

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

KRISTEN STOLIPHER

Plaintiff,

v.

JEFFERSON COUNTY FOUNDATION, INC.;

STACY CHAPMAN;

CHERYL MIDDLETON;

LYNN DELLES;

REBECCA THOMPSON;

TROY MILLER;

GIULIANA BROGNA;

MARGARET ELLEN “PEGGY” BOWERS;

MARTA BECK;

MARY GEE;

AMY ELIZABETH CUNNINGHAM; and

JEFFERSON COUNTY DEMOCRATIC

ASSOCIATION,

Defendants.

Case No. _____

Judge: _____

COMPLAINT

COMES NOW, Plaintiff Kristen Stolipher (“Stolipher”), by counsel, and for her Complaint against the Defendants, alleges as follows:

INTRODUCTION

This is an action for defamation. Plaintiff Kristen Stolipher formerly served as General Manager of the Charles Town Utility Board. The Defendants falsely told the Board and the public that she secretly signed away a public utility’s name, hid

the paperwork, deceived her own Board, impersonated a public official, illegally signed a document so that Sidewinder could begin construction of a water line in Middleway, and may have committed a crime. Those charges are blatantly false. On August 27, 2025, the Board approved the Sidewinder-related raw-water-line extension and the pursuit of the permits that extension required. In November 2025, acting as General Manager and in furtherance of that approval, Stolipher signed a standard West Virginia Department of Environmental Protection NPDES construction stormwater permit application. She was authorized and required to do so by her employment agreement, her job description, and a City resolution. It was not a secret agreement, a concealment, or a crime. On October 7, 2026, the CTUB chairman confirmed on the record that an internal investigation revealed no indication of illegal action.

The charge was published in writing and then repeated out loud. Jefferson County Foundation, Inc. published it on its website and in a Facebook post that called the public to the Board's September 23, 2026 meeting and supplied a framework for comment. On September 23, 2026, nine speakers answered that call at a recorded meeting of the Board and repeated the charge. The statements accused Stolipher of acting without authority, concealing the filing, deceiving the Board and the county, and, in the sharpest versions, fraud or crime. The written charges and the recording remain online. They impeach Stolipher in her profession, including in the

senior public-utility position she now holds in Berkeley County. She seeks Fifteen Million Dollars (\$15,000,000) in compensatory damages for libel, slander, defamation per se, false light, and civil conspiracy, together with punitive damages.

I. NATURE OF THE ACTION

1. This is an action for defamation. Defendants falsely told the Charles Town Utility Board (“CTUB”) and public that the CTUB’s former General Manager, Kristen Stolipher, secretly signed away a public utility’s name, hid the paperwork, deceived her own board, impersonated a public official, illegally signed a document so Sidewinder could begin construction of a waterline in Middleway, and may have committed a crime. That charge is false. As Utility General Manager of CTUB, Stolipher was expressly authorized by her contract, board policy, and City resolution to execute permit paperwork. Pursuant to the Board’s formal approval of the Sidewinder raw-water-line extension, Stolipher signed a standard WVDEP NPDES construction stormwater permit application. It was neither a secret deal nor a crime; on October 7, 2026, the CTUB chairman confirmed on the record that an internal investigation revealed zero wrongdoing.

2. The unlawful conduct of the Defendants has two chapters. First, Jefferson County Foundation, Inc. published the aforementioned false statements about Stolipher in writing, on its website and in coordination with social-media posts. Therefore, Cheryl Middleton, Mary Gee, and Amy Elizabeth Cunningham republished and sharpened the defamatory false statements of fact on Facebook. Second, on September 23, 2026, nine speakers answered the Foundation’s call and spoke at a recorded meeting of the Charles Town

Utility Board and repeated, and further sensationalized, the defamatory statements, several asserting to speak for the Foundation's and/or in the Foundation's name or reading directly from the Foundation's script.

3. Stolipher seeks **Fifteen Million Dollars (\$15,000,000)** in compensatory damages for libel, slander, defamation per se, false light, and civil conspiracy, against each Defendant. She pleads the written and oral publications as separate publications.

4. At the meeting on September 23, on Facebook, and on the Foundation's website Defendants made false allegations against Stolipher the gist of which is that she illegally and improperly signed a permit for Sidewinder, and that she did so at the direction of her husband a Commissioner. None of the statements are true. The full statements are outlined below starting in Paragraph 27.

II. PARTIES, JURISDICTION, AND VENUE

5. Kristen Stolipher resides in Jefferson County, West Virginia. She formerly served as General Manager of the Charles Town Utility Board ("CTUB"). She works in the public-utility industry and is employed in a senior role in Berkeley County. She performs that work in Berkeley County. Her livelihood, her standing with her employer, and her prospect of advancement depend on the confidence of boards, regulators, employers, and professional colleagues in Berkeley County in her integrity and in her compliance with board direction. The damage done to that reputation arose in Berkeley County. The charge was republished in Berkeley County, including through stories published in the

Martinsburg Journal, a newspaper published and circulated in Berkeley County, and through internet publications read by persons in Berkeley County.

6. Jefferson County Foundation, Inc. (the “Foundation”) is a West Virginia nonprofit corporation. It publishes a website at www.jeffersoncountyfoundation.org and a public Facebook page under its own name. It is sued for its own publications, and vicariously for statements made by Lynn Delles while announcing that they represented the Foundation.

7. Stacy Chapman, Cheryl Middleton, Lynn Delles, Rebecca Thompson, Troy Miller, Giuliana Brogna, Margaret Ellen “Peggy” Bowers, Marta Beck, Mary Gee, and Amy Elizabeth Cunningham are individuals who published the statements pleaded below. Chapman said she was speaking as a resident and property owner in historic Middleway. Thompson identified herself as a resident of Summit Point. Miller identified himself as a Kearneysville resident and president of the Jefferson County Democratic Association. Brogna identified herself as a resident of Kearneysville. Bowers identified herself as a resident of Shepherdstown. Beck identified herself as a Summit Point resident and a candidate for the West Virginia House of Delegates in District 98, which includes Middleway. Gee is a Jefferson County resident. Cunningham published the September 9, 2026 Facebook post pleaded below. That post is tagged at Bakerton Market and Potomac Farms Water Company. On information and belief, Cunningham resides in Jefferson County, West Virginia.

8. Jefferson County Democratic Association (the “Association”) is vicariously liable for Troy Miller’s September 23, 2026 statements. The Association is a registered

State Political Action Committee with an address of 419 Prospect Avenue, Harpers Ferry, WV, 25425.

9. The claims arise from publications in West Virginia. This Court has subject-matter jurisdiction under W. Va. Code § 51-2-2.

10. Venue is proper in Berkeley County under W. Va. Code § 56-1-1(a)(1) because the cause of action arose here. A cause of action arises in the county where the duty is breached and in the county where substantial damage occurs. For these claims, both occurred in Berkeley County where Stolipher is employed. The actionable event is publication to a third person. The actionable injury is harm to reputation. Publication and substantial reputational to Stolipher occurred in Berkeley County.

11. Each written charge was published to persons in Berkeley County. The Foundation's webpage and Facebook post, Middleton's Facebook post, Gee's Facebook post, and Cunningham's Facebook post were published on the open internet to readers in Berkeley County, including persons who know Stolipher through her work. The September 23, 2026 meeting was recorded, and CTUB posted the recording where it could be, and was, seen and heard by persons in Berkeley County. On information and belief, the Martinsburg Journal then reported the charge to its Berkeley County circulation.

12. The substantial damage to Stolipher occurred in Berkeley County. The false charge imputes Stolipher in her profession in Berkeley County. The defamatory publications were calculated to, and did, reach the employer, colleagues, and professional community upon which her current position and her prospect of advancement depends.

Humiliation and injury to her work followed in Berkeley County. That is the manifestation of the breach.

13. Venue as to one publication supports venue as to the defendants who joined in the same charge. The written posts, the meeting speeches, and the Journal republication are one controversy. Under the venue-giving defendant principle, once venue is proper as to a defendant on that controversy, it is proper as to the other defendants properly joined. Plaintiff pleads this venue in the alternative as to each Defendant whose own publication reached Berkeley County, and as to each Defendant liable for a publication that did. Witnesses to the publication and to the professional injury are in Berkeley County. The ends of justice are served by trying the case where the injury occurred.

III. WHAT ACTUALLY HAPPENED

A. The Board approved the project and the pursuit of permits

14. On August 27, 2025, CTUB approved the Sidewinder-related raw-water-line extension and the pursuit of the permits that extension required. That approval was a public act of the Board.

15. In November 2025, acting as General Manager and in furtherance of that Board-approved project, Stolipher signed a West Virginia Department of Environmental Protection (“DEP”) NPDES stormwater construction permit registration application for the raw-water line. The signature is dated on or about November 24, 2025. The application was later submitted through DEP’s electronic system on or about March 17, 2026. DEP issued the registration in May 2026.

16. Signing a permit application is not the same act as executing a new project agreement, a construction contract, or a side deal. A General Manager who signs a permit application for a project the Board has already approved is doing the job the Board gave her. She is not “hijacking” the utility, “going behind the Board’s back,” or committing a crime.

17. Stolipher’s signature did not violate a Board directive. It was not concealment. It was not unauthorized contracting. It was not a false certification made with intent to deceive. She did not intentionally submit false contact information. She did not suppress required public notice. She did not sign an agreement benefiting Integrity Federal Services or Mark Dyck.

18. A March 26, 2025 Board vote concerning future agreements related to the Mountain Pure bottling plant is not a vote forbidding the General Manager to sign a routine ministerial permit application for a project the Board later approved. Defendants treated those two things as the same thing. They are not.

B. She had authority to sign

19. The charge of “no authority” fails on the documents that defined her job.

20. On August 22, 2020, CTUB and Stolipher entered an Employment Agreement. The Board approved it on December 19, 2020. Section 2 hired her as Utility General Manager “to perform the function and duties specified in the Charles Town Utility Board Utility General Manager Job Description and Codified Ordinances,” and “other legally permissible and proper duties and functions consistent with the position.” A January 1, 2023 addendum reaffirmed the Agreement.

21. The job description, dated May 15, 2020, and incorporated by that contract, put regulatory compliance and DEP filings on her desk. It made her responsible for “ongoing regulatory-compliance for the publicly-owned utility.” It made her responsible for operating the system “to meet state permit, NPDES, or other local, state or federal regulations.” It charged her to plan, schedule, and implement construction, maintenance, and operation activities, and to maintain “a working knowledge of all active NPDES Permits.” It charged her to represent the utility in all matters before the West Virginia Public Service Commission, the West Virginia Department of Environmental Protection, and the West Virginia Bureau for Public Health. Signing a DEP permit application for a Board-approved project was the job, not a frolic.

22. The same description drew the line Defendants ignored. She was to examine and approve all contracts, within approved levels set by the Board of Directors. A new agreement that bound the utility was for the Board. A permit signature, within a project the Board had already approved, was hers. The March 26, 2025 vote about future agreements did not repeal the job description, and it did not convert a permit application into a contract.

23. The City adopted a written resolution authorizing the Utility General Manager to sign permits and related documents for the Sewer Department and wastewater treatment plants. Mayor Micheal George made the motion that carried that authorization. That resolution is a direct written grant of permit-signing authority. It is the opposite of a Board directive forbidding the signature.

24. State rules point the same way. W. Va. Code R. § 47-10-4.6 requires permit applications to be signed by a principal executive officer or ranking elected official of a

municipality or other public agency. The rule treats a senior executive officer responsible for overall operations as such an officer. Permit No. WV0115924, condition 7, requires applications, reports, and information submitted to the Director to be signed as required in 47 C.S.R. 10.4.6, and requires a new authorization when responsibility for overall operation of the project changes. Stolipher was the senior executive officer responsible for CTUB's overall operations. She was a proper signatory. The certification language on the form is the certification the rule requires of that signatory. It is not evidence of a crime.

25. Course of performance confirms it. On information and belief, NPDES and related DEP permit filings for this utility are signed by the Utility General Manager or by the Board's consulting engineer, and were not presented to the Board for separate discussion and approval before signature. That was the ministerial practice for decades. Defendants' claim that this signature was an unauthorized departure from Board control is a claim that the utility's ordinary permit practice was unauthorized. It was not.

26. A person who read the employment agreement, the job description, the City resolution, the August 27, 2025 approval, and 47 C.S.R. 10.4.6 could not honestly describe this signature as a hijacking, a secret agreement, or a crime. Defendants published that description anyway.

C. The false story

27. The actionable sting of the publications below, read in context and taken together, is that Stolipher:

- (a) signed or submitted a DEP application, or an agreement, secretly and without Board authority;

- (b) did so after she had resigned, or caused it to be submitted in CTUB's name after she was gone;
- (c) deliberately concealed the filing from the Board and the public;
- (d) knowingly used a false email address and false telephone numbers so that no one would find the application;
- (e) deceived the Board and the people of Jefferson County; and
- (f) engaged in dishonest, unauthorized, or criminal conduct in her office as General Manager; and
- (g) impersonated a public official and illegally signed a document allowing Sidewinder to begin construction, as an act of corruption tied to her husband's public support of the bottling plant.

28. That sting is materially false. On October 7, 2026, the CTUB Board met in executive session to discuss the false accusations against Stolipher. When the Board exited executive session, Mayor George as the Board's Chairman, announced that CTUB's staff had performed an internal investigation and had confirmed that "***there are no indications of illegal actions....***" CTUB's announcement confirms that the accusations made by the defendants were false and defamatory.

IV. THE WRITTEN PUBLICATIONS

A. The Foundation's website

29. The Foundation published, and as of the filing of this Complaint still publishes, a webpage titled "Sidewinder Water Line through Middleway," at www.jeffersoncountyfoundation.org. A copy is attached as Exhibit A. The page is a call to

action. It invites the public to comment, to share the page, and to press CTUB and DEP to close the permit and investigate.

30. The page names Stolipher. It states that a 2024 agreement between CTUB and Sidewinder “had been executed without a public vote of the CTUB board,” that this “seemed to be a violation of the open meetings act,” and that the chairman “had merely signed this agreement as he was signing other routine documents that the general manager (Kristen Stolipher at the time) presented him.” It states that “[n]o substantial review of the contract had been conducted.”

31. The page then states that the Board “did NOT know this permit registration had even been applied for — despite it being in CTUB’s name.” It states that the application “appears to have been prepared by Integrity Federal Services, the engineering firm that represents Sidewinder (Mark Dyck),” and that “[t]he application was signed by former general manager, Kristin Stolipher,” with a signature dated November 24, 2025.

32. The page states that the application “was submitted after Kristin Stolipher left CTUB (submitted March 17, 2026; Ms. Stolipher resigned February 6, 2026 and her last public meeting was February 11, 2026).” It states that “[t]he applicant failed to post the appropriate public notice sign.” It later describes a “botched effort to obtain the permit without the public notice the first time,” and it urges CTUB to hire outside counsel and take “legal actions against any parties involved.”

33. Read together, those statements tell the reader that Stolipher presented an agreement for signature without real Board review, signed a permit application the Board did not know about, and is the person responsible for a filing that was pushed through after

she left and without the notice the law required. That is an accusation of unauthorized official action and concealment. It is not a request for information. The Foundation's goal was to cause a course of events that would damage Ms. Stolipher.

B. The Foundation's Facebook call to the meeting

34. On or about September 21, 2026, the Foundation published a Facebook post headed "Stand with Middleway this Wednesday at the CTUB meeting!" A copy is attached as Exhibit B. The post announced the September 23, 2026 CTUB meeting, gave the time and place, and told readers: "We need you to show up and make your voices heard!"

35. The post stated that DEP had issued the stormwater registration in May 2026, that "[t]he permit application was not noticed to the public as required by the conditions of the permit, and apparently the CTUB board did not know it was applied for," and that "[t]hese are very irregular circumstances." It then gave readers "this framework for your in-person comment," including a demand for "[a]n investigation of why and how this permit was applied for without the knowledge of the board."

36. The post does not repeat Stolipher's name. It did not need to. It links the reader to the same controversy the Foundation's webpage had already pinned on her signature. In that context, "applied for without the knowledge of the board" refers to Stolipher. The post is independently actionable as a publication of that false gist. It is also the script for the September 23 meeting.

C. Cheryl Middleton's Facebook post

37. On September 3, 2026, at about 9:58 p.m., Cheryl Middleton published a public Facebook post. A copy is attached as Exhibit C. She wrote:

Breaking News! The Observer WV has a new article out tonight related to the proposed water bottling plant in Middleway and some perceived nefarious movement by the former CTUB general manager and the bottling company's engineer Integrity Federal.

Please take some time to read through the article as it leaves a lot of questions, like if the CTUB Board required the GM to seek approval from them on any future permits, how did this get submitted to WVDEP? Is this a legit permit given the signer did not have authority to sign? Is it actually binding?

(Updated to note the timing is super interested as this permit application was submitted 10 days after the local judge upheld the Planning Commissions denial of the application. Even if the former GM thought she had approval to sign without CTUB approval, the court upheld the denial....)

If additional documents were loaded on the WVDEP website after the GM resigned but before the new GM started, did Integrity Federal submit them without proper authorization?

Did anyone in the area ever see the permit signs in the pathway as required by law? Did the public receive the required public notice?

Lots of interesting connections in this situation, like how the former GM is married to the only county commissioner who spoke in support of the bottling plant at the March marathon planning commission public hearing held in the high school auditorium.

38. “The former CTUB General Manager” is Stolipher. Middleton later said so by name at the September 23 meeting, and readers of the linked controversy already knew it.

39. The post is not a string of innocent questions. The questions assume the answer. The factual gist is that Stolipher engaged in “nefarious” movement, signed a permit she had no authority to sign, signed it without CTUB approval, and did so in a suspect sequence tied to her marriage to a county commissioner who had supported the project. Implication is enough. A speaker does not escape liability by putting a question mark on a charge.

D. Mary Gee's Facebook post

40. On September 8, 2026, at about 8:58 a.m., Mary Gee published a public Facebook post defaming Ms. Stolipher. A copy is attached as Exhibit D. She wrote:

Per Jefferson County Foundation: Kristen Stolipher - County Commissioner Steve Stolipher's wife and former General Manager of CTUB - took it upon herself to sign an agreement benefiting Integrity Federal (Mark Dyck) hired by Sidewinder. Kristen Stolipher did it in CTUB's name without CTUB's knowledge or approval. If CTUB didn't know then who did know? Sidewinder and Mark Dyck obviously. But what about Steve Stolipher, did he know???

41. The post links to the Foundation's website. Gee published those words to third persons. She is liable for them whether or not she originated them. Republication of a defamatory charge is a new publication.

42. On information and belief, the Foundation published the substance Gee attributed to it, on the linked webpage and in related public statements, and Gee's post fairly describes the charge the Foundation had put into circulation: that Stolipher took it upon herself to sign in CTUB's name, without CTUB's knowledge or approval, for the benefit of Sidewinder and its engineer. The Foundation is liable for that charge as publisher. Gee is liable for publishing it, and for the further sting of her own words.

43. Gee's sting is specific and false. Stolipher did not "sign an agreement benefiting Integrity Federal." She did not do it without CTUB's knowledge or approval. The closing question — "what about Steve Stolipher, did he know???" — is not idle curiosity. In

context it asserts that her husband, a county commissioner, was in on an unauthorized signing. That assertion is false.

E. Amy Elizabeth Cunningham's Facebook post

44. On or about September 9, 2026, Amy Elizabeth Cunningham published a public Facebook post. A copy is attached as Exhibit E. She wrote, in words or substance:

This is where former CTUB commissioner impersonated a public official and illegally signed a document allowing Sidewinder to begin construction. It's hard to believe this is just a "mistake" when her husband Jefferson County WV Commissioner Stolipher public supported the bottling plant. Clearly these folks think they can pull one over on us. Corruption anyone?

45. She published those words together with photographs of the DEP certification signature page bearing Stolipher's signature as Utility Manager, dated on or about November 24, 2025. Cunningham published the words and the images to third persons.

46. The post is of and concerning Stolipher. It refers to "her husband Jefferson County WV Commissioner Stolipher," and it displays the signature page Stolipher signed. Readers of the controversy knew the target.

47. The post is not opinion or idle suspicion. The factual gist is that Stolipher impersonated a public official, illegally signed a document allowing Sidewinder to begin construction, did not make a mere mistake, and engaged in corruption tied to her husband's public support of the bottling plant. "It's hard to believe this is just a 'mistake'" and "Corruption anyone?" assume the answer. A speaker does not escape liability by putting a question mark on a charge of crime. The gist is false. Stolipher did not impersonate a public official. She did not illegally sign a document. Her signature did not authorize Sidewinder to begin construction. It was not corruption.

V. THE SEPTEMBER 23, 2026 MEETING

48. On September 23, 2026, CTUB held a public meeting in the Jefferson County Commission Room at 393 N. Lawrence Street, Charles Town. Members of the public spoke to the Board and to the people in the room. The meeting was recorded. CTUB posted the recording on its website. The statements below were heard by the people present and published again to anyone who watched the recording.

49. References to the “former manager,” the “former general manager,” and the employee who signed the application were of and concerning Stolipher. Listeners familiar with the dispute understood that. Several speakers used her name.

A. Stacy Chapman

50. At about 00:11:42 to 00:11:58 of the recording, Chapman said: “Yet Sidewinder quietly pushed a permit through the WVDEP in CTUB’s name using a former manager right before she resigned.” She said the filing “seemingly was done completely without your authorization, knowledge, or consent,” and that “Sidewinder hijacked the identity of this public utility to bypass the rules.”

51. In context, Chapman identified Stolipher as the manager Sidewinder “used,” and charged that Stolipher knowingly lent CTUB’s name to an unauthorized filing. “Hijacked the identity of this public utility” is an accusation of deceit, not a figure of speech about drainage.

B. Cheryl Middleton

52. At about 00:14:34 to 00:14:50, Middleton said “[t]he sidewinder water line permit was signed and submitted in direct violation of a formal CTUB action,” that “the

former manager did not have the authority to do so,” and that the submission “appeared to be an unauthorized act without transparency, without board knowledge, and without any legitimate authority.” She added that “[i]t was submitted after the former manager had resigned.”

53. At about 00:15:31, Middleton asked the Board to investigate what else the former manager might have signed without authority. That question rests on the assertion that Stolipher had already signed this application without authority. The assertion is false.

C. Lynn Delles, for the Foundation

56. At about 00:29:35 to 00:29:50, Lynn Delles said she “also represent[s] Jefferson County Foundation.” She recounted a vote about future agreements and said: “So Kristen Stolipher appears to have signed this permit registration application agreement without authority.”

57. At about 00:30:27 to 00:31:13, Delles called the signature “frankly shocking.” She said Stolipher’s email was not correct, and she described “a completely erroneous e-mail that never existed but looks plausible.” She said three phone numbers were incorrect, that the public-notice sign was never displayed, and she concluded: “It is simply more likely that these measures were taken on purpose in an effort to keep anyone at CTUB and the public from finding out that the application existed.”

58. That is not commentary. It is a charge that Stolipher signed without authority and then, on purpose, used a fake email and bad phone numbers so the Board and the public would not find the application. The charge is false. Delles said she was speaking for the

Foundation. Plaintiff alleges, on information and belief, that she had authority to do so and spoke within the scope of that authority.

D. Rebecca Thompson

59. At about 00:41:24, Thompson said: “It appears that the former CTUB General Manager, Kristen Stolipher, went behind each and every one of your backs.” She continued: “It appears she deceived every single one of you, as well as every single person in Jefferson County,” and, “This is a major wrong that appears to have occurred and therefore must be dealt with accordingly, including taking legal action if warranted.”

60. At about 00:42:10, Thompson called for an investigation into why the permit was applied for “without the knowledge of the board.” “It appears” does not soften the charge. The gist is that Stolipher deceived the Board and the county. That gist is false.

E. Troy Miller

61. At about 00:43:18 to 00:44:03, Troy Miller identified himself as president of the Association and then said that “one employee deliberately concealed the registration from members of the CTUB board,” that the employee signed an application apparently submitted after she left CTUB, and that she “intentionally avoided accountability to CTUB’s board and to the public.”

62. In context, that employee is Stolipher. “Deliberately concealed” and “intentionally avoided accountability” are assertions of fact about her state of mind. They are false.

F. Giuliana Brogan

63. At about 00:45:17 to 00:45:57, Giuliana Brogna called the permit issue “the latest in a long pattern of suspicious circumstances involving the former utility manager.” In context, the former utility manager is Stolipher. The statement accuses her of a pattern of improper official conduct, not a single arguable paperwork question. That accusation is false.

G. Peggy Bowers

64. At about 00:56:14 to 00:56:47, Peggy Bowers said: “The application permit process by Kristen Stolipher is shady at best and criminal at worst.”

65. That sentence names Stolipher and accuses her of dishonest and criminal conduct in the permit process. It is false.

H. Marta Beck

66. At about 00:51:17 to 00:52:48 of the recording, Marta Beck identified herself: “My name is Marta Beck and I live in Summit Point. I’m running for House of Delegates in District 98, which includes Middleway.” She thanked the Board for the forum and said she wanted to “echo the concerns of most of the other residents here who have come and spoken out.” She then said she wanted to “emphasize the need for a thorough and independent investigation.” She said: “What happened here, I hate to say, sounds like some manner of fraud.” She told the Board to “look into the legal ramifications potentially of this.” She said: “I mean, this thing was submitted. It appears to be under false pretenses. It sounds like there was some information that was fabricated on the permit.” She said the

matter “could be a liability for CTUB,” and she urged the Board to withdraw the registration and not resubmit it until litigation before the Supreme Court is completed.

67. In context, “what happened here,” “this thing,” and the information “fabricated on the permit” were the permit application the speakers before her had attributed to Stolipher. Beck said she was echoing those speakers. She adopted their charge and added fraud, false pretenses, and fabrication. Listeners understood the charge to be about Stolipher. She did not have to repeat the name.

68. Those are assertions of fact. “Sounds like,” “it appears,” and “I hate to say” do not soften them. Stolipher did not commit fraud. She did not submit the application under false pretenses. She did not fabricate information on the permit. The registration was not a liability created by a crime. The charge is false.

VI. FALSITY, FAULT, AND PRIVILEGE

69. Each statement pleaded above is false in its actionable gist. The true facts include the facts alleged in Section III. Stolipher signed a permit application for a project the Board had approved. She did not sign a secret agreement. She did not act without authority. She did not conceal the filing. She did not deceive the Board or the county. She did not act criminally. She did not commit fraud. She did not submit the application under false pretenses. She did not fabricate information on the permit. She did not impersonate a public official. She did not illegally sign a document allowing Sidewinder to begin construction. She did not plant a false email or false phone numbers to hide the application.

70. The August 27, 2025 approval, the March 26, 2025 discussion of future agreements, the employment agreement, the May 15, 2020 job description, the City resolution authorizing permit signatures, and 47 C.S.R. 10.4.6 were matters of public record or of the utility's own files, reasonably available to anyone preparing a public accusation. A reasonably prudent person would have read them before telling a utility board, and the public, that the former General Manager had acted without authority and on purpose. The difference between a permit application and a new project agreement is in those documents. Defendants erased it.

71. Each Defendant acted at least negligently. Each failed to distinguish Board approval of a project and its permits from approval of a new agreement, and each presented an unverified inference as fact.

72. Stolipher was a private individual as to these remarks. Her former public employment does not make every later accusation about a permit signature a matter on which she must prove actual malice. If the Court nevertheless holds that she was a public official or a limited-purpose public figure for this controversy, she can prove the constitutionally required fault, including actual malice.

73. The speakers and publishers who charged deliberate concealment, a purpose to hide the application, deception of the Board and the county, unauthorized contracting, or criminal conduct entertained serious doubts about those charges, or published them with reckless disregard for whether they were true. Plaintiff alleges this on information and belief, and from the charges themselves: they assert purpose and crime from a signature date, a submission date, and a vote about a different subject.

74. No absolute privilege applies. A citizen comment period is not a judicial or legislative proceeding. Any conditional privilege that might otherwise attach was lost. The Defendants exceeded it by publishing false factual charges of unauthorized action, concealment, deception, and crime, knowingly or recklessly, and by publishing them beyond any audience that had a corresponding duty to hear them, including on the open internet.

75. The Foundation's September 21, 2026 post and webpage were not idle petitioning. They named the target or pointed at her, stated the charge as fact or as the premise of a demanded investigation, and recruited speakers to repeat it. Petitioning the government does not include a license to accuse a named person of unauthorized and concealed official action.

VII. THE COMMON PLAN

76. The publications were not a coincidence of concerned citizens arriving at the same sentence. The Foundation published the charge, posted a "framework" for the September 23 comments, and told readers to show up and use it. The Foundation then worked with CTUB's board members to hold a well-orchestrated event, in a special meeting room, so that they could defame Ms. Stolipher. Delles then delivered the charge in the Foundation's name. Chapman, Middleton, Thompson, Miller, Brogna, Bowers, and Beck delivered the same charge, in the same room, on the same night: no authority, no Board knowledge, concealment, fraud, and a reason to investigate or prosecute. Cunningham had already published the same charge on Facebook, with the signature page attached, as impersonation, an illegal signature, and corruption.

77. On information and belief, the Foundation, Delles, Chapman, Middleton, Thompson, Miller, Brogna, Bowers, Beck, Gee, and Cunningham agreed, expressly or by concerted action, to publish that charge, and each took an overt step to do so. The Association is included in that agreement only to the extent it authorized or adopted Miller's statements.

VIII. INJURY

78. The accusations tend to lower Stolipher in the estimation of boards, regulators, employers, colleagues, and the community. They impeach her fitness to manage a public utility. They accuse her of the kind of conduct, secret unauthorized action, deception, and crime, that ends careers in her field.

79. Stolipher has suffered harm to her professional reputation and standing, humiliation, and mental anguish, including injury that affects her work and her prospect of advancement in Berkeley County. The written charges remain online. The meeting recording remains online. The harm is continuing. The principal professional audience for the charge is in Berkeley County: the employer who relies on her, the colleagues who work with her, and the regulators and boards she deals with from that job. That is where the estimation of her was lowered.

80. The charges of unauthorized official action, deception, concealment, impersonation of a public official, illegal signing, and criminal conduct are defamatory per se. They impeach her in her trade and accuse her of a crime and of serious misconduct in office. Harm to reputation is presumed. Plaintiff also claims special damages to the extent proved at trial.

COUNT I — LIBEL — JEFFERSON COUNTY FOUNDATION

81. Plaintiff incorporates the preceding paragraphs.

82. The Foundation published the webpage and the Facebook post pleaded in Section IV. Each is a written publication to third persons. Each is of and concerning Stolipher. Each is materially false in the gist alleged above. Each injured her.

83. The Foundation acted with the fault required by Stolipher's status. For punitive damages, it published with knowledge that the charge was false or with reckless disregard of whether it was false.

84. No privilege protects the publications. As a direct result, Stolipher suffered damages.

COUNT II — LIBEL — CHERYL MIDDLETON

85. Plaintiff incorporates the preceding paragraphs.

86. Middleton published the September 3, 2026 Facebook post and the September 23, 2026 oral statements pleaded above. The Facebook post is libel. The meeting statements are slander, and are also alleged in Count V. Each publication is of and concerning Stolipher, materially false in its gist, and injurious.

87. The Facebook post asserts, by statement and by necessary implication, nefarious movement, lack of authority to sign, and a suspect connection between the filing and Stolipher's marriage to a county commissioner. Those are assertions of fact. They are false.

88. Middleton acted with the required fault, and with actual malice as to the charges of unauthorized action and nefarious conduct. No privilege protects the post. As a direct result, Stolipher suffered damages.

COUNT III — LIBEL — MARY GEE

89. Plaintiff incorporates the preceding paragraphs.

90. Gee published the September 8, 2026 Facebook post to third persons. The post is of and concerning Stolipher. Its gist — that Stolipher took it upon herself to sign an agreement benefiting Integrity Federal, in CTUB's name, without CTUB's knowledge or approval, and that her husband the county commissioner may have known — is materially false and defamatory.

91. Gee is liable as publisher of the words she posted. Attribution to the Foundation is not a defense. It is an admission that she was repeating a charge, and it is an independent publication.

92. Gee acted at least negligently, and with actual malice as to the charge that Stolipher signed an unauthorized agreement for the benefit of Sidewinder's engineer. No privilege protects the post. As a direct result, Stolipher suffered damages.

COUNT IV — LIBEL — AMY ELIZABETH CUNNINGHAM

93. Plaintiff incorporates the preceding paragraphs.

94. Cunningham published the September 9, 2026 Facebook post pleaded above, to third persons. The post is of and concerning Stolipher. Its gist — that she impersonated a public official, illegally signed a document allowing Sidewinder to begin construction, and did so corruptly, in a suspect sequence tied to her marriage to a county commissioner who had supported the bottling plant — is materially false and defamatory.

95. The rhetorical question and the pretense of disbelief do not make the charge opinion. Impersonation of a public official, an illegal signature, and corruption are assertions of fact. They are false.

96. Cunningham acted at least negligently, and with actual malice as to the charges of impersonation, illegal signing, and corruption. No privilege protects the post. As a direct result, Stolipher suffered damages.

COUNT V — SLANDER — THE SEPTEMBER 23 SPEAKERS

97. Plaintiff incorporates the preceding paragraphs.

98. Chapman, Middleton, Delles, Thompson, Miller, Brogna, Bowers, and Beck each published the oral statements attributed to that speaker in Section V, to the Board, to the persons in the room, and to the public through the recording.

99. Each statement is of and concerning Stolipher. The actionable gist of each is materially false. The sharpest charges — lack of authority, deliberate concealment, a purpose to hide the application, deception of the Board and the county, fraud, submission under false pretenses, fabrication of permit information, and criminal conduct — are assertions of fact.

100. Each speaker acted with the fault required by Stolipher's status. Those who charged purpose, deception, or crime acted with actual malice. No absolute privilege applies, and any conditional privilege was exceeded and lost.

101. As a direct result of each actionable statement, Stolipher suffered damages. She seeks punitive damages against each speaker who published with the malice alleged above.

COUNT VI — DEFAMATION *PER SE*

(Alternative characterization of the same publications)

102. Plaintiff incorporates the preceding paragraphs.

103. The charges that Stolipher acted without authority, concealed a public filing, deceived her Board and the county, signed a secret agreement for a developer's engineer, impersonated a public official, illegally signed a document so Sidewinder could begin construction, or engaged in shady or criminal conduct impute a crime, serious misconduct in office, and unfitness for her profession.

104. Those charges are defamatory *per se* under West Virginia law. Injury to reputation is presumed. Plaintiff is entitled to presumed damages, and to punitive damages where malice is proved.

COUNT VII — FALSE LIGHT

(Pleaded in the alternative, if any challenged statement is treated as opinion carrying a false factual implication.)

105. Plaintiff incorporates the preceding paragraphs.

106. Each Defendant gave publicity to matters concerning Stolipher that placed her in a false light. The false light — rogue manager, concealed filing, developer's instrument, possible criminal — would be highly offensive to a reasonable person in her position.

107. Each Defendant knew the light was false or acted in reckless disregard of whether it was false. Stolipher was damaged.

**COUNT VIII — VICARIOUS LIABILITY — JEFFERSON COUNTY
FOUNDATION**

108. Plaintiff incorporates the preceding paragraphs.

109. This count is in addition to the Foundation's direct liability for its webpage and Facebook post. Delles said she was speaking for the Foundation on this permit. On information and belief, Delles had authority to address CTUB for the Foundation and spoke within the scope of that agency.

110. The Foundation is vicariously liable for Delles's actionable statements. It is also liable if it later adopted those statements by leaving them unretracted on a campaign the Foundation itself had called.

**COUNT IX — VICARIOUS LIABILITY — JEFFERSON COUNTY
DEMOCRATIC ASSOCIATION**

111. Plaintiff incorporates the preceding paragraphs.

112. Miller identified himself as Association president immediately before charging that an employee deliberately concealed the registration and intentionally avoided accountability. On information and belief, the Association authorized him to speak on this issue, he spoke within that authority, or the Association later knowingly adopted the charge.

113. To that extent, the Association is vicariously liable for Miller's actionable statements.

COUNT X — CIVIL CONSPIRACY

114. Plaintiff incorporates the preceding paragraphs.

115. The Defendants named in Section VII agreed, expressly or through concerted action, to publish the false charge that Stolipher signed without authority, concealed the filing, impersonated a public official, illegally signed a document allowing Sidewinder to begin construction, or submitted the permit under false pretenses and with fabricated information. The Foundation's published framework, Gee's attributed republication, Middleton's September 3 post, Cunningham's September 9 post, and the September 23 speeches, including Beck's charge of fraud, are overt acts in furtherance of that agreement.

116. The conspiracy was aimed at Stolipher's reputation and at pressing CTUB to treat her conduct as unauthorized and potentially unlawful. It damaged her. Each conspirator is liable for the publications made in furtherance of the common plan.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Kristen Stolipher respectfully requests that the Court enter judgment in her favor and against each Defendant according to that Defendant's own publications or proven vicarious or conspiratorial responsibility, and award:

- A. Compensatory damages in the amount of \$15 million;
- 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

/s/ Daniel M. Casto, Esq.
Daniel M. Casto, Esquire (WVSB #11226)
James P. Campbell, Esquire (WVSB # 609)
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dcasto@campbellcastoclark.com
jgrace@campbellcastoclark.com
Counsel for Plaintiff

EXHIBIT LIST

Exhibit A — Jefferson County Foundation webpage, “Sidewinder Water Line through Middleway” (printout supplied separately).

Exhibit B — Jefferson County Foundation Facebook post calling the public to the September 23, 2026 CTUB meeting.

Exhibit C — Cheryl Middleton Facebook post, September 3, 2026.

Exhibit D — Mary Gee Facebook post, September 8, 2026.

Exhibit E — Amy Elizabeth Cunningham Facebook post, September 9, 2026.

Jefferson County
Foundation, Inc.

[\(https://www.jeffersoncountyfoundation.org/\)](https://www.jeffersoncountyfoundation.org/)

SIDEWINDER WATER LINE THROUGH MIDDLEWAY

HOME (HTTPS://WWW.JEFFERSONCOUNTYFOUNDATION.ORG/) :: ZONING (HTTPS://WWW.JEFFERSONCOUNTYFOUNDATION.ORG/ZONING/)
:: GROUNDWATER BOTTLING FACILITY IN MIDDLEWAY (HTTPS://WWW.JEFFERSONCOUNTYFOUNDATION.ORG/ZONING/WATER-BOTTLING-FACILITY-IN-MIDDLEWAY/)
:: SIDEWINDER WATER LINE THROUGH MIDDLEWAY

What's Happening?

What Should Happen Next?

Take Action!

In 2024, when Sidewinder, LLC applied for a concept plan for its groundwater bottling plant in Middleway, the Foundation discovered that Charles Town Utility Board (CTUB) had an agreement with Sidewinder to own and operate the raw water line between the extraction wells and the water treatment plant on the former 3M property.

This agreement had been executed without a public vote of the CTUB board. This seemed to be a violation of the open meetings act. Making matters worse, it seemed that the CTUB board chairman at the time had merely signed this agreement as he was signing other routine documents that the general manager (Kristen Stolipher at the time) presented him. No substantial review of the contract had been conducted by him or the other members of the CTUB board.

The public uproar over this at the time drove the CTUB board to vote at the March, 26, 2025 meeting ([minute 21:50 of this video \(https://ctubwv.granicus.com/MediaPlayer.php?view_id=1&clip_id=227\)](#)) that all future agreements regarding the Mountain Pure bottling plant would come before the CTUB board and be voted on in open session.

Why CTUB involvement is a good thing (click to expand)

+

What is happening?

Last week, the Foundation discovered that the WV Department of Environmental Protection (DEP) issued the Charles Town Utility Board (CTUB) a stormwater construction permit registration for construction of Sidewinder's raw water line. The DEP issued a stormwater construction permit registration in May 2026 for the raw water line from Sidewinder's groundwater extraction wells, through the Middleway Historic District, to the site of the proposed industrial bottling plant on the former 3M property. The permit application was not noticed to the public as required by the conditions of the permit. This water line has the potential to irrevocably damage the historic structures in Middleway including the Civil War Hospital.

The agreement, between CTUB and Sidewinder, gives CTUB the right to inspect the engineering for the water line:

“

“CTUB shall bear no financial or other responsibility for the construction of the DEVELOPER'S Project. However, CTUB shall have the right to inspect and approve, prior to the implementation of service under this Agreement, the construction of the DEVELOPER'S Project to ensure that water will be satisfactorily distributed to the Development in accordance with applicable regulations and the terms of this Agreement, and that the Project is being constructed using sound engineering and construction standards, and using materials in compliance with CTUB'S standards and specifications.”

— Article II Section 2.02 (<https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/revised-agreement.-April-7-letter.ctub-sidewinder.pdf>)

This means that CTUB's engineers should have reviewed the permit application before it was submitted. It seems that the board members of **CTUB did NOT know this permit registration had even been applied for – despite it being in CTUB's name.**

Based on information from the DEP electronic submission system, the application appears to have been prepared by Integrity Federal Services, the engineering firm that represents Sidewinder (Mark Dyck). The application was signed by former general manager, Kristin Stolipher (signature dated November 24, 2025, [see document here \(https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1943774_0_Certification-signature.pdf\)](#)). The application was started 14 days after Judge Cohee indicated from the bench that she intended to find for the County in Sidewinder's lawsuit against the county ([read more here \(https://www.jeffersoncountyfoundation.org/zoning/water-bottling-facility-in-middleway/#Case\)](#)). The application was submitted after Kristin Stolipher left CTUB (submitted March 17, 2026; Ms. Stolipher resigned February 6, 2026 and her last public meeting was February 11, 2026).

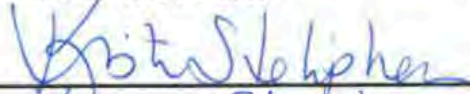
I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED ON THIS FORM AND ALL ATTACHMENTS AND THAT, BASED ON MY INQUIRING OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT I FURTHER UNDERSTAND THAT I WILL BE OPERATING UNDER THE REISSUED STORM WATER GENERAL PERMIT FOR CONSTRUCTION ACTIVITY EFFECTIVE APRIL 6, 2024 AND I AGREE TO ABIDE BY THE TERMS OF THE PERMIT.

OFFICIAL SIGNATURE

Print Name:

Print Title:

Date:


Kristen Stolipher
Utility Manager
12/3/25 

Screenshot of the [signature page \(https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1943774_0_Certification-signature.pdf\)](https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1943774_0_Certification-signature.pdf) showing the legal language on the signature form.

The applicant failed to post the appropriate public notice sign. The DEP reviewer requested corrections on April 22, 2026. The permit was revised on May 22, 2026. The revised portions of the permit were not signed, which is required. The permit reviewer failed to confirm that the required public notice sign was posted and failed to notice that the revised portions of the permit application (SWPPP) were not signed. The permit registration was approved on May 26, 2026. Note that May 22, 2026 was a Friday, and May 25, 2026 was a holiday so the permit revisions were reviewed for less than one business day before the permit was approved.

Additional Q&A (click to read)

+

What the Foundation has done since discovering the permit

CTUB: It appears from our conversations with board members from CTUB, they were unaware of this permit application or the permit itself. We have not been able to identify any actions by the board that would have approved this. CTUB board members assured the Foundation that they would look into the permit application and the permit would not be signed by the General Manager (Paul Mantello) without the direction of the board.

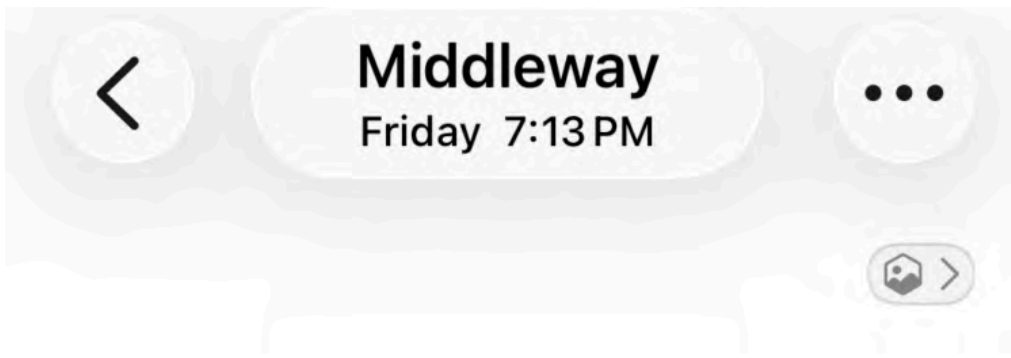
WVDEP: We contacted Yogesh Patel, the Chief Engineer of the Division of Water and Waste Management at WVDEP. He investigated our concerns and reported to us Friday, September 4, 2026, that the public notice sign had indeed not been displayed as required by the notice and that the revised permit materials had not been signed as required.



Middleway

Tuesday 5:18 PM





Mr. Patel indicated that Larry Board (the supervisor of the permit reviewer, Robert Biller) had spoken to the current General Manager of CTUB, Paul Mantello, and that Mr. Mantello had agreed to sign the permit under a permit modification and post the required sign.

Mr. Patel also indicated that the Foundation and the public could provide comment while the application for permit modification was open. However, Mr. Patel was unclear how many days this would be and that it would be as long as it took the applicant to put out the sign and sign the application.

Application Materials

- [CTUB applicaiton for sidewinder \(https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/CTUB-applicaiton-for-sidewinder-.pdf\)](https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/CTUB-applicaiton-for-sidewinder-.pdf)
- [WVR113389 Review Application Comments: Notes \(https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/WVR113389-Review-Application-CommentsNotes.pdf\)](https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/WVR113389-Review-Application-CommentsNotes.pdf)
- [1942121_1 APPENDIX C ES Plan 2 \(https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1942121_1_APPENDIX-C-ES-Plan-2.pdf\)](https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1942121_1_APPENDIX-C-ES-Plan-2.pdf)

- [1942127_1_Sidewinder ES Controls 2](https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1942127_1_Sidewinder-ES-Controls-2.pdf) (https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1942127_1_Sidewinder-ES-Controls-2.pdf).
- [1942155_1_Sidewinder NPDES Sign 2](https://www.jeffersoncountyfoundation.org/wp-admin/post.php?post=7616&action=edit) (<https://www.jeffersoncountyfoundation.org/wp-admin/post.php?post=7616&action=edit>).
- [1943809_1_31380102Sidewinder Raw Water Line SWPPP-2](https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1943809_1_31380102Sidewinder-Raw-Water-Line-SWPPP-2.pdf) (https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1943809_1_31380102Sidewinder-Raw-Water-Line-SWPPP-2.pdf).
- [1942426_0_GPPInspection Checklist](https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1942426_0_GPPInspection-Checklist.pdf) (https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1942426_0_GPPInspection-Checklist.pdf).
- [1943774_0_Certification signature](https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1943774_0_Certification-signature-3.pdf) (https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1943774_0_Certification-signature-3.pdf).
- [1943775_0_GPP Certification](https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1943775_0_GPP-Certification.pdf) (https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1943775_0_GPP-Certification.pdf).
- [1941959_0_TOPO MAP-2](https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1941959_0_TOPO-MAP-2.pdf) (https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1941959_0_TOPO-MAP-2.pdf).
- [1941963_0_31380102-Pipeline-Soil-Report-2](https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1941963_0_31380102-Pipeline-Soil-Report-2.pdf) (https://www.jeffersoncountyfoundation.org/wp-content/uploads/2026/09/1941963_0_31380102-Pipeline-Soil-Report-2.pdf).

What Should Happen Next

This permit registration application appears to have been submitted under highly irregular circumstances, and for this reason, it should be closed by CTUB.

- CTUB should decline the agency's offer to modify the permit.
- CTUB should submit a notice of termination and close the permit.
- CTUB should hire independent outside counsel to investigate the circumstances surrounding this application and take any indicated action up to and including legal actions against any parties involved.

Pursuant to its contract with Sidewinder, CTUB should request the permit application and have the documents reviewed by its own engineers.

- Section 2.02 of CTUB's agreement with Sidewinder gives CTUB the right to inspect and approve the construction documents.
- CTUB should have all of the portions of the application reviewed and revised as appropriate by their own experts in all appropriate fields.

Once the application is revised, CTUB should reapply for the permit registration.

As a good faith effort, CTUB should submit its application to public comment.

- In question 12 of the application, CTUB should indicate that the grading phase will take more than 1 year.
- This will trigger a requirement for 30-day public comment period.
- This good faith effort is necessary because of the botched effort to obtain the permit without the public notice the first time.
- The permit should be publicly noticed for a 30-day comment period after the permit reviewer approves the draft permit.

CTUB should support a public hearing after the initial comment period if the public requests one.

This process will give the public an opportunity to review, evaluate, and comment on the permit and for comments addressed and incorporated in the final permit before approval. This will provide the most protection to the Middleway Historic District and CTUB.

Take Action – Help Us Make This Happen

Send public comment to the DEP on the permit modification that is currently open.

Please add a personal comment on how this matter affects you.

Public Comment to the DEP on WVR113389 permit modification

FIRST NAME *

LAST NAME *

EMAIL *

Please accept this public comment on the WVR113389 permit modification.

Please require that the Karst Mitigation Plan be improved prior to approving the application. The Karst Mitigation Plan [Section J of the Groundwater Protection Plan (GPP)] is insufficient and should incorporate at least the following changes to protect the historic structures in the Middleway Historic District (on the National Register of Historic Places), and prevent the destruction of human grave sites and remains.

The entire Limit of Disturbance within the Middleway Historic District should be evaluated with multiple geophysical methods including but not limited to Electrical Resistivity Tomography (ERT), Ground Penetrating Radar (GPR), Multichannel Analysis of Surface Waves (MASW), and Seismic Reflection & Refraction. In addition, Microgravity Surveying should be performed along the entire project so that subsurface karst features that are not obvious from the surface can be identified.

Construction should be required to take a different path and remain a minimum of 100 feet from any sinkhole or potential sinkhole identified in these studies.

The WL guidance for karst mitigation indicates that

Send email now

216 signatures

Share this with your friends:

EXHIBIT B — Foundation Facebook post

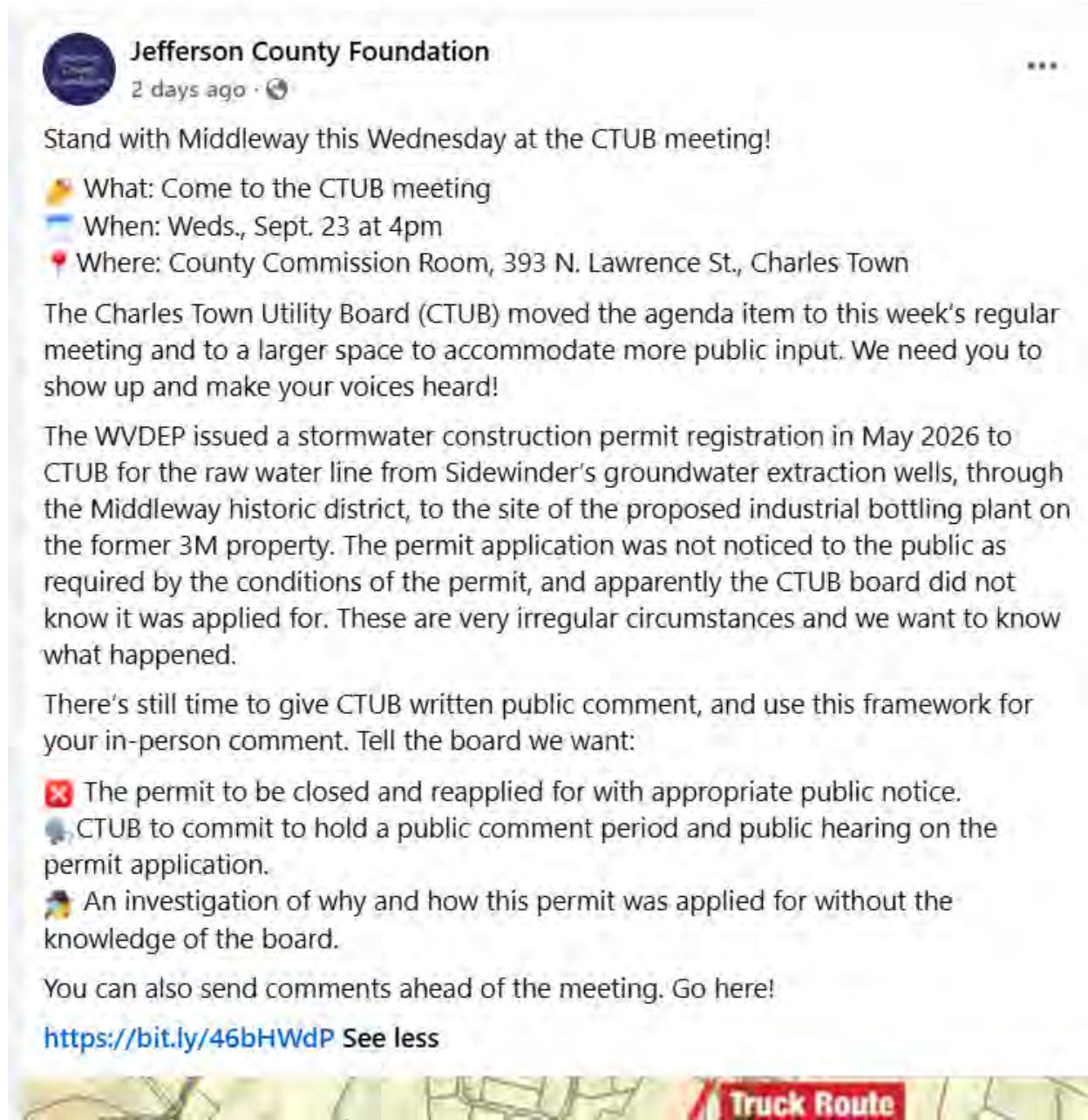


EXHIBIT C — Middleton Facebook post, September 3, 2026



Cheryl Middleton

September 3 at 9:58 PM · 🌐

...

Breaking News!

The [Observer WV](#) has a new article out tonight related to the proposed water bottling plant in Middleway and some perceived nefarious movement by the former CTUB general manager and the bottling company's engineer Integrity Federal.

Please take some time to read through the article as it leaves a lot of questions, like if the CTUB Board required the GM to seek approval from them on any future permits, how did this get submitted to WVDEP? Is this a legit permit given the signer did not have authority to sign? Is it actually binding?

(Updated to note the timing is super interested as this permit application was submitted 10 days after the local judge upheld the Planning Commissions denial of the application. Even if the former GM thought she had approval to sign without CTUB approval, the court upheld the denial...)

If additional documents were loaded on the WVDEP website after the GM resigned but before the new GM started, did Integrity Federal submit them without proper authorization?

Did anyone in the area ever see the permit signs in the pathway as required by law? Did the public receive the required public notice?

Lots of interesting connections in this situation, like how the former GM is married to the only county commissioner who spoke in support of the bottling plant at the March marathon planning commission public hearing held in the high school auditorium.

<https://observerwv.news/.../sidewinder-gets-pipeline...>

Please share with all of our Middleway and surrounding neighbors so they can stay informed. See less

EXHIBIT D — Mary Gee Facebook post, September 8, 2026

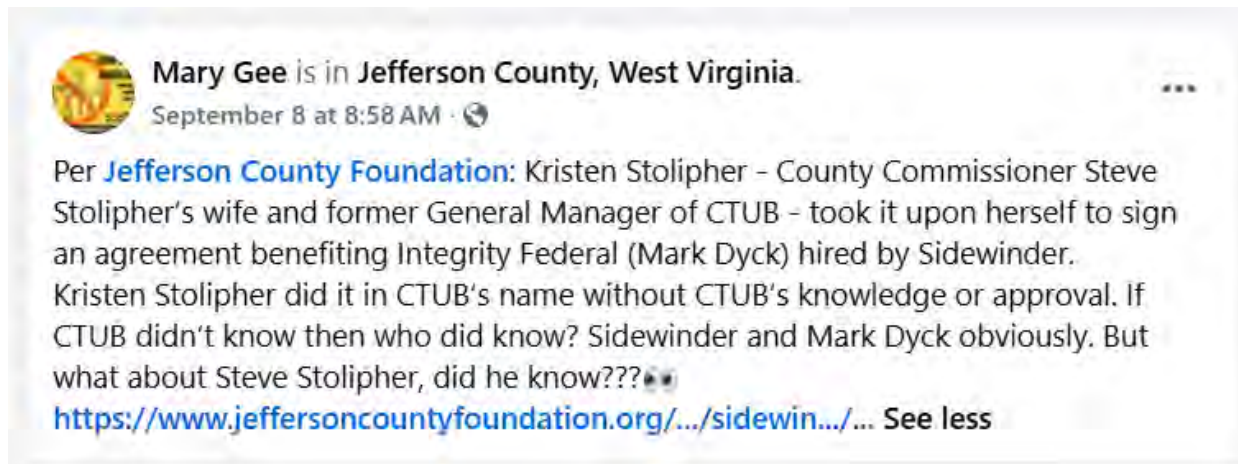


EXHIBIT E — Amy Elizabeth Cunningham Facebook post, September 9, 2026

5:33



< Amy Elizabeth Cunnin...   

All Photos Reels



Amy Elizabeth Cunningham

Sep 9 • 

...

This is where former CTUB commissioner impersonated a public official and illegally signed a document allowing Sidewinder to begin construction. It's hard to believe this is just a "mistake" when her husband Jefferson County WV Commissioner Stolipher public supported the bottling plant. Clearly these folks think they can pull one over on us. Corruption anyone? [Bakerton Market Potomac Farms Water Company](#)



Jefferson County Foundation

Sep 9 • 



Happening today!!



CTUB meeting - 4pm... [See more](#)



Electronic Registration System - Permit			
Applicant:	CHARLES TOWN, CITY OF	Type:	New NPDES/State SD Construction
Reference ID:	Sidewinder Water Line (11/24/2023)	Permit ID:	New/Existing
Certification:	Signature Page	Status:	View
Printed:	Nov 25, 2025 8:49 AM		

BY SIGNING AND SUBMITTING THIS APPLICATION, I HAVE REVIEWED AND UNDERSTAND THE TERMS AND CONDITIONS OF THE GENERAL PERMIT ISSUED ON MARCH 6, 2024. I UNDERSTAND THAT THIS PERMIT IS ENFORCEABLE BY LAW. VIOLATION OF ANY TERM OF THE PERMIT MAY RESULT IN A FINE AND/OR IMPRISONMENT. I FURTHER UNDERSTAND THAT I WILL BE OPERATING UNDER THE PERMIT FOR CONSTRUCTION ACTIVITY APPLICABLE TO THIS PROJECT.

I, Wanda Stolipher, hereby certify that I am the authorized representative of the applicant and I am familiar with the information provided on this form and all attachments and that, based on my knowledge and belief, the information is true, accurate, and complete. I understand that there are significant penalties for submitting false information, including fines and imprisonment. I further understand that I will be operating under the permit for construction activity applicable to this project.

SIGNATURE: Wanda Stolipher