

Lawsuit Against Shelby City Manager Rick Howell Picks Up Steam!!! Shelby Taxpayers Footing Howell's Lawyer Bills!! Judge Denies Howell's Claim of IMMUNITY!!! Based on Criminal or Malicious Intent!! Orders Howell to Proceed to Next Step for the actual Trial!! Government Officials Everywhere fear same results!! Judge's Order and arguendo Provided by Robert A. Williams

Superior Court Judge W. Todd Pomeroy has denied Shelby City Manager Rick Howells Motion to Dismiss a lawsuit for defamation filed against Howell by Shelby Businessman Willie Green. The Judge's Order attached below also ORDERS Howell to "Answer" the complaint within 45 days. To "Answer" a complaint per North Carolina Rules for Civil Court Procedures, requires Howell to respond to every item alleged in the lawsuit either to "Admit" or "Deny" UNDER OATH to Every allegation. Since the lawsuit against Howell is grounded in an email where Howell defames Mr. Green in a written communication to other City

Council Members and Mayor Stan Anthony, Howell's "goose" is pretty much already cooked.

And the Shelby City Council members as well as Mayor Stan Anthony's individual "goose" may be cooked as well. As noted in the Shelby Star's Sunday January 26, 2020 front page article every Shelby Council Member and Shelby Mayor Stan Anthony have been advised by the City Attorney to say nothing in public about the lawsuit. Per this article MOST of the City Council and Mayor DID NOT follow their legal advice. Which opens them up for inclusion in this or a separate lawsuit against them for their egregious acts.

It works like this. Governmental Officials and Employees are granted legal immunity against prosecution in the course of their actions in carrying out government business. That is as long as they are acting in "good faith." If it can be shown that the officials are acting with criminal or malicious intent, their immunity is null and void.

Howell's Motion to Dismiss Green's Lawsuit was based on his claim of immunity, In the hearing of Howell's motion December 10, 2019, Willie Green alleged Howell's acts were made with criminal or malicious intent. The Judge Pomeroy agreed with Mr. Green's assertions that criminal or malicious intent was involved and DENIED Howell's Motion to Dismiss. And Ordered Rick Howell to Answer the Complaint within 45 days.

Rick Howell had 14 days from the date of the Judge's Order to appeal Judge Pomeroy's ruling. Judge Pomeroy signed the Order on January 13, 2020 and the Order was filed with the Clerk of Superior Court that very same day. Now, it is January 28, 2020 and no appeal has been entered by Rick Howell into the Court files. So, now Rick Howell has 30 days left to file his "Answer" and for the case to continue to trial.

The next step after Howell's "Answer" and before the actual trial, there is a period where "discovery" is applied.

"Discovery" is the legal process where each party, Willie Green and Rick Howell get to ask and answer each other's questions related to the case. One example of a Discovery question could be Mr. Green inquiring into Rick Howell's personal "financial situation" so the trial jury will know how much to fine Rick Howell if he loses the case against him. It is not beyond the realm of possibility that Shelby City Manager Rick Howell may end up living under a bridge with Mr. Green owning his job, house, his car, his property and his bank account. Or something along those lines.

It is also possible that the Shelby Mayor and most of the other City Council members could be included in this or another related lawsuit and suffer the same fate as Mr. Rick Howell. Also, as this precedent is set, that governmental immunity CAN be removed for cause, and EVERY other Corrupt official in Cleveland County has to face this fact; that similar lawsuits will be brought by others who have been "shafted" by governmental agencies and employees, This is a tremendous tool to strongly compel those very same governmental agencies and employees who would "shaft" the citizens to not do so. And to do the right thing and in the right way. Evidence of this has already been seen on the Cleveland Community College Board of Trustees and even the School Board-to a point. As shown in the January 27, 2020 School Board meeting, corrupt officials tend to stay corrupt. They just try to find better ways (to cover-up better) to keep their immunity intact.

In the end, it is always more effective for the citizens to vote out of office those that tend toward corruption. Keeping government in line is called "checks and balances." The Jury box and the Ballot Box is the ultimate solution for a good government. Mr. Green has won a victory in his quest toward the Jury box. The rest of us will have to be content to take advantage of the ballot box for our part in cleaning up Cleveland County government. And the 2020 Elections are the

best place to start.

Stay Tuned. For the rest of the story.

[WG - Howell Motion to Dismiss-Denied](#)