

CIVIL CASE INFORMATION STATEMENT

CIVIL CASES

In the Circuit Court of OHIO County, West Virginia

I. CASE STYLE:

Plaintiff(s)

Christine Stenger

Case # 07-C-966

Judge Laughlin

vs.

Defendant(s)

Carelink Health Plans, Inc.

Days to Answer 30 Type of Service Secretary of State

500 Virginia Street, Suite 400

Street

Charleston, WV 25301

City, State, zip

30 Secretary of State
Delivery restricted to Addressee

Patrick W. Dowd

** NOT AT THIS TIME

Street

City, State, zip

Delivery restricted to Addressee

Original and 3 copies of Complaint furnished herewith.

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

CHRISTINE STENGER,

Plaintiff

v.

Civil Action No. _____

Judge _____

CARELINK HEALTH PLANS, INC., and
PATRICK W. DOWD,

Defendants.

COMPLAINT

1. Plaintiff Christine Stenger is a resident of Ohio County, West Virginia.
2. Defendant Carelink Health Plans, Inc. ("Carelink") is a West Virginia corporation with its principal place of business in West Virginia.
3. Defendant Patrick W. Dowd is a resident of the State of West Virginia, and was formerly President and Chief Executive Officer of defendant Carelink.
3. Plaintiff's cause of action arose in Ohio County, West Virginia.
4. Plaintiff is a subscriber to a group health care plan issued by Carelink in the State of West Virginia.
5. Plaintiff does not seek to recover benefits due to her under the terms of her health care plan, to enforce her rights under the terms of the plan, or to clarify her rights to future benefits under the terms of the plan.

COUNT ONE - DISCRIMINATION

6. At all times relevant herein, plaintiff suffered from a disability within the meaning of Chapter 5, Article 11 of the West Virginia Code, and as previously adjudicated by the United States Social Security Administration.

7. At all times relevant herein, defendant Carelink was the owner, proprietor and/or manager of a place of public accommodations within the meaning of Chapter 5, Article 11 of the West Virginia Code.

8. Defendants committed unlawful discriminatory practices within the meaning of Chapter 5, Article 11, Section 9(6) of the West Virginia Code by refusing, withholding from, or denying the accommodations, advantages, privileges or services of a place of public accommodation because of plaintiff's disability.

9. Defendants further committed unlawful discriminatory practices within the meaning of Chapter 5, Article 11, Section 9(7) of the West Virginia Code by engaging in threats or reprisals the purpose of which was to harass, degrade, and embarrass plaintiff because of her disability.

10. As a result of defendants' unlawful discriminatory conduct, plaintiff has suffered embarrassment, humiliation, emotional and mental distress, and loss of personal dignity.

COUNT TWO - INTIMIDATION

11. Defendants have used intimidation, harassment, and threats with the intent to impede or obstruct plaintiff from testifying as a witness in an official proceeding, to prevent her testimony in an official proceeding, or to cause or induce her to withhold testimony in an official proceeding within the meaning of

West Virginia Code §61-5-27(b).

12. Defendants have threatened, or attempted to threaten, plaintiff with the intent to retaliate against her for participating as a witness in an official proceeding, or for attending or testifying in an official proceeding, within the meaning of West Virginia Code §61-5-27(c).

13. By virtue of the provisions of West Virginia Code §61-5-27(f), a civil cause of action exists for violation of the above-referenced statutes, and defendants have caused injury and loss to person or property as a proximate result of their conduct as alleged herein.

COUNT THREE - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

14. Defendants Carelink and Dowd had knowledge that plaintiff, by virtue of her mental condition, was peculiarly susceptible to emotional distress.

15. In their conduct toward the plaintiff, and in particular in their actions in connection with and following the issuance of a letter from defendant Dowd to the plaintiff dated November 1, 2005, defendants engaged in conduct which was atrocious, intolerable, and so extreme and outrageous as to exceed the bounds of decency.

16. Defendants acted with the intent to inflict emotional distress, or acted recklessly when it was certain or substantially certain emotional distress would result from their conduct.

17. The actions of the defendants caused the plaintiff to suffer emotional distress.

18. The emotional distress suffered by the plaintiff was so severe that no reasonable person could be expected to endure it.

COUNT FOUR - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

19. In the alternative, the conduct of the defendants as aforesaid was undertaken negligently.

20. As a proximate result of the defendants' conduct, plaintiff suffered severe emotional distress which was reasonably foreseeable.

DAMAGES


21. The conduct of the defendants as alleged herein was intentional, malicious, reckless, and/or undertaken with gross indifference to their civil obligations.

22. As a result of all of the foregoing, plaintiff has suffered and will continue to suffer in the future, the following injuries and losses:

- a. Emotional distress,
- b. Loss of enjoyment of life,
- c. Embarrassment, humiliation, and loss of personal dignity,
- d. Out-of-pocket losses in the form of expenses and time expended in defending herself from defendants' improper conduct,
- e. Attorneys' fees and court costs,
- f. Such other damages as the trier of fact may determine.

WHEREFORE, plaintiff Christine Stenger prays for judgment against defendants Carelink Health Plans, Inc. and Patrick W. Dowd, for both compensatory and punitive damages in an amount in excess of the jurisdictional limits of this Court, plus interest and costs.

PLAINTIFF DEMANDS A TRIAL BY JURY


Of Counsel for Plaintiff

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