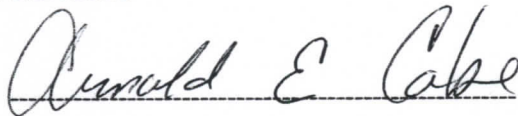
VS

HAYWOOD REPUBLICAN ALLIANCE,

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

MOTION FOR HEARING
On this 25th day of Oct., 2018, a copy of attached MOTION FOR HEARING 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.

On this 25th Day of OCT. 2018

A handwritten signature in cursive script that reads "Arnold E. Cabe". The signature is written over a horizontal dashed line.

A.E. Cabe PRO_SE

A. E. Cabe
13 Haven Place
Canton , NC 28716

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

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.

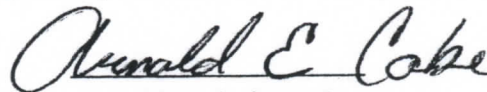
Although the concept/remedy of 'De Minimis' maybe premature at this time; it will be ripe when Plaintiff's case is concluded. This Case rests on 12 Political Buttons admittedly made by Deceased Defendant Jeremy Davis at a cost of 25 cents each for a total of 3 dollars. See: Motion from Counsel Amanda 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

GIFTS AND NOVELTY
610 648 7344

ORDERED		SHIPPED	REMARKS	PRICE	QTY	EXTENSION
12			JIB JAB BUTTONS	.25	3	

Invoice

ORDER NO. HRA
 ADDRESS Will pick up @ show
 CITY STATE ZIP Customer needs receipt
 377 Walnut Street
 Waynesville, NC 28786
 CUSTOMER ORDER NO. SOLD BY JBY DATE 4/29/17

FILED

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

2018 OCT 26 PM 4:10

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

HAYWOOD COUNTY, C.S.C.

DEBORAH KING,)
Plaintiff,)

vs.)

HAYWOOD REPUBLICAN ALLIANCE,)
A Non-Incorporated Political Action)
Committee, and RICHARD OWEN WEST,)
individually and as Treasurer of HAYWOOD)
REPUBLICAN ALLIANCE, JEREMY DAVIS,)
individually, and as Chairman of the HAYWOOD)
REPUBLICAN ALLIANCE and EDDIE CABE,)
individually and as Member of the HAYWOOD)
REPUBLICAN ALLIANCE, and JOHN DOE)
1 THROUGH 6)

Defendant(s),)

MOTION TO COMPEL THE
TAKING OF A NON-PARTY
DEPOSITION

NOW COMES the Plaintiff and moves the Court Pursuant to Rule 37 (a) (2) and of the Rule 30(b)(3) of Civil Procedure for a motion compelling Paul Yeager. Respectively shows unto the Court;


1. On the 18th day of September 2018, the Plaintiff's Counsel duly served on Paul Yeager a notice of deposition of oral testimony.
2. Paul Yeager failed to attend the scheduled deposition set forth October 19th at 10:30 am as set forth in the notice hereto mailed to him. A copy of the notice is attached hereto as Exhibit A and made a part hereof.
3. The Plaintiff has incurred reasonable expenses in connection with this motion including secretarial time and effort to prepare and serve the said notice as well as the scheduling of the Court reporter and other expenses in the sum of \$ 300.00.
4. The Counsel for the Plaintiff request that this verified motion be received as an affidavit.

WHEREFORE, the Plaintiff request of the Court the following;

1. To compel to Paul Yeager to attend and give sworn testimony pursuant to Rule 30 of the North Carolina Rules of Civil Procedure.
2. To award reasonable expensive incurred in connection with this motion.
3. For such other and further relief as the Court may deem just and proper.

Respectively submitted the 26th day of October 2018.

McClean Law Firm P.A



Russell L. Mclean III
P.O. Box 4
Waynesville, NC 28786
Phone: 828-452-2896

CERTIFICATE OF SERVICE

FILED

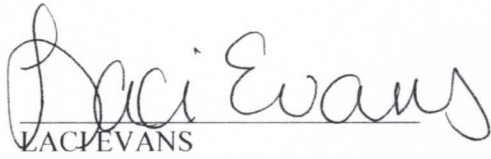
The undersigned legal assistant certifies that a copy of the Amended Notice of Deposition was served upon the opposing party by depositing a copy thereof enclosed in a first class, postpaid wrapper properly addressed to the below named in a post office or official depository under the exclusive care and custody of the United States Postal Service onto the following:

2018 OCT 26 PM 4:10
WAYNE COUNTY, N.C.

BY _____

Paul Yeager
25 Grahl Street
Waynesville, NC 28786

This the 20TH day of October 2018.



LACIEVANS
Legal Assistant to McLean Law Firm, P.A.
P.O. Box
Waynesville, NC 28786

STATE OF NORTH CAROLINA
HAYWOOD COUNTY

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

DEBORAH KING,

Plaintiff,

v.

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

Defendant(s),

AMENDED
NOTICE FOR DEPOSITION

TO: Paul Yeager
25 Grahl Street
Waynesville, NC 28786

PLEASE TAKE NOTICE that the deposition of **Paul Yeager** will be taken on Friday, **October 19, 2018** beginning at 10:30 a.m. at the office of, Mclean Lawfirm P.A., located at 1878 Camp Branch Road Waynesville, North Carolina, said examination to be had for the purpose of discovery or for use as evidence, or both, in the above-entitled action, pursuant to the provisions of Rules 26 and 30 of the North Carolina Rules of Civil Procedure. The deposition will be taken before



an officer duly authorized by law to administer oaths. The oral examination will continue from day to day until its completion.

This the 18th day of September 2018

/s/ Russell L. Mclean III

Russell L. Mclean III

P.O. Box 4

Waynesville, NC 28786

Phone: (828) 452-2896

Fax: (828) 356-6517