Monroe A. Miller, Jr. 2200 Camp Branch Road Waynesville, NC 28786 December 29, 2022 (828) 456-3718

The Grievance Committee **The North Carolina State Bar** PO Box 25908 Raleigh, NC 27611 <u>complaints@ncbar.gov</u> (919) 828-4620

### Subject: Grievance against Zebulon Loranzo Smathers Zeb L. Smathers, P.A..

I am filing a complaint against:

ID	40076
Name	Zebulon Loranzo Smathers
Address	Zeb L. Smathers, P.A.
	462 Main St., Ste. B
	Canton, NC 28716
	(828) 648-8240
Email	zebsmathers@smatherslaw.com

I am reporting alleged misconduct of the above named lawyer. I agree to provide to the State Bar all pertinent information and records in my possession concerning the alleged misconduct. If a hearing or inquiry is ordered concerning the alleged misconduct of the lawyer, I will testify if requested. I understand that the immunity granted by N. C. General Statute 84 28.2 applies only to those statements made to the State Bar without malice.

- I understand that the North Carolina State Bar may reveal this information to the accused lawyer and to others pursuant to the Rules of the State Bar. Initial <u>MM</u>
- I understand that the State Bar cannot give me legal advice, cannot represent me or intervene on my behalf in a court proceeding, cannot remove a lawyer from a case, cannot determine whether a lawyer committed malpractice or is indebted to me, and cannot change court orders. I understand that if I believe I have suffered damages because of an act or omission of a lawyer, I should not wait for the State Bar's disposition of a complaint before pursuing any legal claim or seeking legal advice. Initial <u>MM</u>
- My electronic or physical signature below confirms that the information I am providing on this form is, to the best of my knowledge, accurate. Initial <u>MM</u>

Signature: Monroe A. Miller, Jr.

Date: December 29, 2022

# Complaint.

This is a complaint against Zebulon Loranzo Smathers, a.k.a. Zeb Smathers, for the following.

- Representation of a defendant, Ed Smathers, in 22CVD401/22CR50955 combined cases, for which Zeb Smathers stated, in writing, that: "I do not represent Ed Smathers on any civil matters.", and yet he did, and,
- Dissuading witnesses in cases 16CR053432 and 22CR50955.

The evidence for this complaint comes primarily through two sources. Both of these documents are posted on <u>www.haywoodtp.net</u>.

1. Nine (9) pages of meticulous hand written notes I took during the court hearing on 10/11/2022, Lois Hollis v. Ed Smathers, 22CVD401/22CR50955 at 2:18 pm before Judge Monica Leslie, until the conclusion at around 7:00 pm.

22CR50955 - 22CVD401. My Meticulous Handwritten Notes during the Ed Smathers hearing on 10/11/2022. Zeb Smathers, see any indications of you representing Ed Smathers in the civil part (50-C) of the hearing (22CVD401), or evidence of dissuading witnesses? Remember, you indicated "I do not represent Ed Smathers on any civil matters." 10/11/2022. 12/23/2022...

https://www.haywoodtp.net/pubII/221224MeticulousNotesSmathersHearing.pdf

This document is attached as **Exhibit 1** to this Grievance, and appended to the end of this Grievance.

2. Documentation summarizing events surrounding case 16CR053432, Monroe A. Miller, Jr. v. CHARLES DOUGLAS WRIGHT, dated 2/6/2020, a hearing before Judge Donna Forga on 9/22/2016.

Lyin LYNDA BENNETT on 9/22/2016 at HRA Headquarters, Part I of II. Does President Trump need another person that lies, under oath, in a District Courtroom [re: 16CR53432]? Read pages 1-7, and in particularly, page 7, where LYNDA BENNETT lies her [expletive deleted] off. 9/22/2016, 2/6/2020. <u>6/7/2020...</u>

https://www.haywoodtp.net/pubII/200206LyndaBennettRecordingPart1.pdf

This document is also attached as **Exhibit 2** to this Grievance, and appended to the end of this Grievance.

# Part 1. Representation of a defendant who is not his client.

On 4/22/2022, Ed Smathers committed the Offence of I M -ASSAULT ON A FEMALE, 22CR50955, on Lois Hollis. See the video of the assault on <u>www.haywoodtp.net</u>

.mp4. Hey, Zeb Smathers! Check out this newly released, full 120 second, video of Ed Smathers assault on Lois Hollis. You got your work cut out for you defending this piece of work. Say Zeb, are you related to Ed? 7/2/2022...

or

https://www.haywoodtp.net/pubII/220712EdSmathersAssault-120Seconds.mp4

Lois Hollis filed two complaints, 22CR50955, a criminal complaint for the assault, and 22CVS401, a civil complaint, requesting a 50-C, no contact order.

As the two cases progressed through the court system, the two cases/complaints eventually merged together, both to be heard at the same time before the judge. Ed Smathers eventually retained Zeb Smathers as his lawyer for the criminal case, but never retained him for the civil action, 50-C.

Both cases were heard on 10/11/2022 before Judge Monica Leslie. The prosecution for the State, was Chief ADA Jeff Jones, with Zeb Smathers defending Ed Smathers in the criminal case. Lois Hollis was Pro Se with the civil case, 22CVS401, and since Ed Smathers had not retained Zeb Smathers for the civil case, Ed Smathers should have been defending himself before the Judge. Instead, Zeb Smathers defended both cases.

The following email is a confession by Zeb Smathers that he did not represent Ed Smathers in any civil matters. The email to me is dated 12/5/2022.

Subject: Re: Ed Smathers, #2.

Date: Mon, 5 Dec 2022 08:50:33 -0500

From: Zeb Smathers <zebsmathers@smatherslaw.com>

To: Monroe Miller

I hope you're doing well. Sorry for the delay as I try to refrain from work emails on the weekends. I do not represent Ed Smathers on any civil matters. I hope you have a wonderful Christmas.

Zeb Sent from my iPhone

I created two (2) copies of my handwritten notes from 10/11/2022, and then used yellow highlighter marker to highlight items for each of the two instances of the complaint:

- **Exhibit 3** Yellow highlighter showing all instances of Zeb Smathers involvement with the 50-C portion of the hearing, which included Zeb Smathers badgering the hell out of Lois Hollis when she spoke before Judge Monica Leslie. Zeb Smathers did not represent Ed Smathers on any civil matters, yet, Zeb Smathers was the one speaking for Ed Smathers. The first words Ed Smathers spoke, was at 5:53 pm when Zeb Smathers called Ed Smathers to take the stand, who swore on a Bible to tell the truth, the whole truth, and nothing but the truth.
- **Exhibit 4** Yellow highlighter showing all instances of Zeb Smathers involvement with Dissuading Witnesses.

### Exhibit 3 Summary.

Summary of Zeb Smathers actions of the hearing, from the aspect of Zeb Smathers involvement of the civil portion of the hearing, the 50-C. This is summarized page by page, noting the time, of what happened.

Page 1

- 2:38 Zeb Smathers requested a pre-hearing discussion of the 50-C, calling out Lois Hollis, Joe Lipari and Jeff Jones. Eventually including Ed Smathers. Reason, Zeb Smathers trying to make a deal. Zeb Smathers would give Lois Hollis the 50-C if she would drop the assault charge. Lois Hollis did not trust Zeb Smathers, she declined.
- 3:14 After Lois testified, there was discussion on the 50-C. Zeb Smathers started asking a series of questions of events prior to the assault, wanted exact dates of rocks being thrown. He was badgering Lois Hollis who can remember exact dates of stuff that occurred over a year ago. Zeb Smathers was grand-standing.

### Page 2

Zeb Smathers cross on 50-C. He was badgering the Pro Se.

Zeb Smathers to Lois - "You dropped your phone, didn't you". Inquired about the Police Report. Accused Lois Hollis of speeding up the road (you can't speed up that road!) Zeb Smathers laid out a scenario of absolving Ed Smathers.

### Page 3

Lois asked Joe Lipari, who took the stand, about aspects of the 50-C Noreen Lightford took the stand, a character witness for Lois. Zeb Smathers interacted with Noreen Lightford, which should have been done by Ed Smathers.

#### Page 4

5:25 Indication that the 50-C would be or was dismissed.

### Page 6

5:53 Zeb Smathers called Ed Smathers to the stand. These were the first words Ed Smathers spoke, was at 5:53 pm when Zeb Smathers called Ed Smathers to take the stand, who swore on a Bible to tell the truth, the whole truth, and nothing but the truth.

So, if these were the first words that Ed Smathers spoke, who the hell was arguing before the court about the 50-C? It was Zeb Smathers.

# Part 2. Dissuading witnesses in cases 16CR053432 and 22CR50955/22CVS401.

This section includes information from two (2) sources -

- 1. **Exhibit 4** Yellow highlighter showing all instances of Zeb Smathers involvement with Dissuading Witnesses, from my handwritten notes taken in court on 10/11/2022. In this instance, witnesses provided false testimony
  - Ray E. Roberts
  - Ed Smathers
- 2. Recollection of events related to 16CR053432 on 2/7/2017. In this instance, witnesses provided false testimony
  - CHARLES DOUGLAS WRIGHT
  - Ken Henson
  - Cornelia Cree
  - Lynda Bennett

Zeb Smathers defended CHARLES DOUGLAS WRIGHT in case 16CR053432 on 2/7/2017, in front of Judge Donna Forga. Zeb Smathers called, as witnesses, Ken Henson (Zeb Smathers father-in-law), Lynda Bennett (failed US Legislative Candidate), Cornelia Cree (forced to resign as Board Member from Haywood Board of Elections), and CHARLES DOUGLAS WRIGHT himself, who threatened me by saying "BACK OFF OR ELSE THERE WILL BE BLOOD RUNNING OUT BOTH YOUR EARS". Kate Wren was the ADA for the state (me).

As each of these people, who had been sent out to the outside hallway until it was their turn to testify, were perfectly choreographed, when asked - "Did you hear CHARLES DOUGLAS WRIGHT say "BACK OFF OR ELSE THERE WILL BE BLOOD RUNNING OUT BOTH YOUR EARS"?

As each witness called by Zeb Smathers swore an oath to tell the truth, nothing but the truth on a Bible, he asked them if CHARLES DOUGLAS WRIGHT had threatened me. Each one lied their [expletive deleted] off and said they did not hear CHARLES DOUGLAS WRIGHT say "BACK OFF OR ELSE THERE WILL BE BLOOD RUNNING OUT BOTH YOUR EARS".

Judge Donna Forga bought into convincing testimony by

- CHARLES DOUGLAS WRIGHT
- Ken Henson
- Cornelia Cree
- Lynda Bennett

and dismissed my case!

So, as you can imagine, I will never believe anything that comes out of the mouths of any of these people ever again as long as I live, and I am not happy with Zeb Smathers.

A complete summary of this event is included as an attachment to his complaint, Subject title: <u>Recording of</u> Lynda Bennett on 9/22/2016 at HRA Headquarters, Part 1., and also found on <u>www.haywoodtp.net</u>

LYNDA BENNETT on 9/22/2016 at HRA Headquarters, Part I of II. 9/22/2016. 2/6/2020...

https://www.haywoodtp.net/pubII/200206LyndaBennettRecordingPart1.pdf

It was Déjà vu all over again when Zeb Smathers called Ray E. Roberts and Ed Smathers as witnesses against Lois Hollis in 22CR50955 on 10/11/2022. The drill was the same, Zeb Smathers keeping everyone out in the hallway outside the court until it was their turn to testify.

Refer to **Exhibit 4**, appended to the end of this Grievance. This is where Ray E. Roberts and Ed Smathers were called to the stand, and Zeb Smathers was attempting to pull the rabbit out of the hat, leading both of them towards absolving Ed Smathers of the assault. Clearly, each witness was choreographed, but this time, their testimony was shattered and smashed to bits by ADA Jeff Jones, who blew holes in both their testimonies. Too bad Kate Wren could not have done that for me in case 16CR053432, but she only had a half an hour of prep time for my case.

This time, the Judge did not buy it. Why? Because there was a video!

https://www.haywoodtp.net/pubII/220712EdSmathersAssault-120Seconds.mp4

Zeb Smathers has filed a new lawsuit against Mission Health of Asheville, NC.

22CVS3616. Stone Smathers, Ashely Smathers and Zeb Smathers v. HCA HEALTHCARE, INC., MH MASTER HOLDINGS, LLLP, MH HOSPITAL MANAGER, LLC, MH MISSION HOSPITAL, LLLP.

22CVS3616. Zeb Smathers v. HCA HEALTHCARE, INC., MH MASTER HOLDINGS, LLLP, MH HOSPITAL MANAGER, LLC, MH MISSION HOSPITAL, LLLP. 12/14/2022...

https://www.haywoodtp.net/pubII/221214-22CVS3616Smathers-v-MissionHospital.pdf

It may be likely that Zeb Smathers may call his father-in-law, Ken Henson (who is Ashely Smathers father) to testify in this case. Lawyers for Mission Health would be well advised to consider Ken Henson's previous testimony in case 16CR053432. I don't know about them, but I will never believe another word that comes out of Ken Henson's mouth again.

It may be that lawyers get a free pass by telling witnesses to lie their asses off, but it didn't work for Oxane "Gypsy" Taub.

See the FOX News article -

https://www.foxnews.com/politics/pelosi-alleged-attacker-ex-stalked-teen-14-told-him-dating-not-illegal-long-no-sex ?

It was an article about the guy who whacked Paul Pelosi (Nancy Pelosi's husband) with a hammer. His name was David DePape, and he had an equally whacked out girlfriend (ex-wife) named Oxane "Gypsy" Taub. It turns out that "Taub's own criminal past demonstrates a faulty grasp on reality. She was convicted in August 2021 on 20 counts for disturbing behavior towards a 14-year-old boy, including stalking, attempted child abduction, child molestation, <u>dissuading a witness</u>, and other charges."

What's good for Oxane "Gypsy" Taub should be good enough for Zeb Smathers.

Monroe A. Miller, Jr.

Monroe A. Miller, Jr. 2200 Camp Branch Road Waynesville, NC 28786 (828) 456-3718

[Notary Stamp Here]

Adam Dinkins NOTARY PUBLIC Buncombe County, NC My Commission Expires December 2, 2023

Jurat

Signed and sworn before me Adam Diaking, on this day, the 29th day of December, 2022.

Dài Signed: D

Printed: Adam Distaining

My commission expires on 12/02/2023

-7-

• Exhibit 3 - Yellow highlighter showing all instances of Zeb Smathers involvement with the 50-C portion of the hearing.

Yellow High light, enarched Indicates OCT 11 2022 Zel Snathers Involvement with 50-0 District Court 0 10/11/21 Monica Leslis 2:00P 2:18 Leslie Jeff Jones Zel ? Joff dissappeared . Lois, Joe 2:35 Jal Returned Noren The Ed Bunch. 2:38 Zeb Smathers Requested to durin SOC. Brad Fargueon CS 2:54 Zel Pulled out Ed Smathers. 2:55 Zel F Ed Returned Guy in grey Reard. Zeb - No eye Content. 2:57 Lois & Joe Returned. (Zet FEd very anifrom ()) 3:64 Zel Pulled a bunch of Ed Reople. 3:06 Zel Roturned with Ed and Sharon -3:08 Jeff Jones will handle The rest - CS. cs mit Locking happy - (2) Ed -Not Guels Witnessers Sequestered 3:13 3:14 Lois Called. Frightened Judge only Interested in Ed videos prior to assoult. Zel Smathers - SOC Rocho - aturd Date Amoling Roch, November date 9/4 Thun Rocho. Nov 6th Monroe A. Miller, Jr. 2200 Camp Branch Road Waynesville, NC 28786

gio : OCT 11 2022 2 Zele Cross on 50-C Barlgering - Pro Se) < asking who lives afferent houses on Johnson Hill Dr. I gotte get outto there, But didn't key it on Copy Sol the video . Had To Stop Because of dogs Hollis - dor't Scream No yelling Crying. Start druty . Stop Car any get out. Ed Toys old Leaned over to Passengerside Toget wides. Joe can verify Injuries Cell Phare - Can't tell when or were. 50-6 You dropped your phone, didn't you. Zel Police Report Came Speading up hell. 4:50P Zeh Land out a sceneres obsolving Fed Dya Va' Just like Charles Douglos Write End 4:55 Monroe Miller 2200 Camp Branch Rd. Waynesville, NC 28786

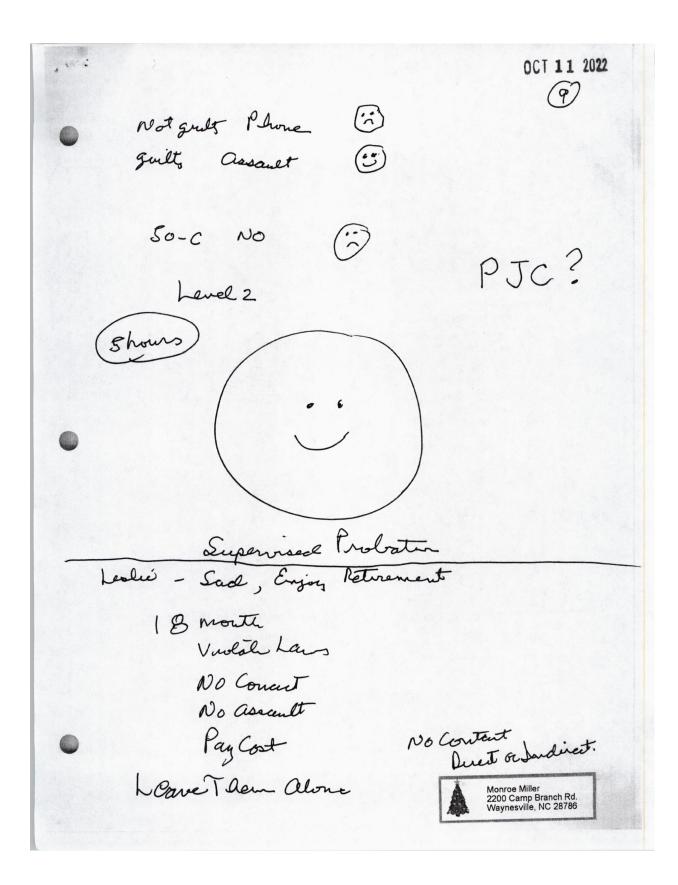
DCT 11 2022 / 3 4:55 Joe Lipani Jeff Jones Zelo - Richan orders Cell Phone damage? Joe - not agressive . all charges/ Both Sides / dismissed . Who lives in houses surroundin Smothers. 50-C ashed questions from Low to Joe? Joe performed remainder on Low after the attach. Noren Lastore - Witness for 50-C 5110 Harrassed assaulted afraid will Escalate . Situational aware Zet - Charges against neighborn. Monroe Miller 2200 Camp Branch Rd. Waynesville, NC 28786

OCT 11 2022 5 Friends, with Ed Stelfriends, don't go up to See him. Sharon Ramsey, Ed Calledon Ray Robert. Saw Video he Thinks Not Seen video last weeks Video Ed/Sharon Can't rember fresh of case Body was between Wetness and Low Ed: did not Touch her arm would have moved doen guy did not See! That's my Understander That how I would have done it Cano tell 001 No glusses Did Not See Been Conducted Robors. DID NOT SEE WHAT HAPPENED. Monroe Miller 2200 Camp Branch Rd. Waynesville, NC 28786

OCT 11 2022 6) This is the first time Ed Smathers Spoke 5:53 Zel Ed Smather 124 Johnson Well Chazes Fron Hollo 33 70y retired Never Touched her. THANK HEAVENS FOR THE VIDEO. LYING HIS ASS OFF. Demeana " Had as Hell". Crie Store @ LOIS - WTF? Ed doesn't know what is in Police Report Jaff - Ed Ira Dove 6:000 coming up road at Fast rate of Speed Ed 2013 tures She was screaming Od 6 sand when for 1 st time No screaming on video BS Engineer, MSg + Project Boys don't hitgines. Show Video . gun NO Weapors NO Why go into Care. Ed was the agresson Monroe Miller 2200 Camp Branch Rd. Waynesville, NC 28786 Lost his Temper.

OCT 11 2022 9 He smached the Phone Why was he smilen, Because She was taken her picture. She smached her our Self in the frace. Zeb Ed I'm gonne get you (x3) Smiling for Tacking Pretures . 50-C 7 Protection affire entered NO more Witnesses Monroe Miller 2200 Camp Branch Rd. Waynesville, NC 28786

OCT 11 2022 (8) 2:35 Zeb Summation 6:25 Lois Holles "Un behevable" More on a Celephone No damage to glasser. Poes not Show the reality of the Situation . Rolerts? Credility . I'm gonna get you Ed" X3 Phone dropped The madent Never happened The rudeo is not what happened Police Report - Could mit contraction Report, Ressonable Doult. That not what happened. Bad Neighborhood Situation You have to believe the whole Story, Jeff 6:35 Police Report If not for The Video. Clear from Video, hear the import assault - applicate of force Boom hit phone. Swothen, Lost Temper , Needs To Stop. Monroe Miller 2200 Camp Branch Rd. Waynesville, NC 28786



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OCT 11 2022 (9) Not guilt Phone (?) guilt assault (?) SO-C NO  $(\overline{})$ PJC? Level 2 shows) Leolie - Sad, Enjoy Retirement 18 month Vuolah Lans No Conact No assault No Content Direct or Judicet. Pay Cost Lowe Them alone Monroe Miller 2200 Camp Branch Rd. Waynesville, NC 28786