

2014 WL 5493027 (Ark.Cir.) (Trial Pleading)
Circuit Court of Arkansas.
Lawrence County

Connie JONES,
v.
LAWRENCE COUNTY, et al.

No. Cv-2014-45.
June 24, 2014.

Complaint

[Connie Jones](#), Devon Holder, Ark. Bar No. 2011047, 202 West Broadway, Suite B, Pocahontas, AR 72455, for plaintiff.

COME NOW Connie Jones, through counsel, and for her Complaint against the Defendants states:

I. PARTIES

1. Plaintiff, Connie Jones, is a resident of Lawrence County, Arkansas, and was employed by Lawrence County for several years until June 27, 2013 at the Lawrence Hall Nursing Center. She also brings this action for wrongful termination in violation of the ADEA, the Arkansas Civil Rights Act of 1993, and for wrongful termination in violation of state law and in violation of the public policy of the State of Arkansas. All actions taken herein were taken under color of law.

2. Defendant Lawrence County (hereinafter referred to as “the County”) is a division of the State of Arkansas.

3. Defendant Lawrence Hall Nursing Center Board of Governors an administrative board established by Lawrence County for purpose of operating the Lawrence Hall Nursing Center, a component unit of the County of Lawrence, Arkansas, whose President is Bill Maxwell.

Defendant Lawrence Hall Nursing Center (hereinafter referred to as “Nursing Home”) is a component unit of the County, and an entity which is owned and operated by the County through the Board. It was established by the Lawrence County Quorum Court and its sole shareholder or owner is Lawrence County and the taxpayers of Lawrence County. The Nursing Home is a 179 bed nursing home facility which provides long and short term care to **elderly**, housebound, permanent residents. The Nursing Home does apply for and receive federal Medicare and Medicaid assistance for payment of the services it provides to its permanent residents.

II. JURISDICTION AND VENUE

4. This court has jurisdiction over the subject matter of this lawsuit because it arises under the laws of the State of Arkansas and seeks equitable relief to enjoin Defendants' unconstitutional, arbitrary and capricious acts as set forth herein. All of the acts and omissions set forth herein occurred in Lawrence County.

5. Venue is proper herein because the primary place of business of one or more of the named Dendants is Lawrence County, Arkansas.

III. GENERAL ALLEGATIONS OF FACT

6. The individual Defendants are public employees, acting in the interest of a public employer who had the ability to hire and fire the Plaintiff. Each aided and abetted the other, resulting in the illegal and unlawful termination of the Plaintiff.

7. Within the one year preceding the filing of this Complaint, Plaintiff was constructively discharged in violation of the Section 107 of the ACRA, the ADEA, and [Ark. Code Ann. §§ 21-3-201 to 21-3-205](#). Plaintiff timely filed a charge of age discrimination with the EEOC and now timely files this action.

8. Defendants discriminated against the Plaintiff and several of her older co-workers on the basis of her age, firing several older co-workers in the process.

9. Defendants have retaliated against the Plaintiff for opposing age and gender discrimination in violation of the ADEA, the Arkansas Constitution, and the ACRA, [ACA 16-123-105](#) and [ACA 16-123-108](#).

10. Defendants have also retaliated against Plaintiff for Plaintiff's use of the Family Leave Medical Act, where she left work for a few months before May of 2013 due to a hand surgery.

11. After the Defendants pressured Plaintiff and her coworkers with age discrimination, in June of 2013 Plaintiff witnessed a resident being **neglected** and abandoned, and she reported this **neglect** and abandonment to Defendants.

12. Arkansas' Long-Term Care Act clearly establishes the State's public policy of protecting adults in long-term care facilities from abuse and **neglect**. As part of the Act, Plaintiff was required to make a report if she suspected that an adult at the nursing home had been abused or **neglected**.

13. Defendants were required to report the **neglect** and abandonment to the Office of Long Term Care. Instead, they tried to cover up the **neglect** and abandonment by having a lower level employee change the facts in his CNA incident report.

14. After Plaintiff accidentally discovered the cover-up, she asked her supervisors if they were going to make the report to the Office of Long Term Care, and they said it would not be reported.

15. Defendants told Plaintiff they were not going to make the report to the Office of Long Term Care, as required by law. This rendered Plaintiff's continued employment intolerable, since the Defendants' actions and coverup would mean ignoring an incident of abandonment and **neglect**, jeopardizing Plaintiff's RN license.

16. Defendants could easily have reasonably foreseen that such intolerable conditions that jeopardized the Plaintiff's license would force her to resign.

17. The Defendants' demand that the Plaintiff ignore the incident of abandonment and **neglect** not only made continued employment intolerable, but it was a violation of Defendant's policies and code of conduct and state law

18. Defendants retaliated against the Plaintiff for the initial report with actions including but not limited to ridicule and implying she was "a piece of ***" if anyone reported the cover-up to the Office of Long Term Care.

19. As direct and proximate cause of Defendants' acts and omissions alleged herein, Plaintiff has suffered severe mental and emotional distress, lost wages, lost fringe benefits, and incurred other damages in an amount to be proven at trial.

20. Defendants' actions have been so egregious so as to warrant the imposition of punitive damages.

WHEREFORE, Plaintiff prays for appropriate compensatory, liquidated, and punitive damages exceeding \$75,000.00, for reinstatement or front pay, for reasonable attorney fees, for cost, electronic discovery in accordance with [Arkansas Rule of Civil Procedure Rule 26.1](#), and for all of the proper relief.

CONNIE JONES

BY:

Devon Holder

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