Pt 1. Complaint Filed in Federal Court Accusing Lawyers Representing Cleveland County of Illegal Acts!!! Complaints to the North Carolina State Bar are to follow!! Report by Robert A. Williams

Editor's Note: Everybody has heard the old saying that "Lawyers have a license to lie in Court." The fact is, that old saying is NOT true. Lawyers do NOT have a license to lie. North Carolina law and Federal law as well as the North Carolina State Bar Rule 3.3 says lawyers can be sanctioned for telling lies to the Court or for filing pleadings that allege things that are NOT true. Especially knowingly NOT true. The only thing is, basically all lawyers do it and, therefore, they won't complain on one another. To the detriment of their clients. Previous to August 2021, I have no personal knowledge of a lawyer in Cleveland County or representing Cleveland County Governmental agencies ever being accused, much less sanctioned for lying to a Judge during a Court hearing or in Court Documents. Even in the case of Cleveland County Schools filing a frivolous lawsuit against Sheriff Alan Norman. The schools never did a thing except to brag on what good lawyers they had.

However, things have changed.

First, the legality of lawyers, the truth and other bad acts:

Rule 11 in the North Carolina Rules of Civil Procedure—General Statute-NCGS 1A-1 (a) states in part that: a pleading **"is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation."** From my experience court watching, this is standard practice for lawyers when they represent Cleveland County Schools, Cleveland Community College the Commissioners and the City of Shelby. His case of interest in this article is NO exception. I will include the Federal Court filing documents that show so many motions to Dismiss or to "Seal Documents" and such. You can see for yourself.

Rule 11, NCGS 1A-1(c)(2)a, also states, in part, **"That all the material allegations of the pleadings are true to his personal knowledge."** A prime example of lawyer lying to the Judge happened in the Case of Willie Green in his lawsuit against Stacey Heavner-associated with the City of Shelby denying Mr. Green's application for a zoning change. IN that case Heavener's attorney, Daniel Talbert, told Judge Jamie Hodges a bunch of whoppers. Scroll on back a few articles for my article about that. Mr. Green has personally filed a Complaint with the North Carolina State Bar about that. We will let you know what happens about that when the "investigations" are done.

Rule 11 also states that a complaint alleging a violation of Rule 11 may result in an offending lawyer being sanctioned for his or her violation.

Rule 11 of the Federal Rules of Civil Procedure pretty much says the same thing as the North Carolina Rules of Civil Procedure, except that Rule 11 of the Federal Rules of Civil Procedure **imposes a threshold prefiling investigation that**, while appearing straightforward, might leave doubt about what satisfies the requisite inquiry. Under Rule 11, there is an affirmative duty to investigate both as to law and as to fact before a complaint is filed.

Federal Court Records (Public Records) show that Rev. Dante Murphy has filed a Complaint in Federal Court alleging Rule 11 violations against Attorney Stephanie Webster who is representing the Cleveland County Commissioners in a lawsuit that was started by alleged illegal acts of the Cleveland County Department of Social Services., Commissioner Chairman Doug Bridges and others. That complaint was filed in Federal Court on August 20, 2021 related to a Court Hearing in Federal Court in Asheville on August 2, 2021. I attended that very same hearing and have a bit to say later on in this article. Rev. Murphy's Complaint is a public record and I have provided that Complaint and supporting documents at the end of this article.

Rev. Murphy's filing in Federal Court also included statements that he intended to file Complaints to the North Carolina State Bar against Lawyer Stephanie Webster (representing Commissioner Chairman Doug Bridges, the Commissioners, Cleveland County, The DSS, DSS Director Katie Sawyer and County Manager Brien Epley) as well as Deputy Cleveland County Attorney Martha Thompson for violation of the State Bar's ethics rules. Especially Ethics Rule 3.3 which prohibits lawyers from telling lies to the judge during court hearings. The hearing in Federal Court on August 2, 2021 especially.

For me, the August 2, 2021 Federal Court hearing In Asheville was, for me, a Court Watching adventure. I attended that hearing. Partly because I was named in the Federal Lawsuit as a witness and partly because it was possible, since I had written and published a so-called "Public Deposition" article that stated exactly why I was interested in fighting corruption in government (Cleveland County government especially) and to define exactly what I knew about the particulars regarding the lawbreaking that had generated Rev. Murphy's lawsuit to begin with.

I arrived at the Federal Courthouse in Asheville a little bit early to find my way around any crowd of people that might be

there. There was no crowd, I went through the Courthouse security and found my way to the Third Floor Courtroom. I entered the Courtroom and found Rev. Murphy sitting at the right-side front table facing the Judge. So, I went up to that table and also sat down.

The Courtroom was about three times bigger that any of the Cleveland County Courtrooms. The furniture and walls were lined with what I believe was walnut. The place was impressive.

Besides me and Rev. Murphy, a Clerk of Court, a stenographer, and a Bailiff were the only people in the room. A bit later Lawyers Stephanie Webster and Martha Thompson entered the Courtroom and took seats at the left side table facing the Judge's Bench.

The Clerk of Court asked me my name and what I was doing there. I told her my name and that I might be asked by Rev. Murphy to testify.

Later, the Clerk came back from talking to the Judge, who was not yet in the Courtroom. The Clerk came back a few minutes later stating that I would not be testifying and neither would Martha Thompson. Only Attorney Stephanie Webster and Rev. Murphy would be testifying to the judge.

As the Clerk was first talking to us, I cupped my hand behind my ear to hear her better. The gracious clerk asked me if I had some difficulty hearing and offered me the use of some sort of a hearing assistance device. I said sure.

The Clerk brought me what looked like an upside-down set of ear phones. You plugged the ear piece into your ears and a volume control device extended down to my chest. The Clerk instructed me to turn the volume control back and forth to adjust the volume. She also told me that the Courtroom microphones were hooked into a radio transmitter that transmitted what was said to the hearing assistance device.

So, I am sitting there with this gadget hanging from my ears turning the volume control knob and nothing happens. Then I realized that nobody was talking and there was nothing to transmit. But just a few seconds later, I start hearing voices. Who was talking? I wondered, looking around and twisting the knob on the hearing device.

The only people in the room that were talking were Lawyers Stephanie Webster and Martha Thompson. All the microphones in the Courtroom were “hot” and the “system” was feeding their conversations with each other straight back to ME. Even their whispers that indicated that they surely did not want either Rev. Murphy or myself to hear.

At his point, I will not say whether or not I heard enough of anything to give up information regarding their Courtroom strategy. I will tell the Judge, if asked, what I heard and whether or not I relayed any inside information to Rev. Murphy. I WILL say this; When Federal District Court Judge Max Cogburn, Jr. entered the Court and the Court Hearing began, the hearing device worked perfectly. I heard everything that was said by the Judge, Attorney Webster and Rev. Murphy. That Federal Court Hearing will be the subject of the rest of this article.

Federal District Court Judge Max Cogburn, Jr. entered the Courtroom at 9:30 AM, apparently already briefed by the Clerk of Court about who was in attendance, what were the additional people (Myself and Deputy Cleveland County Attorney Martha Thompson) there for. Judge Cogburn got straight to the business at hand.

Judge Cogburn first informed the parties about some administrative items, neither myself nor Attorney Thompson would provide testimony or even speak. The only people to speak were the representatives for the parties, Attorney Stephanie Webster for the Defendants. Rev. Murphy for the Plaintiff-himself.

Judge Cogburn also ruled that the case was going to be limited in scope to only include the alleged retaliation against Rev. Murphy by Cleveland County. And he was removing the Commissioners, Doug Bridges and DSS Director Katie Swanson as defendants, leaving only "Cleveland County" as the Defendant that would be liable if the Motion to Dismiss was denied and the case went to a jury. At first brush, this might seem to be against the Plaintiff (Rev. Murphy), until you realized that "Cleveland County" has the power to tax citizens and any jury ruling-even in the multi-millions of dollars-against the County would have to be paid by the County taxpayers. I have always contended that the Cleveland County Commissioners would someday be caught up in something they couldn't get out of and taxpayers would be stuck with the big bills. That this would have to happen to "wake-up" the voters in Cleveland County to the fact that the bad acts of the County Commissioners would have to be paid for by the taxpayers. Perhaps, if justice is finally done, that will end up being a prediction that is close to coming true.

Now to the details of the Motion to Dismiss. Since Attorney Stephanie Webster, representing the County, had drawn up that Motion, she went first.

1.Attorney Webster started by saying Plaintiff Murphy had failed to "serve" his lawsuit against the County on the proper person. Basically, only a legal "loophole" but still a requirement. Webster used a ton of words to say how bad it was not to serve a defendant in lawsuit. Completely leaving out much of what had actually transpired.

When Rev. Murphy's time to speak came around, Rev. Murphy explained to Judge Cogburn that he had realized the importance of serving legal documents on the proper person and that he had sent by email to Cleveland County officials a Freedom of Information Act/Public Records Request stating he intended to file a lawsuit against Cleveland County and was asking for the proper name and address of the person that was to be served

with the legal paperwork. That email will be included in an attachment for proof of what actually transpired in this regard. The County Officials that received this email also included the actual person authorized to accept service of lawsuit documentation. That person is County Manager Brian Epley. Every County Official, including Epley, refused to provide the information Rev. Murphy had requested.

The Judge then asked Attorney Webster whether or not the County had received that email request from Rev. Murphy and Attorney Webster agreed that they HAD received that email. That fact seemed to take Judge Cogburn aback as he mused that the County had refused to inform Rev. Murphy, when he had asked for the proper person to serve, then Cleveland County was using the fact that when Rev. Murphy served the lawsuit on the wrong person, Cleveland County is holding it against Rev. Murphy.

Attorney Webster also stated that Freedom of Information Act requests were covered by Federal Law and Cleveland County didn't have to honor FOIA requests. All the while Webster had somewhere in her possession that email and that email specifically did NOT mention the Freedom of Information Act but instead stated "under Applicable Federal and State Law, please provide…." Such a flimsy excuse by Attorney Webster as well as Martha Thompson for not providing Rev. Murphy with the name of County Manager Brian Epley as the person to serve the lawsuit document on surely made a bad impression of Judge Cogburn. It also led Rev. Murphy to file a grievance complaint against Lawyer Webster under Rule 11 of Federal Civil Procedures and (including Martha Thompson) with the North Carolina State Bar for their unethical attempts to mislead and deceive Judge Cogburn during a hearing in Federal Court.

This was not all that transpired in this Motion to Dismiss Hearing:

2.Attorney Stephanie Webster then stated that Rev. Murphy had

made false statements (lied) on all of his applications for re-employment with the Cleveland County Department of Social Services. Webster went on and on about this and that. But, when it was Rev. Murphy's time to speak, he informed Federal Judge Cogburn that what he had written on the application forms were accurate to the best of his knowledge and anything that was allegedly false was still being determined in a separate "State" lawsuit in New Hanover County. Per my information and understanding of that separate case, the Cleveland County Department of Social Services my have themselves provided false or misleading information to the New Hanover County Department of Social Services that caused the NHC DSS to terminate Rev. Murphy. A termination that caused the lawsuit in New Hanover County that the Cleveland county Lawyers were trying to use against Rev. Murphy in his lawsuit against Cleveland County. I predict Federal Court Judge Max Cogburn will pay no attention to such petty DSS shenanigans as this.

3.The Cleveland County's 'Motion to Strike" Rev. Murphy's "Response" to Cleveland County's "Motion to Dismiss" was entered into Court Records but was so obviously weak and frivolous that Attorney Webster chose to hardly mention anything about it in the Federal Court Hearing. My guess on that is my "Robert A. Williams's Public Deposition" on the matter was in Rev. Murphy's "Response" and I was sitting there in the Federal Courthouse in Asheville totally prepared to testify to the Federal Judge about my small part in Rev. Murphy's lawsuit against Cleveland County and the Cleveland County DSS. Apparently, Deputy County Attorney Martha Thompson had advised Attorney Stephanie Webster that I attended all the Cleveland County Commissioners meetings that involved anything and most likely everything involved in rev. Murphy's lawsuits against Cleveland County, DSS and all. And that I had no fear of getting on the witness stand, looking the Federal Judge in the eye, putting my hand on the Bible and telling the Judge everything seen and heard. Of course, that was exactly why I

was there. And that was exactly why NONE of the County Commissioners, DSS and any other County Official was NOT there.

Basically, that was the main issues that the Cleveland County lawyers were using in their “Hail Mary” attempt to stop Rev. Murphy’s lawsuit against them. Nowhere have they specifically stated in written Court documents that their clients (Cleveland County) have done nothing wrong, illegal or unethical. Not only have they not denied any wrongdoing, they CAN’T deny any wrongdoing without facing criminal felony perjury charges-in FEDERAL COURT. All they have are loopholes and delays, frivolous and weak, to try to escape justice for what they have illegally done. And they all know it.

Stay tuned folks, Federal Judge Max Cogburn’s ruling is due any day now.