

THE CIRCUIT COURT OF MINGO COUNTY, WEST VIRGINIA

"BIG JIM" HATFIELD,

Plaintiff,

v.

CIVIL ACTION NO. 18-C-142

THE BOARD OF EDUCATION OF
MINGO COUNTY,

Defendants.

COMPLAINT

COMES NOW, the Plaintiff, "Big Jim" Hatfield, and for his Complaint against the Defendant, the Mingo County Board of Education, states as follows:

1. Plaintiff is a resident and citizen of Gilbert, Mingo County, West Virginia.
2. Defendant, the Board of Education of Mingo County, (hereinafter "Mingo BOE") is a corporation organized and existing under the laws of the State of West Virginia, with its principal office located in Williamson, Mingo County, West Virginia, and is subject to suit pursuant to West Virginia Code § 18-5-5.
3. On November 26, 2016, Defendant Mingo BOE owned, controlled, and maintained various public schools and their sporting facilities throughout Mingo County, West Virginia. Specifically, Defendant Mingo BOE owned, maintained, and controlled one high school and sporting facility, known as Mingo Central Comprehensive High School.
4. Defendant Mingo BOE negligently maintained the public parking area at the Mingo Central Comprehensive High School football facility, and invited and encouraged patrons to park there during football games.

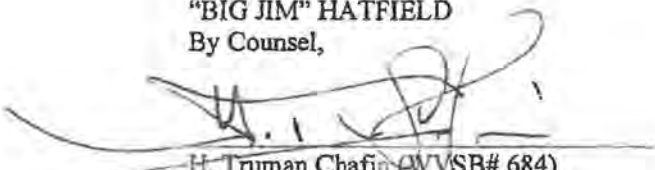
5. Defendant Mingo BOE permitted large, jagged-edge rocks and other debris to protrude above the ground in its public parking area adjacent to the football stadium, creating uneven, unsafe surface conditions.
6. Defendant Mingo BOE did not install or provide adequate lighting or warning signs on its said parking area, which caused these rocks and holes to be hazardous to Plaintiff, and other persons, lawfully using the parking area. The rocks were not readily visible to Plaintiff, and other persons, who attended Mingo Central's football games, which occur during the evening hours and last hours beyond sunset.
7. Plaintiff, and other persons, who were invited to lawfully use the Defendant's public parking area at the Mingo Central High School football stadium had to walk long distances through the parking area to access the stadium -- without adequate lighting, while attempting to navigate through the protruding rocks, holes, and overall uneven surface that constitutes the entirety of the public parking area.
8. Defendant Mingo BOE knew, or in the exercise in reasonable care, should have known, that Plaintiff and other persons used the parking area as described above, and were required to walk through the hazardous conditions of their parking area at Mingo Central High School's football stadium.
9. Defendant Mingo BOE knew, or in the exercise in reasonable care, should have known, that the large and invisible after dark rocks constituted a hazard to Plaintiff, and such other persons. Nevertheless, Defendant Mingo BOE negligently allowed these rocks to remain in the parking area, and made no attempt to remove them or to make the necessary improvements or provide adequate lighting and hazardous/safety warnings, thus rendering its public parking area unsafe.

10. On the above mentioned date, at approximately nine-thirty (9:30) p.m., Plaintiff tripped on a rock while Plaintiff was walking in the parking area to his automobile and fell, causing Plaintiff to suffer severe injuries as more particularly set forth below.
11. Defendant Mingo BOE's negligence in creating and maintaining the dangerous condition of the public parking area at Mingo Central High School's football stadium was the direct and proximate cause of Plaintiff's injuries.
12. As a result of the injuries Plaintiff sustained, he became, and remains, sick, sore, lame, disabled, and sustained musculoskeletal injuries to his lower extremities and spine. Plaintiff has undergone physical therapy. Despite medical treatment, orthopedic consultation, and physical therapy, Plaintiff continues to have pain in his knees, hips, and spine. He requires a cane to walk that he did not require before this fall. He is unable to travel to and from work due to his pain and serious permanent injuries. Plaintiff will continue to suffer great pain in body and mind, to his damage in a great monetary sum.
13. Plaintiff is the duly elected Clerk of the Mingo County Commission. As a proximate result of Defendant's negligence, your Plaintiff had to resign his duly elected office, as the injuries he sustained in this fall have rendered him disabled, and unable to continue to work. Plaintiff has been damaged in a great monetary sum, all as a proximate result of Defendant's negligence as set forth above.
14. As a further proximate result of the injuries, Plaintiff has incurred expenses in medical bills, hospital bills, nursing bills, and prescription medication expenses to his further damage in a large monetary sum, and will continue to incur same in the future.

Wherefore, Plaintiff, "Big Jim" Hatfield, requests the following relief be granted unto him:

- (1) That the Defendant herein be made a party to this Complaint by service of Summons and a copy of this Complaint upon it or its lawful agent;
- (2) An award of such damages against BOE as may be recoverable under and up to the limits of its applicable insurance coverage under its insurance policy administered by the State of West Virginia BRIM (Board of Risk and Insurance Management);
- (3) Pre-judgment interest, costs expended herein, attorney's fees, and for any other such relief to which he may be equitably entitled and this Honorable Court deems fair and just.
- (4) PLAINTIFF DEMANDS TRIAL BY JURY.

"BIG JIM" HATFIELD
By Counsel,



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