

Judge Rules in Favor of Willie Green's Lawsuit!!! Shelby Star Invited to hearing by Green, but did NOT attend!! Judge Denies Motion to Dismiss, Gives Green 30 Days to Amend complaint, Possibly to Add Council Members Dicky Amaya and David White to Lawsuit! –Report and arguendo by Robert A. Williams

The mandatory arbitration hearing on Willie Green v. Stacy Heavner lawsuit was scheduled for Tuesday, December 1, 2020 at 3:00. All the parties, their lawyers and subpoenaed witnesses Shelby City Council Members Dicky Amaya (in office when the basis for the lawsuit occurred) and David White and Shelby Attorney Andrea Leslie-Fite were there early, so Presiding Judge Pete Gilbert started the hearing early. And immediately got down to business.

Stacey Heavner had attended a Shelby City Council Meeting and spoke in a Public Hearing against a rezoning application that Mr. Green had submitted for approval. Heaver, although not living in the neighborhood, had come to the City Council meeting to speak against Mr. Green's rezoning request.

According to Heavner's statements to the Shelby City Council Mr. Green was going to build low income housing and had demanded \$100,000 from the City of Shelby. Heavner also stated that there would be traffic problems, rainwater drainage problems and other such things although he was no expert of had valid credentials for any of the things he described. Mayor Stan Anthony denied Mr. Green the right to speak in behalf of his \$500 dollar rezoning request and the Council voted to deny Mr. Green's rezoning request, without any statement of why, although the Shelby Zoning and planning board had unanimously voted to approve Mr. Green's request and said so at the council meeting.

So, Mr. Green was left with no other option than legal actions.

Mr. Green first sued Stacy Heavner in Small Claims (Magistrates) Court, but the Magistrate Judge dismissed the case saying it was too complex for her to make a fair ruling on the case. Mr. Green bumped the case up to District Court and started from there.

In District Court, Mr. Green filed for "Discovery," which is a legal procedure that allows the parties to ask questions of each other and received sworn answers. It was in this "Discovery" that Stacy Heavner provided written and sworn statements that it was Former Shelby Councilman Dicky Amaya and Councilman David White who had communicated to him (Heavner) the false statements that Mr. Green had demanded \$100,000 from the City and that he was going to build low income Townhomes. Heavner also stated under oath that Amaya and White had put him up to attending Mr. Green's Rezoning Request Hearing and speaking out against Mr. Green's Rezoning Request Application.

At today's (December 1, 2020) Arbitration Hearing, Heavner's Attorney Daniel Talbert submitted a Motion to Dismiss Mr. Green's lawsuit. According to Attorney Talbert all Mr. Green

was doing was launching a "Fishing Expedition" trying to round up some body to sue. Talbert never mentioned that his client Stacy Heavner had implicated Amaya and White of having told him the false information and put him up to make those false statements to the Shelby City Council. Arbitration Judge Pete Gilbert denied Talbert-Heavner's motion to dismiss.

Gilbert also allowed Mr. Green 30 days to amend his District Court complaint to better represent his case in District Court from the lesser requirements of Small Claims Court. Although Judge Gilbert did not say so in exact words, in my opinion Judge Gilbert knew that Mr. Green would, sooner or later, amend his complaint against Stacy Heavner to also include Dicky Amaya and David White. And possibly the entire Shelby City Council and the City of Shelby.

It is also my opinion that Stacy Heavner, Dicky Amaya and David White's secret actions to cover for the Shelby City Councils denial of Mr. Green's Rezoning Application borders on criminal conspiracy. Which is a felony crime. I have to suspect that Stacy Heavner's sworn (I'm not going down alone) confession of Amaya and White's involvement in what appears to be a criminal act; as well as all the Shelby officials continuing to file Motions of Dismissal. Motions based on a lack of evidence-knowing full well that such early stages of lawsuit procedures have not yet gotten to the point of entering into the record evidence, testimony and and proof. All questionable and likely unethical legal tricks to get the damning lawsuits dismissed without actually having to testify under oath.

My take is; when the truth ever comes out, somebody up and including the whole Shelby City Council, will be fitted for prison clothes. Note that District Attorney Mike Miller is copied with this article. Sheriff Alan Norman too. SBI.

Stay Tuned!!!