

Part 2—Federal Judge Makes Critical Ruling in Lawsuit against Cleveland County!!! Motion to Dismiss is DENIED!! Trial Preps to Proceed!!! Report by Robert A. Williams

Editor's Note: Be sure to read Part 1 of this series to get the full story of the August 2, 2021 hearing in Federal Court that resulted in the Court Order that is described and attached to this article.

To date Cleveland County, Cleveland County Commissioners, Commissioner Doug Bridges, DSS Director Katie Swanson and the whole of CCDSS have not admitted that they did anything wrong regarding Rev. Dante Murphy's second lawsuit against them. Note that before Rev. Murphy's first lawsuit against them, Rev. Murphy spoke to the Commissioners during a Commissioner's Meeting asking the Commissioners to investigate wrongdoing at the Cleveland County Department of Social Services. The Commissioners refused and Rev. Murphy ended up filing a lawsuit against them in federal court.

During the processes of that first lawsuit, DSS laughed about the lawsuit and Rev. Murphy. They were big belly laughs too. They were not afraid of any old Federal lawsuit.

But the laughing didn't last long. The first lawsuit made its way through the usual attempts of Motions to Dismiss, etc. And then DSS employees had to participate in depositions under oath, and learning that being under oath and telling lies was perjury—a felony criminal offense that could result in many years of prison time. So, they sang like canaries. They

testified that they did violate state and federal laws in their actions against Rev. Murphy and they did so at the direction of the DSS Director and their supervisors. All of a sudden DSS wanted to settle the case and pay Rev. Murphy for the damages that they had done.

Rev. Murphy accepted the large cash payment, expecting that the Commissioners would see to it that the offending DSS employees would be punished for knowingly violating state and federal laws.

But the Commissioners did nothing to ensure that DSS employees would follow the law and when they didn't, they would be appropriately disciplined. In fact, the Commissioners were about to promote the highest level DSS Supervisor who ordered her underlings to do the bad acts to the DSS Director. The highest level at DSS.

In short, the Commissioners were telling DSS and other county officials to break the law as they pleased. Break enough laws and you will get promoted.

So now, the Commissioners and the DSS, in retaliation, began an illegal campaign against Rev. Murphy because he had sued them in federal court and won. Exactly the wrong thing to do. Illegal too!! Thusly, Rev. Murphy files Federal Lawsuit Number TWO!!

NOW!!!!

Federal Judge Max Cogburn, Jr. has made his ruling. Actually, Judge Cogburn's Court Order was signed this past Thursday, August 26, 2021. I have obtained an electronic copy of that ORDER and have attached it at the end of this article. It is eleven pages long and full of well-founded legal precedent that appears to make the ruling pretty much "Appeal-Proof."

Much of the Order included parts that Judge Cogburn stated in the August 2, 2021 Federal Court Hearing in Asheville. That he was going to remove the Commissioners, Commissioner Chairman

Doug Bridges, CCDSS Director Katie Swanson and DSS from the lawsuit and only leave Cleveland County as the sole defendant. And dismiss all charges except "Retaliation." Basically, leaving a much simpler and much easier to prove lawsuit, Rev. Dante Murphy v. Cleveland County. As previously stated in my prediction in Part 1 of this series, my very, very small part in this larger lawsuit has now become a big, big part of this much more-simple and abbreviated lawsuit.

I would also say that Judge Cogburn's legal analysis and ruling on the County's part of the allegations that Rev. Murphy did not "serve" his lawsuit on the proper County Official, noted on page of the Order. This is well covered and described on page 10 of the 11-page Order. As I previously predicted in Part 1 of this series, Federal Judge Max Cogburn, Jr. was taken aback and surprised that the Lawyers representing Cleveland County, Stephanie Webster and Martha Thompson would recommend that the County refuse to inform Rev. Murphy of the proper person to "serve" the lawsuit documents on and then use the fact that Rev. Murphy served the wrong person against him.

From my read of how Judge Cogburn handled this "lack of proper service" issue-by denying it, there is still a large dollop of common sense and justice available in our Federal Courts. Much more so than what I have recently witnessed in Cleveland County District Court.

Some predictions:

Now that the case has been simplified and people such as the Commissioners, Doug Bridges and Katie Swanson have been taken out as defendants in the lawsuit (partly because of immunity-I suppose). I predict that Rev. Murphy will subpoena every Cleveland County Commission as witnesses. Also, former County Commissioner Eddie Holbrook. The former interim DSS Director Jane Shooter and other CCDSS Employees, DSS Director Katie Swanson. HR Director Allison Mauney. County Manager Brian

Epley and Assistant County Manager Kerri Melton. The entire DSS Advisory Board. County Attorney Tim Moore and Deputy County Attorney Martha Thompson and others. Then depose them all under oath and put them on the stand as witnesses. They all may have immunity in their official capacity, but, as a sworn witness, they have no immunity for committing perjury. Telling lies in Federal Court while under oath could result in 10 years or so in prison time. It may be appropriate for Rev. Murphy to have polygraph testing done on all witnesses. Me too, as I am very likely to be called as a witness. And what I will testify to has already been published in a previous article I called a "Public Deposition by Robert A. Williams." Scroll on back a few months and read it again to refresh your memory.

Folks, this ain't all. Rev. Murphy has filed a Federal Rule 11 Motion against Cleveland County hired Attorney Stephanie Webster. My research on the case indicates that Judge Cogburn has set a requirement on the Attorney Webster to file their response by September 10th or so. It appears that Attorney Webster may be in a legal "pickle." A predicament of her own making-by trying to deceive and mislead Judge Cogburn. A fact that I witnessed myself at the August 2nd Court Hearing in Asheville. Also, both County Deputy Attorney Martha Thompson as well as hired Attorney Webster appear to have clearly violated North Carolina State Bar rules and regulations by conspiring to mislead and deceive a Federal Court Judge at this August 2, 2021 Federal Court Hearing.

I will close this article with an old saying. "Truth often Hurts!" As I have attended and personally witnessed almost everything involved in this lawsuit, I am NOT afraid of telling (or writing) the Truth. Many others may not be able to truthfully say that very same thing.

I recommend that Cleveland County authorities, elected officials and employees finally learn their lesson and require all concerned to comply with State and Federal law and do

their jobs in an ethical manner to taxpayer's exposure to high dollar Jury awards. Folks, learn your lesson, tell the truth and do what is right to keep yourselves out of Lawsuits in the first place. And discipline those that don't. It is called oversight and leadership. Other-wise resign while you still can!!! Before a Federal Court Judge assigns you a cell at a Federal Prison.

Folks, More later! This thing is just getting started.

[Order on Motion to Dismiss](#)