



Gilbert, Bird, Sharpes & Robinson
Attorneys

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July 18, 2019

Hon. Steven A. McGraw Sr.
P. O. Box 1126
305 E. Main Street
Salem, VA 24153-1126

VIA HAND DELIVERY

RE: Adrian Maver, et al., v. Southwest Virginia Wildlife Center of Roanoke, Inc., et al.
(CL19-874)

Dear Clerk:

Please find enclosed the following:

1. Southwest Virginia Wildlife Center of Roanoke, Inc.'s **Motion** to Join Blaine Creasy as a Party
2. Southwest Virginia Wildlife Center of Roanoke, Inc.'s **Answer** to Adrian Maver, Stan Seymour, & Jane Seymour's Complaint and **Counterclaims** against Adrian Maver, Stan Seymour, Jane Seymour, & Blaine Creasy
3. Southwest Virginia Wildlife Center of Roanoke, Inc.'s **Demurrer** as to Jane Seymour

We respectfully ask that all the above documents be served by the Sheriff on Blaine Creasy. A check is enclosed to cover the associated filing fees and service costs. If you have any questions, please call my office at 540-721-5110.

Yours Very Truly,

James I. Gilbert, IV

JIGIV/bdb

Enclosures

Cc: Client

James Cowan, Esq.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ROANOKE

ADRIAN MAVER, *et al.*,

Plaintiffs / Counterclaim Defendants,

v.

Case No. CL19000874-00

SOUTHWEST VIRGINIA WILDLIFE
CENTER OF ROANOKE, INC.,

Defendant / Counterclaim Plaintiff,

v.

BLAINE CREASY,

(SERVE AT: 5946 Coleman Road, Roanoke, VA 24018)

To Be Joined Counterclaim Defendant.

**Southwest Virginia Wildlife Center of Roanoke, Inc.'s
Motion to Join Blaine Creasy as a Party**

Defendant Southwest Virginia Wildlife Center of Roanoke, Inc., by counsel, files this motion to join Blaine Creasy as a necessary party to Southwest Virginia Wildlife Center of Roanoke, Inc.'s counterclaims involving plaintiffs Adrian Maver, Stan Seymour, and Jane Seymour pursuant to Virginia Supreme Court Rule 3:12. Southwest Virginia Wildlife Center of Roanoke, Inc. explains:

1. This request has been filed within 21 days after service of the Complaint.
2. This request has been or will be served on Blaine Creasy, the defendant sought to be joined, whose address is 5946 Coleman Road, Roanoke, VA 24018.

3. Blaine Creasy – along with plaintiffs Adrian Maver, Stan Seymour, and Jane Seymour – has already asserted claims against Southwest Virginia Wildlife Center of Roanoke, Inc. and its interests in two other cases pending with this Court: *Seymour, et al., v. The Board of Supervisors of Roanoke County, Virginia, et al.*, No. CL18001377, and *Seymour, et al., v. 5985 Coleman Road, LLC, et al.*, No. CL18001555.
4. Southwest Virginia Wildlife Center of Roanoke, Inc.’s counterclaims include, *inter alia*, the assertion that Blaine Creasy participated with plaintiffs Adrian Maver, Stan Seymour, and Jane Seymour in a conspiracy to injure Southwest Virginia Wildlife Center of Roanoke, Inc. in reputation, trade, business, or profession under Virginia Code §§ 18.2-499 and 18.2-500.
5. Southwest Virginia Wildlife Center of Roanoke, Inc. seeks damages against Blaine Creasy, Adrian Maver, Stan Seymour, and Jane Seymour, jointly and severally.
6. Blaine Creasy’s absence precludes complete relief among the present parties.
7. Joinder of Blaine Creasy as a necessary party in this action would effectuate the efficient administration of justice and reduce inconsistent results and duplicative pleadings, claims, defenses, liabilities, and civil actions among the common parties.
8. The joinder of Blaine Creasy will not prejudice the substantial rights of Adrian Maver, Stan Seymour, and Jane Seymour.
9. Joinder will reduce unnecessary delay, expense, and use of judicial resources that would flow from duplicative actions and separate trials of the claims at issue..
10. “It is desirable as a matter of efficient judicial administration to have all rights and issues arising out of a single occurrence determined in one proceeding.” W. Hamilton Bryson, *Bryson on Virginia Civil Procedure* § 5.03(1)(a)(i) (5th ed. 2017).

For the foregoing reasons, Southwest Virginia Wildlife Center of Roanoke, Inc. asks the Court to order that Blaine Creasy be joined as a necessary party to the counterclaims.

Respectfully Submitted,
Southwest Virginia Wildlife Center of Roanoke, Inc.
By counsel:




GILBERT BIRD SHARPES & ROBINSON
James I. Gilbert, IV (VSB #38229)
Adam Law Miller (VSB #77079)
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Certificate of Mailing

I hereby certify that I mailed a copy of the foregoing Motion to Join Blaine Creasy as a counterclaim defendant on the 18th day of July, 2019, by regular first-class mail postage prepaid to:

James Cowan, Esq.
Eric Chapman, Esq.
CowanPerry PC
250 S. Main St.
Suite 226
Blacksburg, VA 24060

Counsel for Plaintiffs Adrian
Maver, Stan Seymour, and
Jane Seymour



Counsel for defendant
Southwest Virginia Wildlife Center of Roanoke, Inc.

COVER SHEET FOR FILING CIVIL ACTIONS
COMMONWEALTH OF VIRGINIA

Case No. _____
(CLERK'S OFFICE USE ONLY)

Roanoke County

Circuit Court

Southwest Virginia Wildlife Center of Roanoke, Inc.

v./In re:

Adrian Maver, et al.

PLAINTIFF(S)

DEFENDANT(S)

I, the undersigned [] plaintiff [] defendant [X] attorney for [X] plaintiff [] defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- Claim Impleading Third Party Defendant
- Monetary Damages
- No Monetary Damages
- Counterclaim
 - Monetary Damages
 - No Monetary Damages
- Cross Claim
- Interpleader
- Reinstatement (other than divorce or driving privileges)
- Removal of Case to Federal Court

Business & Contract

- Attachment
- Confessed Judgment
- Contract Action
- Contract Specific Performance
- Detinue
- Garnishment

Property

- Annexation
- Condemnation
- Ejectment
- Encumber/Sell Real Estate
- Enforce Vendor's Lien
- Escheatment
- Establish Boundaries
- Landlord/Tenant
 - Unlawful Detainer
- Mechanics Lien
- Partition
- Quiet Title
- Termination of Mineral Rights

Tort

- Asbestos Litigation
- Compromise Settlement
- Intentional Tort
- Medical Malpractice
- Motor Vehicle Tort
- Product Liability
- Wrongful Death
- Other General Tort Liability

ADMINISTRATIVE LAW

- Appeal/Judicial Review of Decision of (select one)
 - ABC Board
 - Board of Zoning
 - Compensation Board
 - DMV License Suspension
 - Employee Grievance Decision
 - Employment Commission
 - Local Government
 - Marine Resources Commission
 - School Board
 - Voter Registration
 - Other Administrative Appeal

DOMESTIC/FAMILY

- Adoption
 - Adoption - Foreign
- Adult Protection
- Annulment
 - Annulment - Counterclaim/Responsive Pleading
- Child Abuse and Neglect - Unfounded Complaint
- Civil Contempt
- Divorce (select one)
 - Complaint - Contested*
 - Complaint - Uncontested*
 - Counterclaim/Responsive Pleading
 - Reinstatement - Custody/Visitation/Support/Equitable Distribution
- Separate Maintenance
 - Separate Maintenance Counterclaim

WRITS

- Certiorari
- Habeas Corpus
- Mandamus
- Prohibition
- Quo Warranto

PROBATE/WILLS AND TRUSTS

- Accounting
- Aid and Guidance
- Appointment (select one)
 - Guardian/Conservator
 - Standby Guardian/Conservator
 - Custodian/Successor Custodian (UTMA)
- Trust (select one)
 - Impress/Declare/Create
 - Reformation
- Will (select one)
 - Construe
 - Contested

MISCELLANEOUS

- Amend Death Certificate
- Appointment (select one)
 - Church Trustee
 - Conservator of Peace
 - Marriage Celebrant
- Approval of Transfer of Structured Settlement
- Bond Forfeiture Appeal
- Declaratory Judgment
- Declare Death
- Driving Privileges (select one)
 - Reinstatement pursuant to § 46.2-427
 - Restoration - Habitual Offender or 3rd Offense
- Expungement
- Firearms Rights - Restoration
- Forfeiture of Property or Money
- Freedom of Information
- Injunction
- Interdiction
- Interrogatory
- Judgment Lien-Bill to Enforce
- Law Enforcement/Public Official Petition
- Name Change
- Referendum Elections
- Sever Order
- Taxes (select one)
 - Correct Erroneous State/Local
 - Delinquent
- Vehicle Confiscation
- Voting Rights - Restoration
- Other (please specify)

[X] Damages in the amount of \$ 500,000.01 + are claimed.

07/18/2019

DATE

[] PLAINTIFF

[] DEFENDANT

[X] ATTORNEY FOR

[X] PLAINTIFF
[] DEFENDANT

Adam L. Miller

PRINT NAME

540-721-5110

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

310 S. Jefferson St., Roanoke, VA 24011

amiller@gbsrattorneys.com

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

Contested divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ROANOKE

ADRIAN MAVER, *et al.*,

Plaintiffs / Counterclaim Defendants,

v.

Case No. CL19000874-00
JURY TRIAL DEMANDED

SOUTHWEST VIRGINIA WILDLIFE
CENTER OF ROANOKE, INC.,

Defendant / Counterclaim Plaintiff,

v.

BLAINE CREASY,

(SERVE AT: 5946 Coleman Road, Roanoke, VA 24018)

To Be Joined Counterclaim Defendant.

**Southwest Virginia Wildlife Center of Roanoke, Inc.'s
Answer to Adrian Maver, Stan Seymour, & Jane Seymour's Complaint and
Counterclaims against Adrian Maver, Stan Seymour, Jane Seymour, & Blaine Creasy**

Defendant Southwest Virginia Wildlife Center of Roanoke, Inc., by counsel, files its Answer and Counterclaims for the Complaint filed by plaintiffs Adrian Maver, Stan Seymour, and Jane Seymour and against a newly-joined indispensable party, Blaine Creasy. Southwest Virginia Wildlife Center of Roanoke, Inc. requests a jury trial and pleads as follows.

Answer

1. The Complaint speaks for itself, and thus, no response is necessary to ¶ 1 of the Complaint. To the extent a response is deemed necessary, the paragraph is denied.

2. Admits ¶ 2 of the Complaint.

3. Admits ¶ 3 of the Complaint only in so far that Stan Seymour resides in Roanoke County and denies the remainder.

4. Admits ¶ 4 of the Complaint.

5. Admits ¶ 5 of the Complaint.

6. Paragraph 6 of the Complaint constitutes a conclusion of law to which no response is necessary, but in the event a response is required, it is denied.

7. Paragraph 7 of the Complaint constitutes a conclusion of law to which no response is necessary, but in the event a response is required, it is denied.

8. Admits ¶ 8 of the Complaint only in so far as an agent of Southwest Virginia Wildlife Center of Roanoke, Inc. posted on its Facebook page on or about August 14, 2018, and denies the remainder.

9. Admits ¶ 9 of the Complaint only in so far that a partial copy of the post was attached as an exhibit and speaks for itself and denies the remainder to the extent Plaintiffs misstate, misquote, or mischaracterize the details.

10. Admits ¶ 10 of the Complaint.

11. Admits ¶ 11 of the Complaint only in so far the statements reference plaintiffs Adrian Maver and Stanley Seymour and denies the paragraph references plaintiff Jane Seymour.

12. Denies ¶ 12 of the Complaint.

13. Paragraph 13 of the Complaint constitutes a conclusion of law to which no response is necessary, but in the event a response is required, it is denied.

14. Denies ¶ 14 of the Complaint.

15. Paragraph 15 of the Complaint constitutes a conclusion of law to which no response is necessary, but in the event a response is required, it is denied.

16. Paragraph 16 of the Complaint is not an assertion of fact, and thus, no response is necessary. To the extent a response is deemed necessary, the paragraph is denied.

17. Paragraph 17 of the Complaint constitutes a conclusion of law to which no response is necessary, but in the event a response is required, it is denied

18. Denies ¶ 18 of the Complaint.

19. Denies ¶ 19 of the Complaint.

20. Admits ¶ 20 of the Complaint to the extent that Adrian Maver and Stan Seymour received “No Trespassing” notices on or about March 16, 2018, by which Southwest Virginia Wildlife Center of Roanoke, Inc. ordered Adrian Maver and Stan Seymour to restrain themselves from trespassing and denies the remainder for lack of knowledge of whether they “were ever” served with a “restraining order.”

21. Denies ¶ 21 of the Complaint.

22. Denies ¶ 22 of the Complaint.

23. Denies ¶ 23 of the Complaint.

24. Paragraph 24 of the Complaint constitutes a conclusion of law to which no response is necessary, but in the event a response is required, it is denied.

25. Paragraph 25 of the Complaint constitutes a conclusion of law to which no response is necessary, but in the event a response is required, it is denied.

26. Denies ¶ 26 of the Complaint.

27. Denies ¶ 27 of the Complaint.

WHEREFORE, Southwest Virginia Wildlife Center of Roanoke, Inc. respectfully requests that the Complaint be dismissed with prejudice and that Southwest Virginia Wildlife Center of Roanoke, Inc. be awarded its attorney's fees, court costs, and such other and further relief as the nature of this cause may merit.

**Southwest Virginia Wildlife Center of Roanoke, Inc.'s Counterclaims
against plaintiffs Adrian Maver, Stan Seymour, and Jane Seymour
and counterclaim defendant Blaine Creasy**

Southwest Virginia Wildlife Center of Roanoke, Inc., by counsel, files these claims against Adrian Maver, Stan Seymour, Jane Seymour and Blaine Creasy. Southwest Virginia Wildlife Center of Roanoke, Inc. pleads as follows.

1. This Court has personal and subject-matter jurisdiction over the parties and the action.
2. This Court is the appropriate venue for this action.
3. Southwest Virginia Wildlife Center of Roanoke, Inc is a 501(c)(3) nonprofit organization and relies on the financial support from the Roanoke Valley community to ensure the continued compassionate care of wounded wildlife.
4. Southwest Virginia Wildlife Center of Roanoke, Inc.'s principal place of business is in Roanoke County at 5985 Coleman Road, which is where it has operated a rehabilitation center for wounded wildlife since 2014.
5. Adrian Maver, Blaine Creasy, Stan Seymour, and Jane Seymour are residents of Roanoke County, Virginia and reside off of Coleman Road in the same neighborhood of Southwest Virginia Wildlife Center of Roanoke, Inc.
6. Stan Seymour has entered entered the private property around Southwest Virginia Wildlife Center of Roanoke, Inc.'s principal place of business at 5985 Coleman

Road Despite without permission or business with Southwest Virginia Wildlife Center of Roanoke, Inc.

7. Before January 28, 2019, Stan Seymour met with the Roanoke County Zoning Administrator to complain about Southwest Virginia Wildlife Center of Roanoke, Inc.

8. On or about January 28, 2018, Stan Seymour wrote a letter to the Roanoke County Zoning Administrator to complain again about Southwest Virginia Wildlife Center of Roanoke, Inc.

9. On or about March 16, 2018, Adrian Maver made Southwest Virginia Wildlife Center of Roanoke, Inc.'s staff fearful when he entered and exited the wildlife center in a threatening manner while speaking obscene and threatening words like "better be careful" and "pack up and get out."

10. On or about March 16, 2018, Adrian Maver and Stan Seymour were served "No Trespassing" notices to keep off 5985 Coleman Road.

11. On or about March 18, 2018, Stan Seymour posted on his Facebook page pictures of "silvertip" and hollow-point bullet boxes depicting wildlife.

12. On or about March 18, 2018, Stan Seymour posted on a Facebook page that at least 1,000 rounds of ammunition were shot for three hours at his residence and despite others' fearful calls to the police department.

13. In the summer of 2018, a volunteer for Southwest Virginia Wildlife Center of Roanoke, Inc. was feeding animals at 5985 Coleman Road when she heard a gunshot so close that the sound of the gunshot resonated in her chest.

14. A neighbor who owned 5942 Coleman Road had allowed Southwest Virginia Wildlife Center of Roanoke, Inc. to install a sign into the ground at 5942 Coleman Road near the roadway.

15. To avoid any potential for conflict with Stan Seymour after Stan Seymour purchased 5942 Coleman Road, Southwest Virginia Wildlife Center of Roanoke, Inc. proactively dug up and removed the sign from 5942 Coleman Road and erected it temporarily across Coleman Road.

16. Nevertheless, Stan Seymour told Southwest Virginia Wildlife Center of Roanoke, Inc. to move the temporarily erected sign away from his property.

17. Southwest Virginia Wildlife Center of Roanoke, Inc. is no longer able to use that sign anywhere along Coleman Road.

18. To avoid the continued escalation of conflict instigated by Stan Seymour, Southwest Virginia Wildlife Center of Roanoke, Inc. installed a new and much smaller sign on another neighbor's private property with that neighbor's permission.

19. After the new and much smaller sign was erected, Stan Seymour and Jane Seymour were seen measuring the sign and/or the area around the sign with a tape measure.

20. Also after Stan Seymour purchased 5942 Coleman Road, he told Southwest Virginia Wildlife Center of Roanoke, Inc. that it could no longer leave its county-issued garbage bin or brush on Coleman Road for public trash service as had been done for many years prior, and consequently, Southwest Virginia Wildlife Center of Roanoke, Inc. must now haul its refuse to a county-owned dumpster.

21. Southwest Virginia Wildlife Center of Roanoke, Inc. had posted "No Trespassing" signs on tree trunks within the property lines of 5985 Coleman Road.

22. Stan Seymour alleged to Southwest Virginia Wildlife Center of Roanoke, Inc. that one of its many “No Trespassing” signs had been posted on a tree trunk over the property line.

23. Although the particular “No Trespassing” sign was already appropriately within the property line of 5985 Coleman Road, Southwest Virginia Wildlife Center of Roanoke, Inc. moved the one “No Trespassing” sign to another tree trunk still within the property lines of 5985 Coleman Road to avoid the continued escalation of conflict by Stan Seymour.

24. In the summer of 2018, an employee of Southwest Virginia Wildlife Center of Roanoke, Inc. and the employee’s mother were driving on Coleman Road when Adrian Maver waved his hands to “flag down” the vehicle. Upon approaching the stopped car, Adrian Maver ranted at the employee and mother.

25. In the summer of 2018, Adrian Maver enlisted and agreed with a neighbor to have a gravel berm approximately five feet deep and spanning the entire width of the roadway built to impede access to and from Southwest Virginia Wildlife Center of Roanoke, Inc.

26. At least two vehicles travelling to or from Southwest Virginia Wildlife Center of Roanoke, Inc. were damaged from Adrian Maver’s improperly erected gravel berm.

27. At other times, Adrian Maver has left wood and stones on the roadway to impede access to and from Southwest Virginia Wildlife Center of Roanoke, Inc.

28. The Roanoke County Police Department studied traffic on Coleman Road in October 2018 and determined that vehicle speed averaged 20 miles-per-hour and that no vehicle travelled ten or more miles above the 25 miles-per-hour speed limit.

29. In November 2018, bullets were fired continuously on or from Stan Seymour's property for three hours.

30. On or about August 16, 2018, Stan Seymour told the public falsities that Southwest Virginia Wildlife Center of Roanoke, Inc. violated criminal statutes by illegally dumping carcasses and by not being properly licensed.

31. Jane Seymour posted on a Facebook page that she has a "militia," anyone who drives on Coleman Road near her house is taking a "chance," and that supporters of Southwest Virginia Wildlife Center of Roanoke, Inc. are "[poop] [crazy] loonatics" and a "cracker head."

32. By a letter dated August 17, 2018, an attorney for Southwest Virginia Wildlife Center of Roanoke, Inc. instructed Adrian Maver, Blaine Creasy, Stan Seymour, and Jane Seymour, via counsel, that they must stop making false statements and representations about Southwest Virginia Wildlife Center of Roanoke, Inc.

33. On or about December 7, 2018, Blaine Creasy complained about Southwest Virginia Wildlife Center of Roanoke, Inc. to the Virginia Department of Game and Inland Fisheries. Blaine Creasy wanted the government and public to know her statements, inferences, implications, and insinuations that:

- a. Blaine Creasy admitted that she or her agent rummaged through Southwest Virginia Wildlife Center of Roanoke, Inc.'s county-issued garbage container.
- b. Blaine Creasy said she found a "bird carcass," feces, bedding, "other animal waste," "molded animal food," and "medical gloves and waste" in or around the garbage container.

- c. Blaine Creasy acknowledged that Southwest Virginia Wildlife Center of Roanoke, Inc. is permitted to take “animals to various fundraising events,” but she suggested it was cruel for Southwest Virginia Wildlife Center of Roanoke, Inc. to display a squirrel in a local parade.
- d. Blaine Creasy questioned the propriety of whether Southwest Virginia Wildlife Center of Roanoke, Inc. was borrowing an ambassador animal from another rehabilitation center.
- e. Blaine Creasy alleged that Southwest Virginia Wildlife Center of Roanoke, Inc. rehabilitated animals to “turn them into ambassador animals on an as needed basis strictly for fund raising purposes.”
- f. Blaine Creasy admitted that she does not know the relevant regulations or the legalities but alleged regardless that Southwest Virginia Wildlife Center of Roanoke, Inc. was deceiving the public about the number of animals it treats.
- g. Blaine Creasy alleged that Southwest Virginia Wildlife Center of Roanoke, Inc. violated the law by not having a veterinarian available twenty-four hours a day, seven days a week.
- h. Blaine Creasy alleged that Southwest Virginia Wildlife Center of Roanoke, Inc. misused funds by purchasing a vehicle for animal transport.
- i. Blaine Creasy suggested that the animal cages at Southwest Virginia Wildlife Center of Roanoke, Inc. attracted a bear and a

“mountain cougar” even though Blaine Creasy admitted living close to the forests and a national park and that “mountain cougars” are not reported to live in this area.

j. Blaine Creasy included photographs of trash and trash receptacles.

34. The Virginia Department of Game and Inland Fisheries responded on or about December 11, 2018, explaining that:

a. Nothing Blaine Creasy described or depicted violated Virginia’s game laws, regulations, or permits.

b. Southwest Virginia Wildlife Center of Roanoke, Inc. has a valid permit to Exhibit Wildlife in Virginia and may display wildlife even if from another rehabilitation center.

c. Southwest Virginia Wildlife Center of Roanoke, Inc. has a veterinarian on staff and is in full compliance with Virginia law.

35. The “squirrel” allegedly used by Southwest Virginia Wildlife Center of Roanoke, Inc. in the local parade was either a plush toy or a volunteer dressed as a squirrel.

36. Southwest Virginia Wildlife Center of Roanoke, Inc. pays for the retrieval and appropriate disposition for any animal that either arrives deceased or dies while rehabilitating.

37. The photo of the “bird carcass” depicted chicken bones commonly known to people who eat rotisserie chicken.

38. On or about February 28, 2019, Blaine Creasy complained about Southwest Virginia Wildlife Center of Roanoke, Inc. to the Virginia Department of Agricultural and

Agricultural Services. Blaine Creasy wanted the government and public to know her statements, inferences, implications, and insinuations that:

- a. Southwest Virginia Wildlife Center of Roanoke, Inc. had been doing a significant amount of fundraising and started driving a new luxury vehicle after one of its events.
- b. Southwest Virginia Wildlife Center of Roanoke, Inc. solicits funds from outside the state and country and that she thinks it may not have filed all the proper forms to do so.
- c. A website owned by a company unaffiliated with Southwest Virginia Wildlife Center of Roanoke, Inc., with the federal government, and with the Virginia government does not show that Southwest Virginia Wildlife Center of Roanoke, Inc. has filed “any paperwork” since 2016.

39. On or about March 8, 2019, the Virginia Department of Agriculture and Consumer Services responded and verified that Southwest Virginia Wildlife Center of Roanoke, Inc. is registered in accordance with Virginia law.

40. In that same response on or about March 8, 2019, the Virginia Department of Agriculture and Consumer Services advised Blaine Creasy that her concerns about federal tax law must be addressed to the Internal Revenue Service or local law enforcement.

41. In mid-April 2019, Stan Seymour, Adrian Maver, or an agent on their individual or joint behalf called a Master Falconer in Floyd County and tried to convince the Master Falconer to receive money to build an aviary to displace the aviary planned by Southwest Virginia Wildlife Center of Roanoke, Inc.

42. A local physician who volunteers at Southwest Virginia Wildlife Center of Roanoke, Inc. was driving on Coleman Road on or about May 23, 2019, and while still on Coleman Road, Adrian Maver threatened and shouted profanely and obscenely at the volunteer. The volunteer was afraid and fled to the wildlife center.

43. On or about June 9, 2019, Adrian Maver erected a sign listing alternative wildlife centers as distant west to Floyd, as north to Staunton, and as east to Lynchburg and told the public that Southwest Virginia Wildlife Center of Roanoke, Inc. “isn[']t the only game in town.”

44. On or about June 27, 2019, Adrian Maver cursed at and threatened a FedEx driver making a delivery of necessary animal food to Southwest Virginia Wildlife Center of Roanoke, Inc.

45. Adrian Maver’s, Blaine Creasy’s, Stan Seymour’s, and Jane Seymour’s conduct and statements caused the veterinarian doctor on whom Southwest Virginia Wildlife Center of Roanoke, Inc. relied for veterinarian services to stop providing those services.

46. Adrian Maver, Blaine Creasy, Stan Seymour, and Jane Seymour continue to make false statements via expressions of “concerns” and vague allegations to the public and governments about Southwest Virginia Wildlife Center of Roanoke, Inc. and its agents, employees, volunteers, and supporters.

47. Adrian Maver, Blaine Creasy, Stan Seymour, and Jane Seymour continue to act and speak threateningly to those who do business with Southwest Virginia Wildlife Center of Roanoke, Inc. and its agents, employees, volunteers, and supporters.

48. Adrian Maver's, Blaine Creasy's, Stan Seymour's, and Jane Seymour's conduct and statements have caused unnecessary increases in costs to Southwest Virginia Wildlife Center of Roanoke, Inc.

COUNT I – DEFAMATION BY STAN SEYMOUR

49. Paragraphs 1 - 48 are incorporated by reference as if fully set forth herein.

50. Stan Seymour knowingly pronounced false statements, inferences, implications, and insinuations about Southwest Virginia Wildlife Center of Roanoke, Inc. with the intent to defame it to the general public.

51. Southwest Virginia Wildlife Center of Roanoke, Inc. has not violated criminal statutes in the disposal of its refuse.

52. Southwest Virginia Wildlife Center of Roanoke, Inc. is properly licensed by state and federal authorities.

53. Stan Seymour's statements, inferences, implications, and insinuations about Southwest Virginia Wildlife Center of Roanoke, Inc's garbage and licenses are demonstrably false and not based in opinion.

54. Stan Seymour pronounced these statements, inferences, implications, and insinuations to the public knowing they were false, lacking reasonable grounds for believing such to be true, and negligently with an apparent substantial danger to reputation.

55. Stan Seymour made these statements, inferences, implications, and insinuations with actual malice and reckless disregard for the truth.

56. Stan Seymour's statements, inferences, implications, and insinuations prejudiced Southwest Virginia Wildlife Center of Roanoke, Inc. in its profession and trade.

57. Due to Stan Seymour's actions, Southwest Virginia Wildlife Center of Roanoke, Inc. suffered damages in the form of damage to its reputation, standing in the community, embarrassment, humiliation, and mental suffering.

WHEREFORE, Southwest Virginia Wildlife Center of Roanoke, Inc. requests judgment for this count: not less than \$150,000.00 of compensatory damages and \$350,000.00 of punitive damages; costs and attorney's fees; and all such other relief as the Court may deem just and proper.

COUNT II – DEFAMATION BY BLAINE CREASY

58. Paragraphs 1 - 48 are incorporated by reference as if fully set forth herein.

59. Blaine Creasy knowingly pronounced false statements, inferences, implications, and insinuations about Southwest Virginia Wildlife Center of Roanoke, Inc. with the intent to defame it to the public.

60. Southwest Virginia Wildlife Center of Roanoke, Inc. has not violated criminal statutes in the disposal of its refuse.

61. Southwest Virginia Wildlife Center of Roanoke, Inc. is properly licensed by state and federal authorities.

62. Southwest Virginia Wildlife Center of Roanoke, Inc. has not misappropriated funds in violation of state or federal criminal or charitable-giving laws.

63. Blaine Creasy's statements, inferences, implications, and insinuations about Southwest Virginia Wildlife Center of Roanoke, Inc's garbage, licenses, and finances are demonstrably false and not based in opinion.

64. Blaine Creasy made these statements, inferences, implications, and insinuations to the general public and in government records open to the general public knowing they were false, lacking reasonable grounds for believing such to be true, and negligently with an apparent substantial danger to reputation.

65. Blaine Creasy made these statements with actual malice and reckless disregard for the truth.

66. Blaine Creasy's statements, inferences, implications, and insinuations prejudiced Southwest Virginia Wildlife Center of Roanoke, Inc. in its profession and trade.

67. Due to Blaine Creasy's actions, Southwest Virginia Wildlife Center of Roanoke, Inc. suffered damages in the form of damage to its reputation, standing in the community, embarrassment, humiliation, and mental suffering.

WHEREFORE, Southwest Virginia Wildlife Center of Roanoke, Inc. requests judgment for this count: not less than \$150,000.00 of compensatory damages and \$350,000.00 of punitive damages; costs and attorney's fees; and all such other relief as the Court may deem just and proper.

COUNT III – DEFAMATION BY JANE SEYMOUR

68. Paragraphs 1 - 48 are incorporated by reference as if fully set forth herein.

69. Jane Seymour knowingly pronounced false statements about the characteristics of supporters of Southwest Virginia Wildlife Center of Roanoke, Inc. with the intent to defame supporters to the general public.

70. Supporters of Southwest Virginia Wildlife Center of Roanoke, Inc. are neither lunatics nor cracker heads.

71. Jane Seymour's statements about supporters of Southwest Virginia Wildlife Center of Roanoke, Inc's mental health and race are demonstrably false and not based in opinion.

72. Jane Seymour made these statements to the general public either knowing they were false, lacking reasonable grounds for believing such to be true, and negligently with an apparent substantial danger to reputation.

73. Jane Seymour made these statements with actual malice and reckless disregard for the truth.

74. Jane Seymour's statements, inferences, implications, and insinuations prejudiced Southwest Virginia Wildlife Center of Roanoke, Inc. in its profession and trade.

75. Due to Jane Seymour's actions, Southwest Virginia Wildlife Center of Roanoke, Inc. suffered damages in the form of damage to its reputation, standing in the community, embarrassment, humiliation, and mental suffering.

WHEREFORE, Southwest Virginia Wildlife Center of Roanoke, Inc. requests judgment for this count: not less than \$150,000.00 of compensatory damages and \$350,000.00 of punitive damages; costs and attorney's fees; and all such other relief as the Court may deem just and proper.

COUNT IV – ASSAULT BY ADRIAN MAVER

76. Paragraphs 1 - 48 are incorporated by reference as if fully set forth herein.

77. Adrian Maver's performed overt acts intended to cause fear or apprehension of harmful or offensive contact with another person.

78. Each of Adrian Maver's acts was during a present ability to inflict such harm.

79. Each of Adrian Maver's acts created in another person's mind a reasonable fear or apprehension of harmful or offensive contact.

WHEREFORE, Southwest Virginia Wildlife Center of Roanoke, Inc. requests judgment for this count: not less than \$150,000.00 of compensatory damages and \$350,000.00 of punitive damages; costs and attorney's fees; and all such other relief as the Court may deem just and proper.

COUNT V – ATTEMPTED CONSPIRACY TO INJURE ANOTHER IN REPUTATION, TRADE, BUSINESS OR PROFESSION IN VIOLATION OF VIRGINIA CODE § 18.2-499 & § 18.2-500 BY ADRIAN MAVER

80. Paragraphs 1 - 48 are incorporated by reference as if fully set forth herein.

81. Adrian Maver attempted to procure the participation, cooperation, agreement, or other assistance of one or more persons to enter into a combination, association, agreement, and/or mutual understanding for the purpose of willfully and maliciously injuring Southwest Virginia Wildlife Center of Roanoke, Inc. in its reputation, trade, business, or profession.

82. Adrian Maver undertook these actions with willful knowledge, intentionally, purposefully, willfully, maliciously, and without lawful justification.

83. By virtue of Adrian Maver's attempts to conspire in violation of Virginia Code §§ 18.2-499(B) and 18.2-500, Southwest Virginia Wildlife Center of Roanoke, Inc. has suffered injury to its trade, business, profession, and reputation.

WHEREFORE, Southwest Virginia Wildlife Center of Roanoke, Inc. requests judgment for this count: not less than \$500,000.00 in compensatory damages, trebled, and punitive damages of \$350,000.00; costs and attorney's fees; temporary

and permanent injunctive relief; and such other relief to which Southwest Virginia Wildlife Center of Roanoke, Inc. may be entitled.

COUNT VI – ATTEMPTED CONSPIRACY TO INJURE ANOTHER IN REPUTATION, TRADE, BUSINESS OR PROFESSION IN VIOLATION OF VIRGINIA CODE § 18.2-499 & § 18.2-500 BY STAN SEYMOUR

84. Stan Seymour attempted to procure the participation, cooperation, agreement, or other assistance of one or more persons to enter into a combination, association, agreement, and/or mutual understanding for the purpose of willfully and maliciously injuring Southwest Virginia Wildlife Center of Roanoke, Inc. in its reputation, trade, business, or profession.

85. Stan Seymour undertook these actions with willful knowledge, intentionally, purposefully, willfully, maliciously, and without lawful justification.

86. By virtue of Stan Seymour's attempts to conspire in violation of Virginia Code §§ 18.2-499(B) and 18.2-500, Southwest Virginia Wildlife Center of Roanoke, Inc. has suffered injury to its trade, business, profession, and reputation.

WHEREFORE, Southwest Virginia Wildlife Center of Roanoke, Inc. requests judgment for this count: not less than \$500,000.00 in compensatory damages, trebled, and punitive damages of \$350,000.00; Southwest Virginia Wildlife Center of Roanoke, Inc.'s costs and attorney's fees; temporary and permanent injunctive relief; and such other relief to which Southwest Virginia Wildlife Center of Roanoke, Inc. may be entitled.

COUNT VII – CONSPIRACY TO INJURE ANOTHER IN REPUTATION, TRADE, BUSINESS OR PROFESSION IN VIOLATION OF VIRGINIA CODE §§ 18.2-499 & 18.2-500 BY ADRIAN MAVER, BLAINE CREASY, STAN SEYMOUR, AND JANE SEYMOUR

87. Paragraphs 1 - 48 are incorporated by reference as if fully set forth herein.

88. Adrian Maver, Blaine Creasy, Stan Seymour, and Jane Seymour conspired and combined for the purpose of willfully and maliciously injuring Southwest Virginia Wildlife Center of Roanoke, Inc. in its business, profession, reputation, and trade.

89. The conduct of Adrian Maver, Blaine Creasy, Stan Seymour, and Jane Seymour has been willful and malicious with the intent of injuring Southwest Virginia Wildlife Center of Roanoke, Inc. in its business, profession, reputation, and trade.

90. Adrian Maver, Blaine Creasy, Stan Seymour, and Jane Seymour acted intentionally, purposefully, and without lawful justification.

91. Adrian Maver's, Blaine Creasy's, Stan Seymour's, and Jane Seymour's conduct violates Virginia Code §§ 18.2-499 and 18.2-500.

92. As a direct and proximate result of their conspiracy, Southwest Virginia Wildlife Center of Roanoke, Inc. has been damaged in its trade, profession and reputation, and is entitled to treble damages and attorney's fees.

93. If not temporarily and permanently enjoined, Adrian Maver, Blaine Creasy, Stan Seymour, and Jane Seymour will continue to engage in their conspiracy and will continue to proximately cause Southwest Virginia Wildlife Center of Roanoke, Inc. to suffer irreparable injury and harm for which there is no adequate remedy at law.

WHEREFORE, Southwest Virginia Wildlife Center of Roanoke, Inc. requests judgment for this count: not less than \$500,000.00 in compensatory damages, trebled, and punitive damages of \$350,000.00 against Adrian Maver, Blaine Creasy,

Stan Seymour, and Jane Seymour, jointly and severally; Southwest Virginia Wildlife Center of Roanoke, Inc.'s costs and attorney's fees; temporary and permanent injunctive relief; and such other relief to which Southwest Virginia Wildlife Center of Roanoke, Inc. may be entitled.

Respectfully Submitted,

Southwest Virginia Wildlife Center of Roanoke, Inc.
By counsel:-



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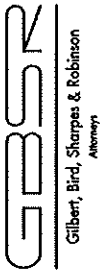
Certificate of Service

I hereby certify that a true and accurate copy of the foregoing Answer and Counterclaims was mailed by first-class mail postage prepaid this 18th day of July, 2019, to the following:

James Cowan, Esq.
Eric Chapman, Esq.
CowanPerry PC
250 S. Main St.
Suite 226
Blacksburg, VA 24060
Counsel for Plaintiffs Adrian
Maver, Stan Seymour, and
Jane Seymour



Counsel for Southwest Virginia Wildlife Center of Roanoke, Inc.



VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ROANOKE

ADRIAN MAVER, *et al.*,

Plaintiffs / Counterclaim Defendants,

v.

Case No. CL19000874-00

SOUTHWEST VIRGINIA WILDLIFE
CENTER OF ROANOKE, INC.,

Defendant / Counterclaim Plaintiff,

v.

BLAINE CREASY,

(SERVE AT: 5946 Coleman Road, Roanoke, VA 24018)

To Be Joined Counterclaim Defendant.

**Southwest Virginia Wildlife Center of Roanoke, Inc.'s
Demurrer as to Jane Seymour**

Defendant Southwest Virginia Wildlife Center of Roanoke, Inc., by counsel, files this Demurrer to one of the four plaintiffs' claims of defamation. Jane Seymour's claim of defamation is based solely on the partial contents of a single Facebook post that was attached to the Complaint as Exhibit A.

A demurrer should be sustained if a complaint fails to state a claim upon which the requested relief may be granted after viewing its facts, and reasonable inferences therefrom, in the light most favorable to the plaintiff. *W.S. Carnes, Inc. v. Bd. of Supervisors*, 252 Va. 377, 384, 478 S.E.2d 295, 300 (1996). However, a court is not bound by a complaint's conclusory allegations or conclusions of law. *Ogunde v. Prison Health Servs., Inc.*, 274 Va. 55, 66, 645

S.E.2d 520, 526-27 (2007); *see Flippo v. F & L Land Co.*, 241 Va. 15, 17, 400 S.E.2d 156, 156 (1991) (recognizing a court may look at exhibits attached to and referenced in a complaint). Also, a court should not give any weight to unreasonable inferences that are “strained, forced, or contrary to reason.” *Coward v. Wellmont Health Sys.*, 295 Va. 351, 358-59, 812 S.E.2d 766, 770 (2018).

Neither “Jane Seymour” nor “Seymours” is mentioned in the post. References to “Seymour” appear in the third, fourth, and fifth full paragraphs in the post. The third paragraph refers to the “Seymour” who was served with paperwork on March 16, 2018,¹ and it is within the common knowledge of all the parties that the only “Seymour” to have been served with paperwork on that day was Stan Seymour. The “Seymour” in the fourth paragraph is associated with a singular male pronoun and clearly would not reference Mrs. Jane Seymour. *See id.* The “Seymour” reference in the fifth paragraph mentions an appeal of a zoning decision.

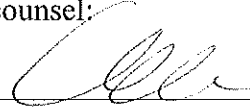
Even if the “Seymour” referenced in the fifth paragraph could be construed to mean Jane Seymour, the single allegation is insufficient to state a claim upon which relief may be granted. A statement actionable for defamation must be both false and defamatory. “Defamatory words are those tending . . . to harm the reputation of another as to lower h[er] in the estimation of the community or to deter third persons from associating or dealing with h[er].” *Schaecher v. Bouffault*, 290 Va. 83, 92, 772 S.E.2d 589, 594 (2015). There is no “defamatory sting” for writing merely that someone appealed a zoning decision.

The Exhibit incorporated into the Complaint reveals that there is not a basis from which Jane Seymour can state an actionable claim of defamation because no false statement with “defamatory sting” is directed to or attributed with Jane Seymour. Accordingly, Southwest

¹ The remainder of the paragraph does not include any alleged defamatory statement.

Virginia Wildlife Center of Roanoke, Inc. asks the Court to dismiss plaintiff Jane Seymour's claim of defamation with prejudice.

Respectfully Submitted,
Southwest Virginia Wildlife Center of Roanoke, Inc.
By counsel:



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Certificate of Mailing

I hereby certify that I mailed a copy of the foregoing Demurrer on the 1st day of

July, 2019, by regular first-class mail postage prepaid to:

James Cowan, Esq.
Eric Chapman, Esq.
CowanPerry PC
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Blacksburg, VA 24060

Counsel for Plaintiffs Adrian
Maver, Stan Seymour, and
Jane Seymour



Counsel for defendant
Southwest Virginia Wildlife Center of Roanoke, Inc.