

NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24CV032897-910

MARK KEITH ROBINSON,)
)
 Plaintiff,)
)
 v.)
)
 CABLE NEWS NETWORK, INC. and)
 LOUIS LOVE MONEY,)
)
 Defendants.)
)
)

**BRIEF IN SUPPORT OF MOTION TO
DISMISS**

Comes Now Defendant Louis Love Money (“Money”) and submits this Brief in Support of his Motion to Dismiss.

This motion is remarkably simple. An out-of-state attorney, who had not yet received an Order admitting him to the Court in North Carolina via *pro hac vice* motion, decided to blatantly violate Rule 8 and ask for \$50,000,000.00 in a complaint instead of using the pleading rule known to all North Carolina attorneys and published in the Rules of Civil Procedure requiring him only to plead in excess of \$25,000.00. The reason is incredibly obvious. This case is about publicity and a stunt to pump life into Mark Robinson’s dying gubernatorial candidacy.

To make matters worse, the same lawyer decided to have a press conference in North Carolina, where he is not admitted to practice law, talking about how the case was worth \$50,000,000.00. In other words, he made his media spectacle, and predictably the media picked up on the \$50,000,000.00 price tag as the punchline.

The case law makes clear that the point of the rule requiring that pleading only be made in excess of \$25,000.00 in North Carolina is to prevent publicity. Not only did the actions of Mr.

Robinson's attorneys violate that rule, but the corresponding press conference made sure that the \$50,000,000.00 tag - that our General Assembly has gone to great pains to ensure would not happen - did in fact happen. The jury pool has been tainted. The media spectacle has occurred. No subsequent amendment can change that reality. The damage is done, and the court must do whatever it must do to make sure that the harm is completely and totally remedied.

To make matters worse, as Exhibit 1 to this brief shows, a person named Matt Hurley tweeted on October 22 that Robinson would actually receive in excess of \$50,000,000, apparently believing that the press covering Money's motion to dismiss is "election interference" and that the Rules of Civil Procedure are "legalese". As Exhibit 2 shows, this Hurley came onto the Robinson campaign when most of his staff understandably left when it came out that Robinson was engaged in untoward behavior on a pornographic site. The timing was 4 days after Robinson amended his Complaint to try to comply with Rule 8, but obviously his campaign has contempt for the Rules and again, after the Amended Complaint, is trying to circumvent Rule 8, again. Mr. Hurley doubled down again directly to the media on October 22, making sure the story was disseminated that Robinson was only altering his demand in the Complaint for procedural reasons but that he still was seeking \$50,000,000. Exhibit 3.

To that end, the remedy that should occur is Dismissal.

Alternately, if in fact, there is any sincerity whatsoever in Robinson's complaint, which we can assume for purposes of this paragraph there is some sincerity to the Complaint, and Robinson truly believe that he is going to obtain \$50,000,000.00, Mark Robinson and his attorneys should be delighted at the opportunity to avoid dismissal of its action by merely paying 1% of the demand that it put in the Complaint as a sanction. In fact, if Mark Robinson were to win a \$50,000,000.00 judgment a year from now, the interest alone would be \$4,000,000.00 in North Carolina. The 1%

sanction would only be 12.5% of the interest on the judgment. So, if Mark Robinson wants to keep his case going, there should be no opposition from Mark Robinson whatsoever given the blatant violation of the Rules of Civil Procedure by a non-licensed attorney followed by a subsequent press conference and violative tweet by his campaign to pay a mere 1% of the case value pre interest as a sanction for his misconduct. Therefore, as an alternate to dismissal, Mr. Money asks for a mere 1% of the amount demanded in the Complaint to remedy and deter the conduct that have been damaged Mr. Money and the judicial process by the violation of the Rules of Civil Procedure.

In conclusion, Mr. Money asks for dismissal or alternatively, or a mere 1% of the \$50,000,000.00 that Mr. Robinson and his attorneys have asserted both in court and in the media is the value of this case.

This the 4th day of November 2024.

/s/ Andrew L. Fitzgerald
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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served a copy of the foregoing BRIEF IN SUPPORT OF MOTION TO DISMISS upon all other parties to this action by electronically filing with the File & Serve System which will send electronic notification to the following:

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This the 4th day of November 2024.

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Bottom Line:

The press wants to focus on legalese so they can distract the voters from the real efforts to hold CNN accountable for election interference.

When the full set of facts are presented to a jury, they are likely to award Robinson far in excess of \$50,000,000.

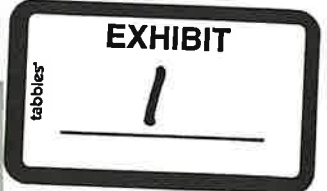
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JUST IN

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Mark Robinson hires new top staff, touts wife's



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campaign

North Carolina Lt. Gov. Mark Robinson, with a new chief of staff and a new campaign manager, marched ahead with a series of meet-and-greets on Friday -- even as a strong storm moved through the state.

Posted 3:40 p.m. Sep 27 - Updated 6:35 a.m. Sep 28



FILE — Lt. Gov. Mark Robinson, the Republican candidate for governor, arrives onstage to speak at a campaign rally for former President Donald Trump, the Republican candidate for president, in Asheville, N.C., on Aug. 14, 2024. Robinson returned to the campaign trail on Monday, Sept. 23, 2024, in North Carolina, insisting that he will remain in the governor's race even after most of his staff resigned following a CNN report linking him to numerous disturbing comments on a pornographic website. (Doug Mills/The New York Times)

By **Jack Hagel, Paul Specht** and **Will Doran, WRAL News**

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In the hours after CNN released a bombshell report about lewd, racist and pornographic comments the network tied to North Carolina Lt. Gov. Mark Robinson, Robinson vowed to stay in the race for governor. And in the days since the report, despite considerable turmoil within his campaign and state office, he is doing just that.

In recent days, the Republican nominee has pressed ahead amid staff departures, criticism from fellow Republicans, and sobering poll results.





On Thursday, Robinson named Krishana Polite as his chief of staff in the state office of the lieutenant governor. She replaces Brian LiVecchi, who was in that role and also served as the office's general counsel before submitting his resignation as part of a wave of departures from the state office.

On the campaign side, political consultant Matt Hurley has been picked to replace Conrad Pogorzelski. Hurley said he had taken over on a call with grassroots Robinson supporters on Thursday, a person who was on the call told WRAL News. Pogorzelski recently resigned as the Robinson campaign's senior advisor, part of a mass exodus of campaign staff in the wake of the CNN report.

Robinson on Tuesday announced that he had hired a Virginia-based law firm to investigate the CNN report. The firm is led by Jesse Binnall, who was one of former President Donald Trump's lawyers in disputing the results of the 2020 election.

On Thursday, Robinson launched a new video featuring his wife, Yolanda Hill, who sought to share with voters "the Mark Robinson that I know."



Robinson offers 'complete cooperation and full transparency' in probe of porn-comments report

And on Friday, the candidate pressed ahead with an ambitious series of meet-and-greets — even as a damaging storm moved through the state. In a statement to WRAL, Robinson said his campaign is moving full-speed ahead.

“We won’t be bullied by leftist media like CNN and more of the same outrageous lies we’ve seen from Josh Stein and his friends,” Robinson said. “Just like President Trump, my team and I are barnstorming North Carolina, making our case to the voters — who are desperately in need of real solutions to the problems they’re facing.”

On social media, Robinson warned supporters to travel safely.

“Beyond excited to be back on the campaign trail!” Robinson wrote on social media. “If you are on the road to visit us, be safe and drive carefully.” A subsequent post showed pictures of him with voters in a room featuring a lifesize cardboard cutout of Trump and his wife Melania Trump.

Such visits have become more important to the campaign — especially as the Nov. 5 general election nears, and as he faces fallout from the CNN report. The Republican Governors Association has said it has no plans to fund more ads on Robinson’s behalf — notable since it had been thought to be putting more money into advertising than Robinson’s own campaign had.

Robinson had already been ramping up visits this month before the CNN report, which linked Robinson to posts on a website called Nude Africa. The comments praised Adolf Hitler, called for the reinstatement of slavery, and described explicit pornographic preferences. In one post, Robinson called himself “a Black Nazi,” CNN reported. The network tied Robinson to the account with his email address, profile picture and user name that matched ones he used on other sites. The comments were made before Robinson entered public office.

Robinson has denied allegations made in the report, calling them false even before any details became public. He has suggested he was the victim of internet trickery, but gave few details. He has since been under pressure by some Republicans to offer evidence to support his denials. CNN hasn't responded to WRAL's requests for comment on the matter.



Trump's Impulse After Robinson Bombshell Report: Ignore, and Power Through

While no prominent North Carolina Republicans have revoked their endorsements of Robinson, few have publicly come to Robinson's defense, either. Some Republicans, including U.S. Sen. Thom Tillis, have called on Robinson to disprove the allegations in the CNN report.

“If Mr. Robinson doesn't set forth a case that provides some credibility to a counterargument, then I think that most of us should move on, not be concerned with this race,” Tillis wrote on social media regarding Robinson's denials so far.

Robinson trailed Democratic gubernatorial nominee Josh Stein in the polls even before CNN published its report. A Meredith Poll conducted as news of the report spread suggests its allegations are further dampening support for Robinson.

Poll responses collected before the CNN report was published showed Stein leading Robinson by 8 points (50% to 42%). Responses gathered after the report, however, showed a 13-point gap favoring Stein (50% to 37%). Although support for Stein didn't grow, his lead over Robinson widened.

"It appears that the CNN story peeled Robinson supporters away from him without adding to Stein's support," Meredith said in a summary of the results.

Robinson told WRAL Friday that he plans to continue elevating issues that North Carolinians care about, such as immigration, crime, and drug overdoses.

"There is too much at stake," Robinson said. "We've got to take our state and country back from far-left career politicians like Harris and Stein by voting Republican up and down the ballot on Nov. 5."

And Robinson's wife is asking voters to give him a chance: A campaign video posted online Thursday night shows Hill publicly supporting her husband and dismissing the reports about his online presence as lies.



Robinson rejected offers of tech help to investigate posts on porn site, sources say

“Lord knows you’ve heard a lot about my husband Mark,” she says, pouring herself a cup of coffee as the video shows news coverage before pivoting back to Hill, now sitting down with a Bible.

“Despite growing up in poverty, with an alcoholic father who abused his mother, Mark has been a wonderful husband, father and grandfather,” Hill says. “... He is known sometimes to raise his voice, and raise a ruckus. But it is all because of the passion he has to protect North Carolina.”

Abortion debate

Stein has led every major poll for the last three months, widening his lead as he elevated some of Robinson’s past remarks on abortion and women. Stein’s first ad of the campaign featured nothing but clips of Robinson talking about abortion, including footage from a 2019 Facebook video in which Robinson said: “Abortion in this country is not about protecting the lives of mothers. It’s about killing the child because you weren’t responsible enough to keep your skirt down.”

Robinson has referred to abortion as murder and said he’d support banning the procedure after the 6th week of pregnancy, with some exceptions. That proposal is much stricter than the law Republican legislative leaders enacted last year, which bans most abortions after the 12th week of pregnancy, with exceptions. Last month, Trump referred to Florida’s 6-week abortion ban as “too short,” while later saying he’ll vote in a referendum to keep it in place.

A day after CNN published its report, Vice President Kamala Harris’s gubernatorial campaign launched a television ad featuring clips of Robinson’s abortion statements alongside clips of Trump praising Robinson. The Democratic National Committee also erected billboards that feature images of Trump and Robinson together.

On Friday, the Stein campaign launched a new television ad, again condemning Robinson’s abortion comments.

It features a woman who says she wanted a baby, but had to get an abortion because of medical complications with the pregnancy that threatened her safety. It shows her reacting to Robinson's comment that women get abortions "because you weren't responsible enough to keep your skirt down."

"What Mark Robinson said is despicable," the woman says, adding that "Mark Robinson's extreme abortion ban will absolutely put women at risk."

Trump endorsed Robinson months ago, calling him Martin Luther King Jr. "on steroids." They've appeared together numerous times in recent years — but now haven't shared a stage in over a month. Asked Thursday if he would rescind his endorsement in the wake of CNN's report, Trump said: "I don't know the situation."

MORE ON THIS

Trump's Impulse After Robinson Bombshell Report: Ignore, and Power Through



Robinson offers 'complete cooperation and full transparency' in probe of porn-comments report



LOCAL NEWS

Mark Robinson lawsuit: Here's why the dollar amount decreased

Lieutenant Governor Mark Robinson is still aiming to sue defendants for \$50 million but under state legislature, the dollar amount received is up to a jury.



Author: Nixon Norman
Published: 4:42 PM EDT October 22, 2024
Updated: 10:34 PM EDT October 22, 2024



GREENSBORO, N.C. — There's a new twist in Lieutenant Governor Mark Robinson's lawsuit against CNN and a Guilford County man who made a music video about him.

Instead of seeking \$50 million in damages, Robinson is now asking for \$25,000 from each defendant.

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While it looks like a major drop off, it's actually just procedural.

WFMY News 2's Nixon Norman spoke to a Greensboro attorney and a rep with Robinson's campaign about the stark difference in numbers.

Robinson still wants to sue CNN and other defendants for \$50 million but ultimately it's up to a jury on how much money he will actually see.

Greensboro lawyer Fred Berry said that could mean Robinson walks away with \$50 million, nothing, or something in between.

But procedurally, Robinson has to claim that he will sue for \$25,000 under state legislature. Berry said this is to protect the defendant.

RELATED: Judge to hear Louis Love Money's motion to dismiss Lt. Gov. Robinson lawsuit in November

"I think the mindset is to protect somebody from begin victimized by headline grabbing lawsuits, if there's not legitimacy in the lawsuit. I think it's a reputation protecting device so that somebody isn't perceived as being a great, big evil doer just on allegations," Berry said. "If this case goes to trial, and most cases don't go to trial but if this case goes to trial, it would be up to the jury to decide whether Mark Robinson was entitled to \$50 million and they might decide he's entitled to anything... who knows."

Matt Hurley, senior advisor with Robinson's campaign said he has no doubt the jury will hear Robinson and this case out even though he said no amount of money will ever truly fix this situation for Robinson.

"The reality of it is, there is no monetary value that will ever fix this, right? I mean, this is a high-tech lynching designed to affect the outcome of an election. It's not about the money for mark and it wasn't about the money for the people who perpetrated this either. You know, for them, this is a priceless intervention in an election that's you know, going to effect not just the state of North Carolina but potentially the nation for decades to come," Hurley said.



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Hurley said in the amended lawsuit there are six new discoveries claiming that CNN did not fully fact check or disclose of certain things, further painting Robinson in a bad light.

"We expect there to be numerous amendments, potentially the addition of new defendants. You know, the investigation is ongoing but the people deserve, the people of North Carolina deserve answers on as much of this as possible prior to Election Day. We are very confident that when the jury sees this additional evidence as well as all the evidence that is to be brought forward during the case, you know, they could end up awarding damages far in excess of the initial \$50 million dollars," Hurley said.

Hurley said these new discoveries are directly related to the alleged sexist and racist comments Robinson made on an adult website over a decade ago, alleged comments that were revealed in that CNN report.

RELATED: [Mark Robinson announces lawsuit after CNN report](#)

Lt. Gov. Mark Robinson addresses state of the governor's race



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