

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

CABELL COUNTY BOARD
OF EDUCATION

Plaintiff,

v.

ERICA MORRISON

Defendant

I. Statement of Facts

On September 22, 2022, Plaintiff Cabell County Board of Education (“CCBOE”) filed its complaint in the Circuit Court of Cabell County, West Virginia as a result of the alleged actions

of Defendants Eric A. Martin, Loretta L. Smith, and David L. Smith.

paid hotel reservations would be refunded to the Morrison Defendants. Plaintiff/Counterclaim

Defendant again requested a refund and further requested an award of attorney's fees and costs.

schools to the Morrison Defendants. The Morrison Defendants are entitled to a refund of the

that is plausible on its face.” *Bell*, 550 U.S. a 570.

III. Argument

All counterclaims asserted against the Counterclaim Defendant, and contained in the

The Morrison Defendants' claims regarding defamation in relation to the statements of the CCBOE and/or their agent(s) on July 23, 2020 (Counts VI and VII) had to be filed on or before July 23, 2021—one year from the date of the alleged defamatory statements. Additionally, the Morrison Defendants' claims of defamation in relation to the statements of the CCBOE and/or their agent(s) on November 30, 2021 (Counts VIII and IX) had to be filed on or before November 30, 2022. Considering the Morrison Defendants failed to assert these claims in any court until December 1, 2022, the statute of limitations related to these claims has expired. Thus, the Morrison Defendants' defamation claims fail as a matter of law and should be dismissed by this Court.

ii The Morrison Defendants' Counterclaim (Counts X, XI, XII, XIII, XIV, XV, XVI)

Parkersburg Sentinel Co., 125 W.Va. 731, 744, 26 S.E.2d 209, 215 (1943); *England v. Daily Gazette Co.*, 143 W.Va. 700, 104 S.E.2d 306 (1958); *Mauck v. City of Martinsburg*, 280 S.E.2d

216, 221 (W.Va. 1981). *See also* *State v. ...*

essential that true information be given whenever it is reasonably necessary for the protection of one's own interests, the interests of third persons or certain interests of the public.” *Id.* Here, the statements were made in good faith by agents of the CCBOE who had an interest and a duty to relay information regarding the subject matter, as well as, any developments in the ongoing dispute between CCBOE and the Morrison Defendants.

The *Crown Court* further held that “...privilege and immunity do not apply to ...”

IV. Conclusion

County Board of Education respectfully moves this Court to enter an Order dismissing all counterclaims asserted against them with prejudice for failure to state a claim upon which relief

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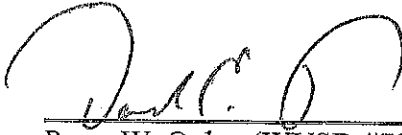
Defendants,

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CABELL COUNTY BOARD

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Counsel for Defendants

A handwritten signature in dark ink, appearing to read 'Perry W. Oxley', is written over a horizontal line.

Perry W. Oxley (WVSB #7211)
David E. Rich (WVSB #9141)
Katee E. Neltner (WVSB #14015)