

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

|                                |   |                |
|--------------------------------|---|----------------|
| KRISTEN STOLIPHER              | ) |                |
|                                | ) |                |
| Plaintiff,                     | ) |                |
|                                | ) |                |
| v.                             | ) | Case No. _____ |
|                                | ) |                |
| CAROLINE A. KEYS, individually | ) | Judge: _____   |
|                                | ) |                |
| Defendants.                    | ) |                |
|                                | ) |                |

COMPLAINT

COMES NOW, Plaintiff Kristen Stolipher (“Stolipher”), by counsel, and for her Complaint against the Defendant Caroline A. Keys, commonly known as Cara Keys, individually (“Keys”), alleges as follows:

I. NATURE OF THE ACTION

1. This is an action for slander arising from a statement Keys made in her individual capacity on September 4, 2026, during a public meeting of the Jefferson County Commission. In that statement, Keys identified Stolipher by name as the former general manager of the Charles Town Utility Board (“CTUB”) and published to those present, and to anyone later receiving the meeting record, the false factual implication that Stolipher had signed and submitted a West Virginia Department of Environmental Protection (“DEP”) permit application for the Sidewinder project without CTUB Board authorization and contrary to Board direction, and that she had done so because of, or at the direction of, her husband.

2. The sole defendant is Caroline A. Keys, sued only in her individual capacity. Stolipher asserts no claim against the Jefferson County Commission, no claim of vicarious liability, and no claim based on any statement by any other person or at any other meeting.

## **II. PARTIES, JURISDICTION, AND VENUE**

3. Stolipher is a resident of Jefferson County, West Virginia. She is a professional in the public-utility industry. She formerly served as General Manager of CTUB. After leaving that position, she has continued to work at senior levels in the public-utility industry in the Eastern Panhandle. Her livelihood and professional standing depend on a reputation for integrity, competence, and fidelity to lawful board direction.

4. Keys is a resident of Jefferson County, West Virginia, residing at 134 Redwood Court, Harpers Ferry, West Virginia 25425. Keys, whose legal name is Caroline A. Keys, is commonly known as “Cara” Keys, and is publicly identified by that name. She is a member of the Jefferson County Commission. However, she is sued solely in her individual capacity for remarks she made on her own behalf and not pursuant to any vote, resolution, authorization, or official policy of the Commission.

5. This Court has subject-matter jurisdiction under W. Va. Code § 51-2-2 because this is a civil action for damages in which the amount in controversy exceeds the jurisdictional minimum of the magistrate court.

6. Venue is proper in the Circuit Court of Berkeley County under W. Va. Code § 56-1-1(a)(1) because Stolipher’s cause of action arose, at least in part, in Berkeley County, where she works as a senior executive and has suffered substantial injury to her

professional reputation and career in Berkeley County as a direct result of Keys's defamatory publication.

### **III. FACTUAL ALLEGATIONS**

#### ***A. Stolipher's Role and the Permit Application***

7. As CTUB General Manager, Stolipher's duties included preparing, executing, and submitting permit applications necessary to carry out projects the CTUB Board had approved, including applications to DEP. Execution of such an application was an administrative act within the General Manager's ministerial obligations once the Board had approved the underlying project and related permitting. On September 8, 2020, the Charles Town City Council adopted its first resolution entitled "NPDES Permit Authorization – Charles Town Utility Board," designating Stolipher as the City's authorized agent to sign all permits, modifications, and required reports regarding the City of Charles Town Sewer Department and Wastewater Treatment Plant. The City Council adopted a similar second NPDES Permit Authorization Resolution on February 6, 2023.

8. The CTUB Board approved the Sidewinder-related raw water line extension and the pursuit of the related permits on August 27, 2025. As part of the project approval, CTUB agreed to take possession of the raw-water line upon project completion. In November 2025, acting within that authority and in furtherance of Board-approved permitting, Stolipher signed a DEP permit application associated with the Sidewinder matter. Submission of this permit was a purely routine ministerial matter. She did not act contrary to Board direction. Instead, her actions were consistent with the historic practices of CTUB and the City of Charles Town. She did not sign the application without Board

authorization. She did not do so because her husband directed her to do so and any suggestion that a professional of Ms. Stolipher's background and training can only act based upon the direction of her husband is shocking.

9. Signing a permit application is not the same act as executing a construction or services contract. Keys's statement conflated those acts and treated the existence of a signature on a permit application as evidence of unauthorized contracting and of a betrayal of Board direction. That treatment is false.

***B. Stolipher's Status as a Private Individual***

10. For purposes of the September 4, 2026, publication, Stolipher was a private individual. Her former CTUB title and her work in public utilities do not, without more, make her a public official or a limited-purpose public figure for every remark about the Sidewinder project.

11. Under *State ex rel. Suriano v. Gaughan*, 198 W. Va. 339, 480 S.E.2d 548 (1996), and *Wilson v. Daily Gazette Co.*, 214 W. Va. 208, 588 S.E.2d 197 (2003), limited-purpose public-figure status requires that, before the challenged statement, the plaintiff voluntarily made significant efforts to influence the relevant public controversy or voluntarily assumed a position at its forefront; that the controversy and the plaintiff's involvement preceded the statement; and that the plaintiff had reasonable access to effective channels of response. Stolipher did not voluntarily thrust herself into the forefront of a public campaign over Sidewinder. Performing assigned duties as General Manager, including work on a Board-approved permit application, is not a voluntary effort to lead public debate.

**12.** A public employee is not automatically a “public official” for defamation purposes. Under *Hinerman v. Daily Gazette Co.*, 188 W. Va. 157, 423 S.E.2d 560 (1992), the question is whether the employee had, or appeared to the public to have, substantial responsibility for or control over governmental affairs. Stolipher’s former title alone does not answer that question. By September 4, 2026, she was no longer CTUB General Manager. The remarks concerned a discrete administrative act, the signing of a routine ministerial permit application, not the exercise of substantial independent control over governmental policy.

**13.** Stolipher therefore pleads private-individual status and a negligence standard of fault. In the alternative, if the Court classifies her as a public official or limited-purpose public figure with respect to these remarks about her former CTUB work, she pleads that Keys acted with knowledge of falsity or with reckless disregard of the truth, as alleged below.

***C. Keys Spoke in Her Individual Capacity***

**14.** Although Keys is a County Commissioner, she made the challenged remarks on her own behalf. She did not make them pursuant to a Commission vote, resolution, adopted policy, or discussion regarding CTUB. The Jefferson County Commission is not a defendant. The fact that the defamatory remarks were uttered in a Commission meeting room does not, by itself, place them within the scope of official legislative or administrative duty.

**15.** Keys’s remarks were not a vote, were not a written finding, CTUB was not on the agenda, and were not an official report of the Commission. They were personal

accusations related to a personal vendetta, framed as questions, about Stolipher's integrity, her marriage, and her fidelity to Board direction.

***D. The September 4, 2026 Publication***

16. On September 4, 2026, at a public meeting of the Jefferson County Commission, Keys knowingly or recklessly published the following false statement identifying Stolipher:

*"From recent report reported by the Observer last night, how has his relationship with his wife former CTUB manager impacted her impartiality in her capacity with following CTUB board direction in signing contracts . . .*

*[Commissioner Majdi interrupts.]*

*. . . where it appears that even after Sidewinder's denial was upheld in Circuit Court Ms. Stolipher signed a Sidewinder DEP permit application in November 2025 despite no record of board authorization . . . did Steve Stolipher direct her to take action on this part. . . ."*

*Jefferson County Commission YouTube Channel, 2026-09-04 JCC Special Meeting Video, beginning at approximately 42:00.*

17. The statement was oral. It was heard by the Commissioners, staff, members of the public present at the meeting; was available through press outlets reporting in Berkeley County; and remains available online globally. It was captured on the official meeting record and thereby published to additional third persons who later obtained or viewed that record. Keys knew that it was the official policy of the County Commission to publish the entire meeting audio and video on YouTube which is still available even as the date of this Complaint. In fact, to the date of this filing, YouTube Video 2026-09-04 JCC Special Meeting has been viewed by an audience of 811 viewers. Keys is responsible for her own words and for that foreseeable further publication of the meeting record.

**18.** Keys’s statement in context conveyed, and was reasonably understood by listeners to convey, the following defamatory factual assertions and implications of and concerning Stolipher:

(a) that Stolipher signed a Sidewinder DEP permit application in November 2025 without CTUB Board authorization;

(b) that she did so in disregard of, or contrary to, CTUB Board direction;

(c) that her impartiality as General Manager was compromised by her marriage to Steve Stolipher; and

(d) that Steve Stolipher directed her to take the challenged official action.

**19.** A speaker may not escape responsibility for a false charge of professional misconduct merely by dressing the charge as a question. The words identified Stolipher, supplied an asserted factual predicate (“despite no record of board authorization”), and invited the audience to conclude that she had acted without authority and under her husband’s direction. That is a statement of fact, not protected opinion, rhetoric, or fair comment on disclosed true facts.

#### ***E. Falsity***

**20.** Each implication identified in paragraph 18 is false. The CTUB Board approved the project and the related permitting and City Council authorized her to sign NPDES permits. Signing the November 2025 DEP application was within Stolipher’s duties as General Manager. She followed Board direction. She did not sign the application because her husband directed her to do so. There was a record of Board authorization for

the project and related permits. Keys's assertion of "no record of board authorization," and the implication drawn from it, were not true.

**21.** Any implication that Stolipher committed a crime, engaged in official corruption, or secretly executed unauthorized contracts is likewise false. The challenged conduct was the signing of a permit application in the ordinary course of Board-approved work.

***F. Fault***

**22.** Before September 4, 2026, Keys knew, or in the exercise of reasonable care would have known, that approval and execution of permit applications of this kind were within the CTUB General Manager's duties and that the Board had approved the Sidewinder-related project and related permits. Board minutes, publicly available project history, and the ordinary division of authority between a utility board and its general manager were available to her. She did not review those sources with reasonable care before publishing the charge.

**23.** Alternatively, and independently, Keys published the statement with knowledge that its factual implications were false or with reckless disregard of whether they were false. She had access to Commission and public records concerning CTUB and Sidewinder. She chose to treat an incomplete newspaper account and the absence of a document she happened to have in hand as proof that Stolipher had acted without authority and under her husband's direction. She had obvious reasons to doubt that conclusion and published it anyway.

24. Keys's framing of the charge as a series of questions does not reduce her fault. She supplied the false factual premise, that there was "no record of board authorization," and then used that premise to attack Stolipher's impartiality and to suggest that her husband directed official action.

***G. Absence or Abuse of Privilege***

25. The publication was not absolutely privileged. Keys was not speaking as a witness in a judicial proceeding, was not performing a legislative function of voting or reporting a committee determination, and was not making an official finding of the Commission.

26. To the extent any qualified privilege for comment on public business might otherwise apply, Keys abused it. She published matter she knew or should have known to be false; she published it with reckless disregard of the truth; she went beyond any occasion for official comment by attacking Stolipher's marriage and personal motives; and she published the charge to persons who had no official need to hear an unfounded accusation of unauthorized official action. A privilege to discuss public business is not a license to charge a named professional with disloyalty to her board on a false factual premise.

***H. Injury***

27. Keys's statement is defamatory. It tends to injure Stolipher in her profession and former office by charging that she disregarded Board direction, signed an official application without authorization, allowed her marriage to compromise her impartiality,

and took official action at her husband's direction. Those charges impugn honesty, independence, and fitness for responsible work in public utilities.

**28.** The statement caused actual reputational harm. Stolipher continues to work at senior levels in the Eastern Panhandle public-utility industry. An accusation that she ignored her Board and signed official papers without authority, and that she did so at her husband's direction, is the kind of charge that employers, boards, counterparties, and regulators treat as a reason to withhold trust. The publication was made in a public county meeting and preserved on the official record, magnifying its reach among the very audience that matters to her livelihood.

**29.** At the time of Keys's publication, Stolipher was a senior executive working in Berkeley County, West Virginia. Her professional responsibilities there depend on the confidence of colleagues and others with whom she works in her integrity, independent judgment, and fidelity to governing-board direction. Keys's accusation attacked those very qualifications: it portrayed Stolipher as a utility executive who signed an official permit application without board authorization, disregarded board direction, and acted at her husband's direction rather than exercising her own professional judgment. The resulting impairment of Stolipher's professional standing is not an abstract consequence felt only where Keys spoke; it directly affects the career and professional relationships Stolipher maintains through her executive work in Berkeley County. Stolipher has suffered substantial injury to her professional reputation and career in Berkeley County as a direct and proximate result of the publication. Stolipher has suffered humiliation, mental anguish, and impairment of her professional standing as a direct and proximate result of Keys's

publication. She seeks compensatory damages for that harm. She will prove at trial the extent of any special damages, including lost opportunities or economic loss attributable to the statement. She does not rest the sufficiency of this Complaint on a particular dollar figure of special damages.

### **COUNT I — DEFAMATION (SLANDER)**

**30.** Stolipher incorporates paragraphs 1 through 29.

**31.** Keys published to third persons a false and defamatory statement of fact, and false and defamatory factual implications, of and concerning Stolipher, as set forth in paragraphs 16 through 19.

**32.** The publication tends to so harm Stolipher's reputation as to lower her in the estimation of the community and to deter others from associating or dealing with her, particularly in her profession. *See Crump v. Beckley Newspapers, Inc.*, 173 W. Va. 699, 320 S.E.2d 70 (1983).

**33.** The publication was not privileged, or any applicable qualified privilege was abused.

**34.** Because Stolipher is a private individual with respect to this publication, Keys is liable for publishing the false defamatory matter negligently.

**35.** Alternatively, if Stolipher is treated as a public official or limited-purpose public figure as to these remarks, Keys is liable because she published the false defamatory matter with knowledge of its falsity or with reckless disregard of the truth, as alleged in paragraph 23. *See Sprouse v. Clay Commc'n, Inc.*, 158 W. Va. 427, 211 S.E.2d 674 (1975).

36. As a direct and proximate result, Stolipher has suffered the injuries alleged in paragraphs 27 through 29 and is entitled to compensatory damages, and to punitive damages if the proof at trial meets the governing standard.

**COUNT II — DEFAMATION PER SE**  
*(Alternative Characterization of the Same Publication)*

37. Stolipher incorporates paragraphs 1 through 36. This Count concerns the same September 4, 2026, oral publication. This count is pled in the alternative.

38. In context, Keys's words accuse Stolipher of conduct injurious to her profession and former office: that she signed an official DEP permit application without Board authorization, that she failed to follow Board direction, and that her official impartiality was compromised by her marriage and by her husband's direction. Those imputations fall within the recognized *per se* category of statements that prejudice a person in her office, profession, or occupation.

39. The imputations were materially false, were published by Keys to third persons, were unprivileged or exceeded any qualified privilege, and were made with the fault required by Stolipher's status, all as alleged above.

40. If the Court treats the publication as defamation *per se*, Stolipher may recover the damages available under West Virginia law without pleading special damages as a prerequisite to that category. She does not seek duplicative damages under Counts I and II.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Kristen Stolipher respectfully requests that the Court enter judgment in her favor and against Defendant Caroline A. Keys, individually, and award:

- A. Compensatory damages in an amount to be determined at trial;
- B. Punitive damages in an amount to be determined at trial;
- C. Prejudgment and postjudgment interest to the extent allowed by law;
- D. Taxable costs and such other and further relief as the Court deems just and proper; and
- E. A trial by jury on all issues so triable.

Respectfully submitted,

**KRISTEN STOLIPHER**

By counsel

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