

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT -- _____ DIVISION
CIVIL ACTION NO. _____

JAMES M. WELLS

PLAINTIFF

vs.

**COMPLAINT
JURY TRIAL DEMANDED**

COLUMBIA GAS OF KENTUCKY, INC.,
a Kentucky corporation

DEFENDANT

Serve: CT Corporation Systems, Inc.
Kentucky Home Life Building, Room 1102
Louisville, KY 40202
(agent for service of process)

JUDITH CHRISTOPHER

DEFENDANT

Serve: Judith Christopher
1841 Arundel Drive
Lexington, KY 40505

KAY HARDIN

DEFENDANT

Serve: Kay Hardin
94 Glass Avenue
Lexington, KY 40505

* * * * *

James M. Wells for his Complaint against defendants Columbia Gas of Kentucky, Inc., Judith Christopher and Kay Hardin states as follows:

I

Nature of the Action

1. This is an action pursuant to the Kentucky Civil Rights Act and the common law of Kentucky seeking back pay, front pay, lost income and benefits, compensatory and punitive damages, costs, litigation expenses and attorney's fees for

defendants' unlawful employment practices, acts aiding those unlawful practices and tortious interference with contractual relationship.

II

Jurisdiction and Venue

2. Fayette Circuit Court has jurisdiction over this case pursuant to KRS 344.450 and KRS 23A.010. Venue is proper because the acts that gave rise to this case occurred in Fayette County.

III

Parties

3. James M. Wells is a citizen of the United States of American and presently resides in Clark County, Kentucky.

4. Columbia Gas of Kentucky, Inc. is a Kentucky corporation. Its agent for service of process is the CT Corporation System, Kentucky Home Life Building, Room 1102, Louisville, KY 40202.

5. Judith Christopher is a resident of Fayette County, Kentucky, living at 1841 Arundel Drive, Lexington, KY 40505.

6. Kay Hardin is a resident of Fayette County, Kentucky, living at 94 Glass Avenue, Lexington, KY 40505.

IV

Facts Giving Rise to this Action

7. Wells is a 58 year old male. He began employment with defendant Columbia Gas in May, 1961. He remained employed by defendant Columbia Gas up to April 1, 1999.

8. At all times pertinent hereto, Columbia Gas was the employer of Wells within the meaning of KRS 344.040.

9. At all times pertinent hereto, Wells ably and satisfactorily performed his job duties for Columbia Gas.

10. On or about February 16, 1999, Kay Hardin, while knowing same to be false and untrue and for the specific purpose of interfering with Wells' employment relationship with Columbia Gas, informed agents and employees of Columbia Gas that Wells had sexually harassed her.

11. On or about February 22, 1999, Judith Christopher, while knowing same to be false and untrue, informed agents and employees of Columbia Gas that Wells, at some point in the past, sexually harassed her.

12. Based on the untrue information reported by Hardin and Christopher, Columbia Gas resolved to terminate Wells' employment.

13. Columbia Gas decided to terminate Wells' employment because of his age within the meaning of KRS 344.040.

14. Columbia Gas's reference to the information provided by Hardin and Christopher is pretext and offered to hide the real and actual motivation by it to terminate Wells' employment.

15. Christopher falsely informed Columbia Gas that Wells had sexually harassed her for the purpose of aiding and abetting an unlawful employment practice by Columbia Gas in violation of KRS 344.280.

16. Wells involuntarily resigned and retired his employment with Columbia Gas in the face of its determination to fire him for the above-described pretextual reasons.

17. Wells was constructively discharged from his employment with Columbia Gas.

18. A substantial and motivating factor for Wells' constructive discharge from employment was his age.

19. Wells was replaced in Columbia Gas's workforce by a substantially younger employee.

20. As a direct and proximate result of defendants unlawful and tortious actions, as above described, Wells has suffered loss of income, benefits, and salary, suffered embarrassment and humiliation, emotional distress and mental anguish.

21. Defendants' actions taken against Wells were malicious and oppressive and done in deliberate indifference to his rights.

V

CAUSES OF ACTION

Count 1 – Discharge from Employment Because of Age

22. Plaintiff incorporates herein paragraphs 1 through 21 hereof.

23. Wells' age was a substantial and motivating factor for his constructive discharge from employment by Columbia Gas in violation of KRS 344.040.

Count 2 – Aiding and Abetting Unlawful Employment Practice

24. Plaintiff incorporates herein paragraphs 1 through 23 hereof.

25. Christopher aided and abetted Columbia Gas's illegal termination of Wells' employment in violation of KRS 344.280 by falsely informing its agents that she had been sexually harassed by Wells.

Count 3 – Tortious Interference With Contractual Relationship

26. Plaintiff incorporates herein paragraphs 1 through 25 hereof.

27. Hardin tortiously interfered with Wells' contractual and employment relationship with Columbia Gas by falsely informing it that he had sexually harassed her.

VI

DEMAND FOR RELIEF

WHEREFORE, plaintiff demands against defendants as follows:

(1) That the Court enter a judgment awarding him a fair and reasonable sum of damages to be determined by the jury at trial and in excess of the court's jurisdictional minimum to compensate him for the injuries inflicted by defendants;

(2) That the Court enter a judgment assessing punitive damages against defendants and payable to plaintiff to punish defendants for their conduct and to deter repetition of same;

(3) That the Court enter an Order awarding him his costs, litigation expenses and attorney's fees in accordance with CR 54 and KRS 34.450; and,

(4) That the Court grant him such other relief as warranted.

Demand for Trial by Jury

Pursuant to CR 38 plaintiff demands trial by jury of all issues herein so triable.

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