

IN THE CIRCUIT COURT OF MCDOWELL COUNTY, WEST VIRGINIA

CLINTON ARNOLD,

Plaintiff,

v.

CIVIL ACTION NO.: 13-C-134-S

FRONTIER WEST VIRGINIA INC.,
a West Virginia corporation;
FRONTIER COMMUNICATIONS CORPORATE
SERVICES INC., a Delaware corporation;
FRONTIER COMMUNICATIONS ILEC
HOLDINGS INC., a Delaware corporation;
FRONTIER COMMUNICATIONS OF
AMERICA, INC., a Delaware corporation;
KEN ARNDT, Individually; and
STEVE SNEDEGAR, Individually,

Defendants.

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COMPLAINT

1. The plaintiff, Clinton Arnold, brings this action against the defendants for their discriminatory actions against the plaintiff.

PARTIES

2. The plaintiff, Clinton Arnold, was at all times relevant herein, a resident of Putnam County, West Virginia.

3. The defendant, Frontier West Virginia Inc., is a West Virginia corporation with its principal place of business in Stamford, Connecticut and at all times relevant herein was doing business in McDowell County, West Virginia.

4. The defendant, Frontier Communications Corporate Services Inc., is a Delaware corporation with its principal place of business in Stamford, Connecticut and at all times relevant herein was doing business in McDowell County, West Virginia.

5. The defendant, Frontier Communications ILEC Holdings Inc., is a Delaware corporation with its principal place of business in Stamford, Connecticut and at all times relevant herein was doing business in McDowell County, West Virginia.

6. The defendant, Frontier Communications of America, Inc., is a Delaware corporation with its principal place of business in Stamford, Connecticut and at all times relevant herein was doing business in McDowell County, West Virginia.

7. The defendant, Ken Arndt, is a resident West Virginia and, at all times relevant herein, was a supervisor of the plaintiff.

8. The defendant, Steve Snedegar, is a resident of West Virginia and, at all times relevant herein, was a Human Resources Director for the defendants and was involved in the termination of the plaintiff's employment.

FACTS

9. The plaintiff, Clinton Arnold, is an African-American and was employed by the defendants or their predecessor corporations (GTE and Verizon) for approximately 25 years.

10. During his employment, Clinton Arnold consistently performed his duties in a satisfactory manner and met the reasonable expectations of the defendants.

11. The plaintiff, Clinton Arnold, began working for GTE in June, 1986 as a long-distance operator in Lexington, Kentucky.

12. In September, 1987, the plaintiff, Clinton Arnold, was promoted by GTE to an Inside Sales position.

13. In March, 1989, the plaintiff, Clinton Arnold, was promoted by GTE to Account Executive (Outside Sales) for the Central Kentucky Region.

14. In September, 1990, the plaintiff, Clinton Arnold, was promoted by GTE to Complex Systems Project Manager.

15. In August, 1992, the plaintiff, Clinton Arnold, left GTE to start his own business.

16. In August, 1994, the plaintiff, Clinton Arnold, returned to GTE as a Business Account Manager covering western Kentucky.

17. In January, 1996, the plaintiff, Clinton Arnold, was promoted by GTE to National Account Manager.

18. In 1997, the plaintiff, Clinton Arnold, was promoted by GTE to Staff Manager and relocated to Irving, Texas.

19. In October, 1997, the plaintiff, Clinton Arnold, was promoted by GTE to National Senior Marketing Manager.

20. In March, 1999, the plaintiff, Clinton Arnold, was promoted by GTE to Group Manager in charge of Consumer Products.

21. In July, 2000, GTE and Bell Atlantic merged to form Verizon.

22. In February, 2002, the plaintiff, Clinton Arnold, was promoted by Verizon to Director of Government/Public Communication.

23. In March, 2005, the plaintiff, Clinton Arnold, was promoted by Verizon to Director of Business/Sales in Engineering for the Mid-Atlantic Region and was relocated to Philadelphia.

24. In December, 2007, Verizon asked the plaintiff, Clinton Arnold, to relocate to Basking Ridge, New Jersey, to become the Director of Marketing for the Medium Business Organization.

25. In May, 2009, the plaintiff, Clinton Arnold, became Director of Sales Support in an effort to prepare for the acquisition of various Verizon operations by Frontier Communications.

26. In August, 2009, the plaintiff, Clinton Arnold, was relocated by Verizon to Charleston, West Virginia.

27. On July 1, 2010, the plaintiff, Clinton Arnold, became Director of Sales and Service for Frontier Communications at its center located in Charleston, West Virginia.

28. After the merger in July, 2010, the plaintiff, Clinton Arnold, spoke with Human Resources Director, Steve Snedegar, about the lack of racial diversity at Frontier Communications.

29. For his annual review for the 2010 year, the plaintiff, Clinton Arnold, received a 3.36 overall rating, earned bonus payouts at 120% of the target, won the Platinum Award as the top director in the company and received 1500 shares of restricted stock.

30. For his annual review for the 2011 year, the plaintiff, Clinton Arnold, received a 3.38 overall rating, earned bonus payouts at 105% of the target and was awarded 4270 shares of Frontier stock.

31. For his annual review for the 2012 year, the plaintiff, Clinton Arnold, received a 3.4 overall rating and received 100% of bonus payouts.

32. On or about March 18, 2013, approximately two weeks after the 2012 evaluation was presented to the plaintiff, Clinton Arnold, the defendants willfully, maliciously and unlawfully terminated the plaintiff's employment.

33. As of March 31, 2013, the Sales and Service Center which the plaintiff, Clinton Arnold, directed, was ranked second in the country (year to date) in revenue attainment percentage.

34. As of March 31, 2013, the plaintiff, Clinton Arnold, was ranked number one in the country (month to date and year to date) on all customer service metrics.

FIRST CAUSE OF ACTION

35. The defendants' termination of Plaintiff Clinton Arnold was based upon, in whole or in part, plaintiff's race, in violation of the Human Rights Act, West Virginia Code §5-11-9.

36. As a direct and proximate result of the defendants' actions, plaintiff has suffered and will continue to suffer lost wages and benefits in an amount to be determined by the jury.

37. As a direct and proximate result of the defendants' actions, plaintiff is entitled to damages for indignity, embarrassment, humiliation and emotional distress in an amount to be determined by the jury.

38. Defendants' actions were willful, wanton and/or undertaken with reckless disregard and/or reckless indifference to the rights of the plaintiff entitling the plaintiff to punitive damages in an amount to be determined by the jury.

39. Defendants' actions were willful and malicious and violated the West Virginia Human Rights Act entitling the plaintiff to attorney fees and costs pursuant to West Virginia Code §5-11-13 and/or the decisions of the West Virginia Supreme Court of Appeals.

WHEREFORE, plaintiff prays for the following relief:

1. Damages set forth in this Complaint, including lost wages and benefits, back pay, front pay, damages for indignity, embarrassment and humiliation, and punitive damages in an amount to be determined by the jury;
2. Prejudgment interest as provided by law;
3. Attorney fees and costs; and
4. Such further relief as this court may deem just and equitable.

PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES TRIABLE TO A JURY.

CLINTON ARNOLD
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