

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA

HOWARD LISTON,
Plaintiff,

v.
FRONTIER COMMUNICATIONS
CORPORATION,
Defendant.

Case No. 16-C-279

COMPLAINT

NOW COMES the Plaintiff, **HOWARD LISTON**, by and through his attorney, **KEVIN T. TIPTON**, and for his Complaint against **FRONTIER COMMUNICATIONS CORPORATION**, hereby states as follows:

PARTIES AND JURISDICTION

1. The Plaintiff, **HOWARD LISTON**, is, and was at all relevant times hereto, a resident of Morgantown, Monongalia County, West Virginia.
2. The Defendant, **FRONTIER COMMUNICATIONS CORPORATION** (hereinafter referred to as "FRONTIER"), is, and was at all relevant times hereto, a Connecticut corporation doing business, for profit, in the State of West Virginia.
3. The incident complained of in this Complaint occurred in Morgantown, Monongalia County, West Virginia.

FACTS

4. Plaintiff incorporates each and every allegation contained in Paragraphs 1 through 3 as if fully restated verbatim herein.
5. At a time unknown to the Plaintiff, FRONTIER removed a utility pole adjacent to his rental property located on Hite Street in Morgantown, Monongalia County, West Virginia.
6. At the time FRONTIER removed said utility pole, FRONTIER, by and through its employees, cut the pole at or near the level of the sidewalk which runs immediately adjacent

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JEAN FRIEND, CLERK

to the Plaintiff's rental property.

7. Rather than remove the pole completely and repair the hole, FRONTIER negligently left the bottom portion of the pole in the ground, open to the elements.
8. Over time, water has infiltrated the area where the bottom portion of the utility pole was left, washing away the sediment and soil underneath the sidewalk that runs adjacent to the Plaintiff's rental property.
9. As a direct and proximate result, water has infiltrated the Plaintiff's rental property causing severe structural damage and mold. The infiltration and resulting damage continues at this time.
10. As a direct and proximate result of the structural damage and mold, the Plaintiff's property has been condemned and deemed uninhabitable.
11. FRONTIER's failure to properly and completely remove the utility pole at issue in this litigation was negligent.
12. As a further direct and proximate cause of the aforesaid negligence of FRONTIER, the Plaintiff has suffered and sustained damages and injuries, including, but not limited in any manner to the following: aggravation, annoyance, and inconvenience; substantial property damages, lost income; substantial foreseeable consequential damages; and substantial incidental damages.

WHEREFORE, the Plaintiff, **HOWARD LISTON**, demands judgment against the Defendant **FRONTIER COMMUNICATIONS CORPORATION** in this matter for all damages sustained as set forth herein, together with pre-judgment and post-judgment interest thereon; punitive damages; for all costs and attorney fees incurred in pursuit of this action to which he is entitled by law; and for such other relief as this Court deems proper.

Plaintiff hereby demands a **TRIAL BY JURY** in this matter.

HOWARD LISTON
Plaintiff, By Counsel

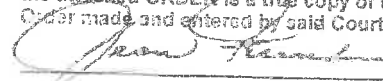


KEVIN T. TIPTON
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STATE OF WEST VIRGINIA, SS:

I, Jean Friend, Clerk of the Circuit/Family Court of
Monongalia County State aforesaid do hereby certify
the attached ORDER is a true copy of the original
Order made and entered by said Court.



Circuit Clerk