

24. In late June and early July of 2014, Defendants CCC, CCSD, and Sheriff McComas learned that Chief Ferguson had created another fraudulent document on agency letterhead –i.e. a letter that requested video surveillance from the Mardi Gras Casino & Resort. Chief Ferguson requested the video of two individuals under the false pretense that he was conducting an investigation of the two individuals in a destruction of property case. In fact, the Casino later confirmed that there was no such investigation; rather, Chief Ferguson had used both his position as the Chief Deputy of Cabell County and agency letterhead to request surveillance video of his ex-girlfriend. Despite the fact that a West Virginia State Police investigation determined that Chief Ferguson had committed this fraudulent conduct, Chief Ferguson, a male, remains employed with Defendants CCC and CCSD. Chief Ferguson has been afforded more favorable terms of employment than Lt. Lambert and Shellie Stiltner.
25. On July 3, 2014, Lt. Lambert was issued the Notice of Right to Sue letter that is attached as Exhibit A.
26. As a direct and proximate result of Defendants' conduct, Lt. Lambert has suffered lost wages and benefits, lost retirement benefits, emotional distress, humiliation, embarrassment and ridicule, and other compensatory and general damages.

**COUNT ONE: UNLAWFUL DISCRIMINATION AND RETALIATION
IN VIOLATION OF
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED
(DEFENDANTS CCC AND CCSD)**

27. Lt. Lambert reincorporates herein each of the preceding paragraphs 1-26 as if set forth verbatim herein.

28. At all times relevant hereto, Defendant Cabell County Commission and/or Defendant Cabell County Sheriff's Department was an "employer" within the meaning of 42 U.S.C. §2000e (b).
29. At all times relevant hereto, Lt. Lambert was an "employee" within the meaning of 42 U.S.C. § 2000e (f).
30. During the course of her employment, Lt. Lambert was subjected to less favorable terms and conditions of employment than male employees because of, or on the basis of, her gender, female, and/or because of, or on the basis of the fact that she had filed --and resolved only months earlier --an unlawful discrimination charge with the EEOC.
31. Through Defendants CCC and CCSD's unlawful conduct, they have acted to discriminate against Lt. Lambert based upon her gender, and to retaliate against her for opposing discrimination, in violation of 42 U.S.C. § 2000e-2 (a) and 42 U.S.C. §2000e-3 (a).
32. As a direct result of Defendants CCC and CCSD's unlawful conduct, Lt. Lambert has suffered injury and damages, including but not limited to, lost wages and benefits, emotional distress, humiliation, mental anguish and other damages for which Defendants are liable. Lt. Lambert also seeks full reinstatement and seniority.
33. Based upon Defendant CCC and CCSD's willful, reckless, and/or malicious conduct, Lt. Lambert is entitled to recover punitive damages.
34. Lt. Lambert is also entitled to recover her attorneys' fees and costs.

**COUNT TWO: UNLAWFUL DISCRIMINATION AND RETALIATION
IN VIOLATION OF THE WEST VIRGINIA HUMAN RIGHTS ACT
(ALL DEFENDANTS)**

35. Lt. Lambert reincorporates herein each of the preceding paragraphs 1-34 as if set forth verbatim herein.
36. At all times relevant hereto, Defendant Cabell County Commission and/or Defendant Cabell County Sheriff 's Department was an "employer" within the meaning of the West Virginia Human Rights Act, W.Va. Code §5-11-3(d).
37. At all times relevant hereto, Defendants McComas and Ferguson were "persons" within the meaning of the West Virginia Human Rights Act, W.Va. Code Section 5-11-7.
38. At all times relevant hereto, Lt. Lambert was an "employee" within the meaning of the West Virginia Human Rights Act, W.Va. Code § 5-11-3(e).
39. During the course of her employment, Lt. Lambert was subjected to disparate treatment and less favorable terms and conditions of employment than male employees because of, or on the basis of, her gender and/or because of, or on the basis of the fact that she had filed --and resolved only months earlier --an unlawful discrimination charge with the EEOC.
40. Through Defendants' unlawful conduct, Defendants have acted to discriminate against Lt. Lambert based upon her gender and to retaliate against her for opposing discrimination, in violation of the West Virginia Human Rights Act, W.Va. Code §5-11-1 *et. seq.*

41. As a direct result of Defendants' unlawful conduct, Lt. Lambert has suffered injury and damages, including but not limited to, lost wages and benefits, emotional distress, humiliation, mental anguish and other damages for which Defendants are liable. Lt. Lambert also seeks full reinstatement and seniority.
42. In lieu of reinstatement (and alternatively), Lt. Lambert is entitled to unmitigated lost wages based upon Defendants' malicious conduct,.
43. Based upon Defendants' willful, reckless, and/or malicious conduct, Lt. Lambert is entitled to recover punitive damages.
44. Lt. Lambert is also entitled to recover her attorneys' fees and costs.

**COUNT THREE: UNLAWFUL RETALIATION
IN VIOLATION OF PUBLIC POLICY
(ALL DEFENDANTS)**

45. Lt. Lambert reincorporates each of the foregoing paragraphs 1-44 as if each were restated herein.
46. Through their unlawful conduct, Defendants engaged in a scheme of retaliation against Lt. Lambert after she filed a charge of unlawful discrimination with the EEOC, ultimately resulting in her retaliatory and discriminatory discharge in violation of the public policy established by the West Virginia Human Rights Act, W.Va. Code § 5-11-9. *See Harless v. First National Bank of Fairmont.*
47. As a direct result of Defendants' unlawful conduct, Lt. Lambert has suffered injury and damages, including but not limited to, lost wages and benefits, emotional distress, humiliation, mental anguish and other damages for which Defendants are liable. Lt. Lambert also seeks full reinstatement and seniority.

48. In lieu of reinstatement (and alternatively), Lt. Lambert is entitled to unmitigated lost wages based upon Defendants' malicious conduct.
49. Based upon Defendants' willful, wanton, and malicious conduct, Lt. Lambert is entitled to punitive damages.
50. Plaintiff is entitled to recover her attorneys' fees and costs.

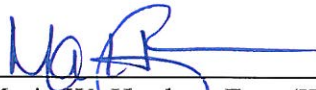
PRAYER FOR RELIEF

WHEREFORE, Lt. Lambert prays for the following relief:

- (a) That she may have a trial by jury;
- (b) That she be awarded all damages provided by law, including but not limited to, lost wages and benefits, damages for emotional distress, humiliation and mental anguish, and other damages for which Defendants are liable;
- (c) That she be reinstated, or alternatively, that she be awarded unmitigated front pay;
- (d) That she be awarded punitive damages;
- (e) That she be awarded attorneys fees and costs;
- (f) That she be awarded such other relief as this Court may deem as just and equitable.

LIEUTENANT PATRICE LAMBERT

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