



West Virginia E-Filing Notice

CC-24-2024-C-98

Judge: Patrick Wilson

To: Town of Rivesville n/a
142 Main Street
P.O Box 45
Rivesville, WV 26588

NOTICE OF FILING

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

Lamon Simpson v. Town of Rivesville n/a

CC-24-2024-C-98

The following complaint was FILED on 6/24/2024 2:21:14 PM

Notice Date: 6/24/2024 2:21:14 PM

Belinda Biafore
CLERK OF THE CIRCUIT COURT
Marion County
219 Adams St Room 211
FAIRMONT, WV 26554

(304) 367-5360
Belinda.Biafore@courtswv.gov

SUMMONS

E-FILED | 6/24/2024 2:21 PM
CC-24-2024-C-98
Marion County Circuit Clerk
Belinda Biafore

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

Lamon Simpson v. Town of Rivesville n/a

Service Type: Filer - Private Process Server

NOTICE TO: Town of Rivesville n/a, 142 Main Street, P.O Box 45, Rivesville, WV 26588

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Sean Cook, 309 DOLARON LN, , S CHARLESTON, WV 25309

THE ANSWER MUST BE MAILED WITHIN 20 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

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6/24/2024 2:21:14 PM

Date

/s/ Belinda Biafore

Clerk

RETURN ON SERVICE:

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I certify that I personally delivered a copy of the Summons and Complaint to _____

I certify that I personally delivered a copy of the Summons and Complaint to the individual's dwelling place or usual place of abode to _____, a member of the individual's family who is above the age of sixteen (16) years and by advising such person of the purpose of the summons and complaint.

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Date

Server's Signature

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

LAMON SIMPSON,

Plaintiff,

v.

Civil Action No. _____

Judge: _____

**TOWN OF RIVESVILLE,
WEST VIRGINIA;**

Defendant.

COMPLAINT

Comes now the Plaintiff, Lamon Simpson, and for his Complaint against the above-named Defendant, avers as follows:

THE PARTIES

1. Plaintiff Lamon Simpson (“Officer Simpson”) is an African-American male who was formerly employed by Defendant Town of Rivesville, West Virginia (sometimes “Defendant” or “Rivesville” or “Town”) as its chief police officer. Officer Simpson is a resident of West Virginia.

2. Defendant Town of Rivesville is a municipal corporation and political subdivision of the State of West Virginia.

JURISDICTION AND VENUE

3. Jurisdiction is appropriate before this Court because Officer Simpson brings West Virginia statutory and common law claims.

4. Venue is appropriate because Defendant is a municipal corporation located in Marion County, West Virginia, where the majority of events supporting Officer Simpson’s allegations occurred.

THE FACTS

5. Officer Simpson is an African-American male, and began working in law enforcement in December of 2016. He began his endeavor in September of 2021 to serve as a full-time police officer in Rivesville. In January of 2022, as the only police officer employed by the Town, he assumed the position of Chief Police Officer after a statutory probationary period. The previous only police officer and/or chief of police was employed by Rivesville on a part-time basis.

6. In February of 2022, a Town meeting was held to introduce Officer Simpson to the community, in which he expressed his vision for his position and fielded questions from community members. The topics included cracking down on speeding, and increasing police presence on the streets and in the schools.

7. Officer Simpson also discussed clerical and administrative streamlining. Previously, citizens of Rivesville who called the municipal building to voice complaints and give important reports were being directed to Rivesville's water clerk. Officer Simpson provided citizens with the direct line to the county dispatch so that he could receive all reports and keep them confidential.

8. Rivesville Mayor Barbara Beatty ("Mayor Beatty") indicated the top priority for Officer Simpson was addressing illicit drug issues, and indicated further in a media statement: "There's a lot behind the scenes here that [Officer Simpson] isn't aware of yet, but we hear and see a lot." Defendant's failure to communicate any such knowledge puzzled Officer Simpson, as he had been employed as the only Town police officer for approximately five months.

9. Notably, as it relates to the issue of illicit drug use and as discussed further below, an article published by the *Times West Virginia* regarding the February 2022 Rivesville Town meeting describes that Councilman Frank Moore indicated, "there are several things he hopes to

see happen now that the Town has a full-time police officer, the biggest of which is taking care of vacant buildings.”

10. Councilman Frank Moore was quoted further: “He’s [Officer Simpson] displayed that he really wants to be a member of this community[.] He’s making an effort, he’s visiting schools, he’s out talking to the kids and he’s doing a good job. Being a police officer today is not easy.”

DISPARATE TREATMENT/RACE DISCRIMINATION

11. Mayor Beatty indicated to Officer Simpson at the outset of his employment that if he could not handle being called the “N-word”, he should reconsider the position because he was going to hear this term during his employment.

12. As he continued in his position, there was explicit racial tension, and discriminatory comments were made. For example, Rivesville Town Council Member Michelle Bradley frequently commented along the lines of: “I wish we could go back to the way policing was done in the 1960s.” Councilwoman Bradley made these comments in the presence of Officer Simpson, and often made them directly to Mayor Beatty. When Officer Simpson asked her what she meant by these comments, Councilwoman Bradley would merely smirk and refuse to answer.

13. However, in context, it was clear that these comments sought a return to the 1960s civil rights era in which African-Americans were assaulted and otherwise discriminated against by police.

14. On another occasion, a member of the Rivesville Fire Department informed Officer Simpson that Rivesville Town council members, employees and/or citizens were accusing him of being “a racist cop who only pulls over and targets white people.” Notably, according to the American Census Survey, Rivesville is home to 829 citizens – 819 (98.32%) of whom are

Caucasian/white, and 14 (1.68%) of whom are of two or more races. **The percentage of Black or African- American citizens in Rivesville is officially reported as 0%.**

15. In or about February of 2022, Officer Simpson received a call on his department cell phone from an unidentified number. Upon answering the call, the caller remarked along the lines of: “Is this the n*gger Chief? This means war!” Officer Simpson asked the caller his identity, but the caller hung up. Officer Simpson filed a police report with the W. Va. State Police regarding this incident. Moreover, after this call, Officer Simpson began parking his cruiser and personal vehicle in the local garage as opposed to the street. Mayor Beatty asked Officer Simpson the reason for the change, and he informed her that he feared these vehicles would be vandalized, and further informed her of the aforementioned racially threatening call. In response, Mayor Beatty merely responded “Oh, ok”, and did not inquire further or take any action.

RETALIATION

16. In or about May of 2022, Officer Simpson initiated a traffic stop on a silver Subaru SUV in Rivesville. This vehicle was illegally parked in the street outside of an abandoned house in which evidence had indicated suspected drug activity.

17. Officer Simpson observed a female occupying the driver’s side of the vehicle, and a male walking towards the house. Officer Simpson approached the vehicle and requested the female driver’s identification, but she was initially resistant to comply. Officer Simpson recognized the female driver to be the mother of the Rivesville Town Clerk, Erika Corwin (“Clerk Corwin”).

18. The observed male became belligerent, and began yelling along the lines of “you don’t have to talk to him” and “you are harassing us”. Officer Simpson recognized this individual as Joshua Wolfe. Officer Simpson had received evidence of and been informed by officers of the

W. Va. State Police of suspected drug activity connected with Mr. Wolfe.

19. Nonetheless, Officer Simpson only issued a warning to the female driver, and permitted both her and Mr. Wolfe to voluntarily leave the scene.

20. A few days later, Officer Simpson arrived at Town hall, and as a common social courtesy, asked Clerk Corwin how she was doing. She responded that she was frustrated, because she did not feel comfortable with him pulling over her family. Officer Simpson indicated to Clerk Corwin that this was not an appropriate conversation. But she persisted, and stated that she didn't feel comfortable working with him if he was going to be "stopping her family."

21. Later that same day, Officer Simpson received a call regarding a suspicious backpack located behind Assumption Records on Clayton Street in Rivesville. After responding to the call and determining that a threat did not exist, Officer Simpson discussed the aforementioned conversation with Clerk Corwin with the owner of Assumption Records and Rivesville Town Council Member, Noelle Kolb. Councilwoman Kolb informed Officer Simpson that she would inform Mayor Beatty of the situation.

22. Officer Simpson then spoke with Mayor Beatty about the aforementioned conversation with Clerk Corwin. Mayor Beatty indicated that Rivesville did not want to lose a "good worker" such as Clerk Corwin. Officer Simpson indicated in response that he did not desire that Clerk Corwin lose her job, but that he felt obligated to report the previous events in question.

23. Soon thereafter, in June of 2022, Officer Simpson received a text message from Clerk Corwin indicating that she was submitting her two-week notice to resign from her employment with the Town of Rivesville.

24. At the time of Officer Simpson's termination from employment by Rivesville on July 6, 2022 (which is discussed in more detail below), Clerk Corwin was still employed in her

position with the Town.

25. Clerk Corwin is a white/Caucasian female.

WRONGFUL DISCHARGE

26. On July 6, 2022, Officer Simpson was asked by councilmen Mark Dorsey and Frank Moore to meet with them. Upon arriving at Town hall, these councilmen provided Officer Simpson with a letter stating: “You are being terminated and your services are no longer needed.” When asked the reason for his termination, Officer Simpson was told a reason did not need to be provided.

27. Officer Simpson was then escorted to the Rivesville police department to turn in items. After starting this process, these councilmen both began to walk away, but Officer Simpson asked them to stay and observe the items he was turning in to avoid any potential false accusations of theft. Councilman Moore left, Councilman Dorsey stayed, and the Town water clerk was brought in to also observe the items that were being returned by Officer Simpson.

28. Officer Simpson subsequently filed for unemployment benefits with Workforce WV. He was awarded benefits, and the award letter indicated, in part: “Benefits can be denied only when there is misconduct in connection with the discharge. The burden of proof of misconduct rests with the employer. This employer has failed to present evidence that [Officer Simpson] committed an act of misconduct.”

29. As the result of his termination from his employment position with Rivesville, Officer Simpson was required to appear before the West Virginia Law Enforcement Professional Standards Board (“Board”), to whom Officer Simpson described the events contained herein. In response, members of the Board (including Tia L. Welch – Executive Director of the West Virginia Human Rights Commission) encouraged Officer Simpson to seek legal counsel regarding the

conduct he endured while employed by Rivesville.

30. Officer Simpson eventually obtained employment as a police officer with the Town of Salem, WV (sometimes, “Salem”). In conducting a background check regarding Officer Simpson, Salem law enforcement officials attempted to contact officials of Rivesville. These attempts included numerous phone calls and a personal visit to Rivesville Town Hall. However, Rivesville officials refused to provide any information, and as a reason, stated that they feared Officer Simpson was preparing to bring a lawsuit related to his previous employment and termination. This reason for refusing to cooperate was reiterated and confirmed in a letter sent by Rivesville officials to Salem law enforcement officials.

DISPARATE TREATMENT AND IMPACT BASED ON RACE

31. Upon being hired, Officer Simpson received an hourly wage of approximately \$18. He received an increase to \$20/hour once he assumed the position of Chief Officer. Shortly thereafter, Officer Simpson requested a reasonable pay raise to an hourly wage competitive with the surrounding police department chiefs. He was asked by council members to provide a budget plan supporting this pay raise.

32. Officer Simpson complied with this request. The Rivesville Town council indicated to Officer Simpson that they would “get back to him.” However, this did not occur, and no action was taken.

33. Moreover, during his employment, Rivesville provided Officer Simpson with a credit card for necessary employment expenses. On information and belief, the previous part-time Rivesville Police Chief was provided a credit card with up to a \$1000 credit limit. However, the credit card provided to Officer Simpson had only a \$300 credit limit, and Rivesville officials eventually limited Officer Simpson’s use of the credit card to only fuel purchases.

34. The previous part-time Rivesville Police Chief was a white/Caucasian male.

35. In June of 2022, Officer Simpson requested an updated ballistics vest and a rifle plate, as he was utilizing these items that he had purchased with his own personal funds. Officer Simpson researched and found the most affordable and effective of these items for Rivesville to purchase. Officer Simpson explained to Town officials that he desired to upgrade his safety equipment in light of the increase in active school shootings throughout the United States, and that he wanted to have the most effective safety equipment possible so that he could efficiently respond and ensure the safety of students and faculty should such a mass shooting occur at a Rivesville school.

36. However, Rivesville denied Officer Simpson's request for these necessary items. While at Town hall later in June of 2022, Officer Simpson attempted to discuss this issue with Councilman Moore, who immediately began belittling Officer Simpson and responding angrily. During this conversation, a citizen entered the room and stated normal greetings, to which Councilman Moore responded along the lines of: "I'm trying to get [Officer Simpson] to realize how things work and he is too stubborn to understand."

37. Moreover, despite terminating Officer Simpson for the alleged reason that "his services [were] no longer needed", Rivesville hired a new full-time Chief of Police, Nathan Lanham, to replace him.

38. Mr. Lanham is a white/Caucasian male who at the time of his hiring, had only recently graduated from the W. Va. Police Academy.

39. On information and belief, Mr. Lanham was hired at and receives an hourly wage exceeding that which Officer Simpson received during his employment with Rivesville, and Mr. Lanham has been issued the updated safety equipment that Officer Simpson was denied.

40. Moreover, on information and belief, Mr. Lanham crashed the police cruiser he was issued by Rivesville, and was thus not able to perform his full-time duties as chief police officer. At the time, Mr. Lanham was also now employed as a part-time officer with various municipal police departments in North-Central West Virginia. Yet, on information and belief, Mr. Lanham was still employed as the full-time Rivesville Police Chief.

DEFAMATION/TORTIOUS INTERFERENCE

41. After Officer Simpson's employment was terminated by Defendant, Rivesville's new Police Chief, Mr. Lanham, contacted Salem law enforcement officials, and accused Officer Simpson of stealing and/or failing to turn in a guardian safety light and a work cell phone. Mr. Lanham further indicated that Rivesville planned to pursue criminal charges against Officer Simpson related to this accusation.

42. When asked about this accusation by Salem law enforcement officials, Officer Simpson explained: (i) the guardian safety light had been previously lost, and he expressly informed Rivesville officials of this and requested a new one; and (ii) the work cell phone had been turned in on July 6, 2022, under the observation of Councilman Dorsey and the Rivesville Town water clerk.

43. Salem law enforcement officials communicated Officer Simpson's explanation to Mr. Lanham, and the issue has not been subsequently addressed by Mr. Lanham or any other Rivesville officials.

44. Subsequently, Mr. Lanham once again contacted Salem law enforcement officials and communicated a brand-new baseless accusation. This time, Mr. Lanham accused Officer Simpson with failing to turn in vehicle cleaning supplies purchased with Rivesville funds, and/or using these supplies for his own personal benefit.

45. However, the limited vehicle cleaning supplies that the Town approved for purchase were left in the Rivesville Town garage by Officer Simpson. Indeed, on one occasion after being told by Councilman Moore that he should wash the Town police cruiser with “dish soap”, Officer Simpson purchased appropriate cleaning supplies with his own funds and used them to clean his assigned police cruiser.

COUNT I

**DISPARATE TREATMENT, DISCRIMINATION AND WRONGFUL DISCHARGE
BASED ON RACE**

(IN VIOLATION OF THE WEST VIRGINIA HUMAN RIGHTS ACT)

46. Officer Simpson incorporates the preceding paragraphs by reference.

47. “This article shall be known and may be cited and referred to as ‘The West Virginia Human Rights Act.’” W. Va. Code § 5-11-1 (“WVHRA”).

48. The WVHRA provides that it is unlawful for an employer to discriminate against an employee based on race.

49. Under the WVHRA, “discrimination” means treating individuals differently because of different individual traits such as race.

50. The WVHRA establishes that an employer is liable for discriminatory acts when it knew or reasonably should have known of the discriminatory acts and did nothing to correct them, or expressly or impliedly authorized or ratified them.

51. Claims for employment discrimination based on race brought under the WVHRA are typically brought as a cause of action for disparate treatment.

52. To make a prima facie case of disparate treatment/employment discrimination under the WVHRA, an employee must allege the following: (1) that the employee is a member of a protected class; (2) that the employer made an adverse decision concerning the employee; and

(3) that but for the employee's protected status, the adverse decision would not have been made.

53. In the present case, Officer Simpson is an African-American, and a member of a protected class under the WVHRA.

54. As described above, Defendant made adverse decisions concerning Officer Simpson culminating in his wrongful discharge from employment.

55. The instant facts detailed above lead to the reasonable and/or probable inference that these adverse decisions were motivated by Officer Simpson's protected status as an African-American.

56. Accordingly, Defendant discriminated against Officer Simpson by treating him in a disparate manner based on his race in violation of the WVHRA, and is liable for the damages he has suffered and continues to suffer as a result thereof.

COUNT II

HOSTILE WORK ENVIRONMENT BASED ON RACE

(IN VIOLATION OF THE WVHRA)

57. Officer Simpson incorporates the preceding paragraphs by reference.

58. During his employment with Defendant, Officer Simpson was subjected to a continuous, pervasive, and egregiously offensive racially hostile work environment.

59. Officer Simpson's reports of racial discrimination and harassment to Defendant's representatives were consistently ignored, minimized, or retaliated against; further contributing to the hostile work environment.

60. Specific instances of racial harassment experienced by Officer Simpson include those included above that are not limited to, derogatory comments about his race and unequal treatment based on race.

61. Defendant's actions and inactions created a work environment that was so pervaded by discrimination and harassment based on race that it altered the conditions of Officer Simpson's employment and created an abusive working environment.

62. Defendant knew or should have known of the harassment and failed to take prompt and adequate measures to stop it.

63. Moreover, the conduct of Defendant was intentional, willful, and taken in disregard of Officer Simpson's rights.

64. As a direct and proximate result of Defendant's unlawful conduct, Officer Simpson has suffered and continues to suffer substantial damages, including, but not limited to, emotional distress, humiliation, embarrassment, and loss of professional reputation.

COUNT III

DISPARATE IMPACT BASED ON RACE

(IN VIOLATION OF THE WVHRA)

65. Officer Simpson incorporates the preceding paragraphs by reference.

66. Based on the facts and allegations contained herein, Defendant utilizes particular employment practices and/or policies that have caused a disparate impact on African-Americans – a protected class under the WVHRA of which Officer Simpson is a member.

67. These employment practices and/or policies of Defendant has had a discriminatory effect on African-American employees such as Officer Simpson, and have disproportionately affected him as a member of this protected class.

68. Accordingly, Defendant has discriminated against Officer Simpson based on his race in violation of the WVHRA, and is liable for the damages he has suffered and continues to suffer under the legal doctrine of disparate impact based on his race.

COUNT IV

RETALIATION

(IN VIOLATION OF THE WVHRA)

69. Officer Simpson incorporates the preceding paragraphs by reference.

70. The WVHRA provides that it is unlawful for an employer to engage in any form of reprisal or otherwise discriminate against any person because he has opposed any practices or acts forbidden by the WVHRA, or because he has made a complaint regarding violations of the WVHRA.

71. To have engaged in protected activity under the anti-retaliation provisions of WVHRA, an employee must have challenged or otherwise opposed conduct that he reasonably and in good faith believed to be unlawful under the WVHRA.

72. Moreover, even if there is no actionable claim under the WVHRA, the employee still could have been engaged in a protected activity if he complained of conduct he in good faith believed violated the statute.

73. To incur liability under the anti-retaliation provisions of the WVHRA, an employer must have been subjectively and/or objectively aware of the employee's engagement in a protected activity.

74. In the present case, Officer Simpson opposed and complained with regard to instances of race discrimination to individuals exercising supervisory and decision-making authority on behalf of Defendant.

75. In retaliation, Officer Simpson was subjected to adverse employment actions by Defendant.

76. Accordingly, Defendant unlawfully retaliated against Officer Simpson in violation of the WVHRA, and is liable for the damages he has suffered and continues to suffer as a result thereof.

COUNT V

RETALIATION

(IN VIOLATION OF THE STATUTES AND PUBLIC POLICY OF THE STATE OF WEST VIRGINIA; THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION; AND THE WEST VIRGINIA WHISTLEBLOWER LAW)

77. Officer Simpson incorporates the preceding paragraphs by reference.

78. As detailed above in paragraphs 16-25, in or about May of 2022, Officer Simpson lawfully initiated a traffic stop involving the mother of Defendant's Town Clerk, Erica Corwin.

79. During and throughout the traffic stop, Officer Simpson conducted himself professionally and in accordance with the training and policies of the Defendant's Police Department.

80. Officer Simpson then faced unwarranted disciplinary measures and professional retaliation after rightfully taking action in response to conduct exhibited by the family member of Defendant's Town official, Clerk Corwin. Despite acting within the bounds of law and department policy, Officer Simpson was subjected to a series of adverse actions designed to undermine his career and professional standing.

81. Defendant's unlawful retaliatory actions eventually culminated in the termination of Officer Simpson's employment.

82. These actions of Defendant were motivated by a desire to retaliate against Officer Simpson for the lawful traffic stop and encounter initiated against the mother of Town Clerk Erica Corwin, and constituted an abuse of power and violation of Officer Simpson's rights.

83. Such measures were taken by Defendant in direct response to Officer Simpson's lawful actions, constituting a clear violation of the statutes and public policy of West Virginia protecting law enforcement officers from retaliation, discrimination, and other forms of professional harm for upholding the law and departmental policy.

84. Moreover, Defendant's conduct as described above constituted retaliation against Officer Simpson for engaging in conduct protected by the First Amendment of the United States Constitution, as Defendant's actions were motivated by an intent to retaliate against Officer Simpson for performing his lawful duties, which is protected speech.

85. This conduct of Defendant as described above also violates the West Virginia Whistleblower Law, W. Va. Code § 6C-1-1, *et al.*, as Defendant retaliated against Officer Simpson for lawfully reporting and enforcing laws related to public safety and welfare.

86. Defendant's actions were willful, malicious, and in reckless disregard of Officer Simpson's rights under West Virginia law.

87. As a result of Defendant's retaliatory actions, Officer Simpson has suffered damages as herein alleged.

COUNT VI

DEFAMATION

88. Officer Simpson incorporates the preceding paragraphs by reference.

89. As explained above in paragraphs 41-46, subsequent to his employment, Officer Simpson was subjected to baseless and defamatory accusations by Defendant – specifically (and without limitation) by Defendant's Police Chief, Nathan Lanham.

90. Defendant knew or should have known that these allegations were false.

91. Said accusations were made in a negligent or intentional manner to a third party,

without privilege, thereby damaging Officer Simpson's professional reputation and causing him emotional distress.

92. At all times material hereto, Chief Officer Nathan Lanham was an employee and agent of Defendant, acting within the scope of his employment.

93. Accordingly, Defendant is vicariously liable for the wrongful acts of Officer Lanham, including but not limited to, the defamatory statements made regarding Officer Simpson.

94. As a direct and proximate result of Defendant's defamatory actions, Officer Simpson has suffered harm to his reputation, emotional distress, and other damages.

COUNT VII

TORTIOUS INTERFERENCE WITH A BUSINESS RELATIONSHIP

95. Officer Simpson incorporates the preceding paragraphs by reference.

96. Officer Simpson had a business relationship by way of his subsequent employment as a police officer with the Town of Salem after his employment was terminated by Defendant.

97. As described above in paragraphs 41-46, Defendant - including without limitation through its police chief at the time, Nathan Lanham - was aware of this relationship and intentionally interfered with it by fabricating allegations against Officer Simpson.

98. At all times material hereto, Chief Officer Nathan Lanham was an employee and agent of Defendant, acting within the scope of his employment.

99. Accordingly, Defendant is vicariously liable for the wrongful acts of Officer Lanham representing tortious interference with a business relationship.

100. Defendant's conduct was intentional, malicious, and without justification, causing Officer Simpson to suffer damages to be determined at trial that include without limitation: lost

wages, emotional distress, and harm to his professional reputation.

COUNT VIII

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

101. The conduct detailed throughout this Complaint directed toward Officer Simpson by Defendant was egregious and outrageous, as well as intentional, reckless, and calculated to cause severe emotional distress to Officer Simpson.

102. Despite Officer Simpson's dedication and adherence to the highest standards of law enforcement and public safety, Defendant subjected Officer Simpson to a series of retaliatory and harassing actions culminating in his wrongful termination.

103. The emotional distress suffered by Officer Simpson as a result of Defendant's conduct was severe, and the direct and proximate cause of Defendant's conduct detailed herein.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff, Lamon Simpson, prays for the following relief:

- a) That he be awarded back pay, including all benefits for which he would have been eligible but for the Defendant's discriminatory and unlawful conduct;
- b) That he be awarded front pay, including all benefits for which he would have been eligible but for the discriminatory and unlawful conduct complained of herein;
- c) That he be awarded damages for the considerable loss of professional opportunity and future income he otherwise would have earned but for the unlawful actions of the Defendant;
- d) That he be awarded damages for the damage to his professional reputation he has directly and/or proximately suffered as the result of the Defendant's unlawful actions detailed herein;

- e) That he be awarded compensatory damages in an amount to be determined by a jury for the physical, emotional and mental distress, humiliation, anxiety, embarrassment, depression, aggravation, annoyance and inconvenience that he has directly and/or proximately suffered as a result of the Defendant's discriminatory and unlawful conduct;
- f) That he be awarded all out-of-pocket losses directly and/or proximately suffered as a result of the Defendant's discriminatory and unlawful conduct;
- g) That he be awarded prejudgment and post-judgment interest on any and all damages, as provided by applicable law;
- h) That he be awarded his costs of litigation, including but not limited to reasonable attorneys' fees, in accordance with the controlling statutory provisions of the WVHRA and the W. Va. Whistleblower law; and,
- i) That he be awarded such other and further relief as this Court deems appropriate.

A JURY TRIAL IS DEMANDED

Plaintiff, by his counsel,



Sean W. Cook (WV State Bar #10432)
309 Dolaron Lane
South Charleston, WV 25309
Phone: 681.313.9809
sean@seanwcooklaw.com
seanwcooklaw.com

SUMMONS

Case Number:

CC-24-2024-C-98

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

Lamon Simpson v. Town of Rivesville n/a

Service Type: Filer - Private Process Server

NOTICE TO: Town of Rivesville n/a, 142 Main Street, P.O Box 45, Rivesville, WV 26588

Sean Cook, 309 DOLARON LN, , S CHARLESTON, WV 25309

SERVICE:

6/24/2024 2:21:14 PM

Date

/s/ Belinda Biafore

Clerk

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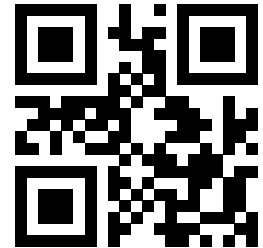
I certify that I personally delivered a copy of the Summons and Complaint to _____

I certify that I personally delivered a copy of the Summons and Complaint to the individual's dwelling place or usual place of abode to _____, a member of the individual's family who is above the age of sixteen (16) years and by advising such person of the purpose of the summons and complaint.

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Date

Server's Signature



CC-24-2024-C-98

Lamon Simpson v. Town of Rivesville n/a

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