

ARGUMENT DOCKET

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

**TIMOTHY BUTCHER, and
BOBBY ADKINS,**

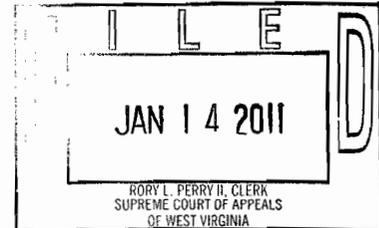
Plaintiffs/Respondents,

v.

In Prohibition No.: 101235

**THE LINCOLN JOURNAL, INC.,
THOMAS ROBINSON, Individually, and
RONALD GREGORY, Individually,**

Defendants/Petitioners,



v.

THE HONORABLE F. JANE HUSTEAD,

Respondent.

SUBMISSION OF LIBELOUS ARTICLES PER COURT ORDER

Pursuant to this Court's January 10, 2011 Order and the Court's direction, Plaintiffs/Respondents (hereinafter referred to as "Respondents"), supplement their appendix to the previously filed *Response to Petition for Writ of Prohibition*, by attaching certain articles, previously produced in discovery which Respondent contends contain false and defamatory statements and allegations, with summaries (also produced in discovery) that identify the item, publication date, publication, reporter/author, headline, brief description, quotations, and other information. Respondents have not attached all of the false and defamatory articles at issue in the case since some were reprinted by multiple media outlets controlled by defendants. Respondents have produced herein the most significant of the false and defamatory articles and statements published by defendants. Respondents production of only the most significant articles should not be considered a waiver of Respondent's rights, concerning the remaining articles and their

claims. Further, only a limited number of articles identifying or suggesting Respondents are “associates” or “minions” of others allegedly involved in certain wrongful or criminal conduct despite these articles falsity. Also, consideration must be given to the layout or presentation of the false and defamatory articles and the likelihood that these items would present Respondent in a false light to the public.

The materials submitted pursuant to this Court’s January 10, 2011 Order are listed and organized into two categories: 1) articles published as factually based news stories; and 2) articles presented as editorials, opinion pieces, and cartoons, but which contain statements and allegations of fact that are actually false and defamatory. Materials contained in the second category were published in a manner in which readers likely would believe that the false and defamatory allegations and/or statements are true statements of fact. Many of the articles were part of a series of articles that contain statements and allegations that were not only false and defamatory, but Respondents believe were also calculated to attack the credibility of opponents in the Lincoln County political establishment and alter the outcome of the 2008 Lincoln County Primary election.

I. Articles containing false and defamatory statements

<u>Date</u>	<u>Article</u>	<u>Source</u>
April 9, 2008	“Campaign Finance reports show apparent relationships”	Lincoln Journal Online
April 16, 2008	“Questionable financial donations under review”	Lincoln Journal Online, Lincoln Journal
April 23, 2008	“Questions Follow Alleged Campaign Irregularities”	Lincoln Journal Online, Lincoln Journal, Lincoln News Sentinel

April 23, 2008	“Breaking news: Prosecutor discovers ‘clear violation of state Election laws”	Online article unnamed publication
April 23, 2008	“Questions that remain unanswered”	Lincoln Journal
April 30, 2008	“Subpoenas issued as Investigation continues”	Lincoln Journal Online, Lincoln Journal
April 30, 2008	“Contractor fired after meeting with prosecutor”	Lincoln Journal Online, Lincoln Journal
April 30, 2008	“Second election law violation complaint filed”	Lincoln Journal Online
May 7, 2008	“Did Tabloid reporter intimidate A voter?”	Lincoln Journal, Lincoln News Sentinel
May 7, 2008	“Prosecutor examines new filings as investigation progress”	Lincoln Journal Online, Lincoln Journal
May 14, 2008	“Parties seek to quash subpoenas, Seal case”	Lincoln Journal Online, Lincoln Journal
May 21, 2008	“Campaign finance investigation Update”	Lincoln Journal Online, Lincoln Journal
May 28, 2008	“Hearing Today in Election Law Probe”	Lincoln Journal
May 28, 2008	“Campaign Finance Hearing Postponed”	Lincoln Journal Online, Lincoln Journal

II. Articles presented as editorials, opinion pieces, and cartoons that contain false and defamatory allegations

<u>Date</u>	<u>Article</u>	<u>Source</u>
April 9, 2008	“Quit Trying to Hide”	Lincoln Journal Online, Lincoln Journal
April 16, 2008	“Shadow cast from afar”	Lincoln Journal

April 16, 2008

Cartoon, no headline

Lincoln Journal

May 7, 2008

"The secret contributors"

Lincoln Journal,
Lincoln News Sentinel

TIMOTHY BUTCHER AND BOBBY ADKINS,
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CERTIFICATE OF SERVICE

I, Gary A. Matthews, do hereby certify that I have served a true and correct copy of the foregoing "*Submission of Libelous Articles Per Court Order*" upon the following individuals via Hand Delivery, this 14th day of January, 2011:

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EXHIBITS

ON

FILE IN THE

CLERK'S OFFICE