

STATE OF NORTH CAROLINA
COUNTY OF MOORE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
23-CVS-_____

TODD MANESS,)
Plaintiff,)
vs.)
JAMES WEBB, and)
DONNA ELIZABETH TANNER,)
Defendants.)
_____)

VERIFIED COMPLAINT
(Jury Trial Demanded)

NOW COMES, **Todd Maness** (hereinafter “Plaintiff”), by and through his undersigned attorney, complaining of **James Webb** and **Donna Elizabeth Tanner** (hereinafter “Defendants”) and alleges and says as follows:

Parties

1. That the Plaintiff is a citizen and resident of Moore County, N.C. and was so at the time of the matters and things alleged herein;
2. That Defendant Webb is a citizen and resident of Moore County, NC and was so at the time of the matters and things alleged herein;
3. That Defendant Tanner is a citizen and resident of Moore County, NC and was so at the time of the matters and things alleged herein;

Jurisdiction and Venue

4. That this court has jurisdiction over Defendants pursuant to N.C.G.S. Section 1-75.4;
5. That this court has subject matter jurisdiction over this matter pursuant to N.C.G.S. Section 7A-243;

Facts

6. Defendant Webb served as the Senior Resident Superior Court Judge for Moore County, N.C. for a number of years;
7. Upon information and belief, and based upon a longstanding and well-known rumor, many years ago, Defendant Webb began having an illicit sexual and romantic affair with the then elected Moore County Clerk of Court, Susan Hicks, who was and is a

- married woman;
8. Said affair was of a long-standing and enduring nature;
 9. Specifically, some years ago, upon information and belief from third-parties, two Moore County Sheriff's deputies spotted a motor vehicle parked in a Moore County government parking lot during hours wherein vehicles should not have been present within said parking lot;
 10. Moreover, a sunshade/visor had been placed in the windshield of the motor vehicle; however, based upon the movement of the vehicle while parked, it clearly contained occupants;
 11. The two Sheriff's deputies approached the motor vehicle and knocked on the window to determine what was going on whereupon they observed Defendant Webb having sexual intercourse with Clerk of Court Susan Hicks in the back seat of the motor vehicle;
 12. Defendant Webb and Ms. Hicks rolled down the window and spoke to the deputies, and Defendant Webb asked them to leave;
 13. The deputies immediately recognized Defendant Webb and Ms. Hicks, and promptly left, whereupon Defendant Webb and Ms. Hicks appeared to resume their sexual encounter;
 14. Over time, the sexual affair between Defendant Webb and Ms. Hicks became an open secret in and around the Moore County Courthouse;
 15. Courthouse staff, deputies and attorneys knew not to approach Defendant Webb's vehicle or Ms. Hicks' vehicle if either one was observed alone in a parking lot. Moreover, Defendant Webb and Ms. Hicks were routinely seen dining together and spending time with each other in and around Moore County;
 16. Ms. Hicks decided to retire as Clerk of Court, and decided not to run for re-election in 2022; however, she wanted her long-time employee, Chris Morgan, to be her successor;
 17. Defendant Webb endorsed Mr. Morgan's campaign in violation of Canon 7 of the North Carolina Code of Judicial Conduct;
 18. Mr. Morgan filed for the Clerk of Court position and ran as a Republican;
 19. Plaintiff, troubled by the manner in which Ms. Hicks and Mr. Morgan had ran the Clerk of Court's office, also ran for the position of Clerk of Court;
 20. The primary campaign between Plaintiff and Mr. Morgan became rather heated, and

- the deficiencies of the administration of Ms. Hicks as Clerk of Court were laid bare in the press and on social media;
21. Upon information and belief, this enraged Defendant Webb due to his long-standing sexual affair with Ms. Hicks;
 22. Plaintiff defeated Mr. Morgan in the Republican primary for the office of Clerk of Court which effectively meant he would win the general election for the same office;
 23. After Plaintiff's primary win, but **before Plaintiff could even take office**, Defendant Webb began telling third-parties at various political functions and social gatherings that Plaintiff "**was not fit to serve as Clerk of Court for Moore County**", and that Plaintiff "**should and/or would be removed from office based upon being unfit to serve**";
 24. Defendant Webb continued to make such comments over the course of late 2022 and into 2023;
 25. These comments, which were made multiples times to multiple people, were slanderous per se;
 26. Moreover, Plaintiff was forced to take out criminal charges against a former Moore County Commissioner, David Cummings, for removing and destroying one of Plaintiff's campaign signs, all of which was captured on security camera footage;
 27. This outraged Defendant Webb, and he summoned the magistrate who issued the criminal charges, Darrell Phillips, relating to said incident, and grilled said magistrate on the propriety of bringing said charges, which was totally improper and an abuse of his office as Senior Resident Superior Court Judge. This was done during the re-appointment process for Moore County magistrates. Upon information and belief, Defendant Webb did not summon any other magistrates to his office during said process;
 28. Ms. Hicks ended up resigning Clerk of Court several days early before her term expired, and before Plaintiff was due to be sworn in as the newly elected Clerk of Court. Instead of Defendant Webb appointing the Plaintiff, or simply leaving the position open for a mere few days, Defendant Webb appointed Deborah Duerring to serve the remainder of Ms. Hicks term. Upon information an belief, this was done as a politically motivated slight to Plaintiff;
 29. After Plaintiff took office as the duly elected Clerk of Court for Moore County, Defendant Webb, in his capacity as Senior Resident Superior Court Judge, took no official action against Plaintiff, nor made any formal complaints against him;
 30. However, Defendant Webb was routinely terse and unfriendly towards Plaintiff when they were forced to interact due to their respective official duties;

31. Moreover, Defendant Webb demanded that Plaintiff re-nominate a close friend of Defendant Webb for the position of magistrate. Plaintiff refused to do so because said individual had experienced severe mental health complications and domestic violence issues that resulted in his loss of liberty to include the seizure of his firearms. Plaintiff believed that re-nominating said individual would be dangerous to the citizens of Moore County, and refused to do so;
32. Defendant Webb was enraged by this, and let Plaintiff know that he was enraged by said refusal;
33. Instead of taking direct action against Plaintiff, Defendant Webb, upon information and belief, began to enlist and conspire with Defendant Tanner to do his bidding in an effort to make it appear that Plaintiff was not performing his duties as the elected Clerk of Court so that Defendants could defame Plaintiff, turn public opinion against the Plaintiff and have Plaintiff thrown in jail with the ultimate goal of seeking to have Plaintiff removed from office;
34. These efforts began in earnest once Defendant Webb was forced to retire on October 31st, 2023 due to his age;
35. To further their conspiracy to cause harm to Plaintiff, Defendant Tanner began acting outside of her jurisdiction and authority as a District Court Judge to bait Plaintiff into pushing back against her unlawful conduct so that she, at Defendant Webb's behest, could accuse Plaintiff of not performing his duties. Said conduct included the following:
 - a. Defendant Tanner began usurping the statutory authority of the duly appointed Chief District Court Judge as specified in N.C. Gen. Stat. § 7A-146(1) by unilaterally scheduling court sessions without legal authority to do so, and demanding that Plaintiff make his deputy clerks available for said unlawful sessions of court. All matters heard and decided during said unlawful sessions of court are null and void, and this may result in an untold number of matters having to be re-heard, and may have dire consequences upon the parties that appeared before the court believing that said sessions were lawful and regular;
 - b. Defendant Tanner repeatedly attempted to access Abuse, Neglect and Dependency files (DSS cases) to which she was not assigned, and which are strictly protected as confidential, and when she was denied access to said files, began to accuse Plaintiff of depriving her of the right to access said files while knowing full well that the same are protected, even from Defendant Tanner;
 - c. In fact, on at least two occasions, Defendant Tanner summoned bailiffs to the Clerk of Court's office to force them to allow her entry into the area whereat the highly confidential and statutorily protected files are kept. This was totally improper, illegal and an abuse of her office as a District Court Judge. It is

unknown by Plaintiff exactly which files Defendant Tanner illegally gained access to, but Plaintiff strongly objected to Defendant Tanner's unlawful conduct. It is also unknown how many other times Defendant Tanner gained said illegal access to said confidential files without Plaintiff's knowledge;

- d. Defendant Tanner attempted to gain access to an area of the Clerk of Court's office whereat monies paid by the general public are processed and kept without any legal or valid reason, and accused the Plaintiff of misconduct when she was denied said requested access;
 - e. Defendant Tanner began usurping the statutory authority of the duly appointed Chief District Court Judge as specified in N.C. Gen. Stat. § 7A-146(3) by attempting to supervise the Plaintiff, when said authority rests solely with the Chief District Court Judge and the Senior Resident Superior Court Judge of Moore County;
 - f. Defendant Tanner, to inflame the entire situation, began to verbally abuse Plaintiff's deputy clerks while they performed their duties while in court with Defendant Tanner;
 - g. Defendant Tanner refused to appear at regularly scheduled court dates as assigned by the Chief District Court Judge, instead handling personal matters to include, inter alia, working with the North Carolina Innocence Commission and posting her location on social media knowing full well that the citizens of Moore County were depending upon her to hold court on those dates so that their cases could be heard;
 - h. Defendant Tanner began holding court, without jurisdiction or authority, on days that had been assigned to her by the Chief District Court Judge as "chambers days", which are days she was supposed to be reviewing, approving and signing court orders and performing other administrative tasks as part of her official duties; and
 - i. Defendant Tanner, in open court, began berating private attorneys to use other family court mediators instead of the local bar's preferred mediator so as to unlawfully promote the business of her husband as a mediator and in an effort to strong-arm the local bar to utilize her husband's services, which as a blatant abuse of Defendant Tanner's office;
36. Plaintiff has repeatedly, but respectfully, objected to all of the above conduct by Defendant Tanner because said conduct is illegal, unlawful, outside the jurisdiction of Defendant Tanner and an abuse of Defendant Tanner's office;
37. Defendant Tanner, at the behest of Defendant Webb, on December 6th, 2023 then issued a charge for criminal contempt against Plaintiff (Moore County File: 23-CR-827) wherein she accuses Plaintiff of violating Defendant Tanner's orders and

- requests, but the reality is that Plaintiff simply refused to condone and participate in Defendant Tanner's unlawful conduct as set forth above;
38. Said charge seeks the possible remedy of having Plaintiff thrown in jail and deprived of his liberty and unable to perform his duties as the Clerk of Court;
 39. Defendant Webb, on or about December 8th, 2023, then gave a detailed interview with the local newspaper, "The Pilot", wherein he made a series of slanderous per se statements about the Plaintiff, which is attached hereto as "Exhibit A" and incorporated herein, with full knowledge that said statements were outright false;
 40. **The actions of Defendant Webb and Defendant Tanner were all done with the ultimate goal of subverting and overriding the will of the people of Moore County, which is to have Plaintiff as their duly elected Clerk of Court as demonstrated by a lawfully conducted election;**
 41. Defendants' conduct is tortious, and meant to cause direct harm to the Plaintiff. Moreover, **Defendants' conduct is in direct violation of their respective oaths as attorneys and judges to uphold the Constitutions of the United States and the State of North Carolina and presents a clear and present danger to the democratic process in Moore County;**
 42. Defendants' conduct has caused great harm to Plaintiff's personal and professional reputation, and has caused him severe emotional distress to include nightmares, severe anxiety, severe depression, sleepless nights, panic attacks and other mental health ailments for which he has been forced to seek treatment;
 43. Moreover, Defendants are well aware that Plaintiff's wife is valiantly fighting a life or death battle with stage IV colon cancer, and that their conduct is wreaking havoc upon the wellbeing of Plaintiff and his family, and that removal from office would result in Plaintiff losing the health benefits that pay for the medical treatment that is literally keeping his wife alive;
 44. Despite this knowledge, Defendants have heartlessly continued to attempt to effectuate their unlawful conspiracy against the Plaintiff;
 45. Defendant Tanner, as set forth above, acted with a complete absence of all jurisdiction as a District Court Judge; therefore, Defendant Tanner is not entitled to judicial immunity for her conduct;

First Claim for Relief – Abuse of Process

46. Plaintiff incorporates the preceding paragraphs as if full set forth herein;
47. Process was invoked against the Plaintiff in the court] proceeding entitled Moore

County File: 23-CR-827;

48. That the Defendants had an ulterior purpose. A purpose is ulterior when it is separate from, or collateral to, the normal and regular purpose of the process;
49. The ulterior purpose in this case was to have Plaintiff unlawfully removed from office as Clerk of Court;
50. That, after the process was issued, the Defendants intentionally used the process invoked against the Plaintiff to accomplish the Defendants' ulterior purpose; that is, the Defendants intentionally sought to use the process to gain advantage over the Plaintiff as to some matter that is separate from or collateral to the proceeding. In this case, to further their joint goal to ruin Plaintiff's reputation, have Plaintiff unlawfully thrown in jail and to ultimately seek to have Plaintiff removed from office to subvert the will of the people of Moore County;
51. That Defendants' conduct is a proximate cause of harm to the Plaintiff as set forth above;
52. That Plaintiff is entitled to recover compensatory and punitive damages, jointly and severally, in an amount in excess of \$25,000.00 from the Defendants, as a result of their intentional conduct and for the damages suffered as more particularly described herein;

Second Claim for Relief – Slander Per Se (Public Official)

53. Plaintiff incorporates the proceeding paragraphs as if full set forth herein;
54. That Defendant Webb made slanderous statements about the Plaintiff to multiple individuals as set forth above and to the newspaper "The Pilot" as set forth in "Exhibit A" which is incorporated herein as if fully set forth;
55. That Defendant Webb published said statements by his words, actions and conduct to third parties, to include "The Pilot" to make sure that said slanderous statements were heard and read by as many people as possible;
56. Said statements were false;
57. Said statements accuse Plaintiff of crimes involving moral turpitude and allegations that impeach Plaintiff in his trade, business and or profession;
58. Defendant Webb either knew the statements were false or acted with reckless disregard of whether the statements were false;
59. That Plaintiff is entitled to recover compensatory and punitive damages, jointly and severally, in an amount in excess of \$25,000.00 from the Defendants, as a result of

their intentional conduct and for the damages suffered as more particularly described herein;

Third Claim for Relief- Intentional/Negligent of Infliction of Emotional Distress

60. Plaintiff incorporates the proceeding paragraphs as if full set forth herein;
61. Defendants, through their aforementioned conduct, intentionally and recklessly caused the Plaintiff severe emotional distress as set forth above in this Complaint;
62. Said conduct was intended to cause severe emotional distress, or was otherwise reckless in causing said distress;
63. In the alternative, Defendants acted with reckless disregard to the consequences of their above-described conduct, and did negligently cause severe emotional distress to the Plaintiff;
64. Defendants' malicious and willful conduct, was a direct and proximate cause of damages to the Plaintiff, and Plaintiff is entitled to compensatory and punitive damages from Defendants, jointly and severally, in an amount in excess of \$25,000.00;

Fourth Claim for Relief – Civil Conspiracy

65. Plaintiff incorporates the proceeding paragraphs as if full set forth herein;
66. The Defendants, as set forth above, agreed with one another to slander Plaintiff, illegally institute a criminal contempt proceeding and cause severe emotional distress to the Plaintiff;
67. Said agreement was and is a conspiracy. A conspiracy is a combination of two or more persons to accomplish some unlawful purpose or to accomplish some lawful purpose by unlawful means. There can be no conspiracy unless more than one person is involved. The very word "conspiracy" means "together with someone else." So, a conspiracy is a kind of partnership or joint enterprise in which each member becomes the agent of every other member with respect to the common plan, and each member is held responsible for the acts of or statements made by any other member made or done in furtherance of the common plan. The essence of a conspiracy is an unlawful combination to violate or to disregard the law;
68. That, as set forth above, the Defendants and or any one or more of the Defendants to the agreement then committed overt acts in furtherance of the aims of the agreement;
69. An overt act is an act which could be neutral in its character, but which is evidence of affirmative action manifesting an intent to accomplish or further the object(s) of the alleged conspiracy. It is not necessary for the plaintiff to prove that the conspiracy was successful or that each of all or any of the aims of the conspiracy were achieved.

Plaintiff must show, however, that one or more of the parties to the agreement performed at least one act in furthering or trying to effect the agreement;

70. As a proximate result of the acts committed in furtherance of the aims of the agreement, the Plaintiff suffered actual injury; and
71. That Plaintiff is entitled to recover compensatory and punitive damages, jointly and severally, in an amount in excess of \$25,000.00 from the Defendants, as a result of their intentional conduct and for the damages suffered as more particularly described herein.

WHEREFORE, Plaintiffs pray the Court grant the following relief:

1. That Plaintiff have and recover a Judgment from all Defendants, jointly and severally, in an amount in excess of \$25,000.00 as compensatory and punitive damages, together with interest as provided for by law;
2. That Plaintiff have and recover attorney fees from Defendants, if appropriate, and as provided for by law;
3. That Plaintiff have a trial by jury on all issues;
4. That the costs of the action be taxed to all Defendants; and
5. That Plaintiff have and recover such further relief as this Court deems just and proper.

This the 20th day of December, 2023.

Respectfully Submitted,



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VERIFICATION

I, **Todd Maness**, being first duly sworn, do state on oath: that I am the Plaintiff in the above-entitled action; that I am of legal age, that I am under no disability, that I have read the foregoing Complaint and that the same is true to the best of my knowledge, except as to those matters stated upon information and belief, and as to those matters, I believe them to be true.

This the 15th day of December, 2023.

Todd Maness

Sworn to and subscribed before me,

This the _____ day of _____, 2023.

My Commission Expires: _____