

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

MARY WEBB, individually, and in
her capacity as Administratrix of the
Estate of Robert A. Webb,

Plaintiffs,

v.

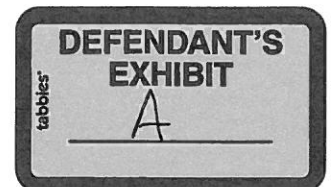
Civil Action No. 08-C-406-B
Honorable Robert A. Burnside

RALEIGH COUNTY SHERIFF'S DEPARTMENT;
RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,

Defendants.

AMENDED COMPLAINT

1. Plaintiff Mary Webb, the widow of Robert A. Webb, as a resident of Raleigh County, West Virginia brings this action individually and in her capacity as Administratrix of the Estate of Robert Webb.
2. Defendant Raleigh County Sheriff's Department ("Sheriff's Department") employed, at all times relevant herein, deputies to engage in law enforcement duties in Raleigh County, West Virginia.
3. Defendant Raleigh County Commission ("County Commission") is a political subdivision of the State of West Virginia and, as such, is liable for the negligent conduct of its agents and employees including the Sheriff, the Sheriff's Department, and employees of the Sheriff's Department so long as that conduct was carried out within the scope of their employment.



4. Defendant Sheriff Danny Moore ("Sheriff Moore") is, and at all times relevant hereto, has been the Sheriff of Raleigh County, West Virginia. Defendant Danny Moore is and at all times relevant hereto, has been a resident of Raleigh County, West Virginia.

5. Chief Deputy Steve Tanner ("Chief Tanner") is, and at all times relevant hereto, has been a resident of Raleigh County, West Virginia and employed by the Raleigh County Sheriff's Department.

6. Deputy Greg S. Kade ("Deputy Kade") is, and at all times relevant hereto, has been a resident of Raleigh County, West Virginia and employed by the Raleigh County Sheriff's Department.

7. Deputy John E. Hajash ("Deputy Hajash") is, and at all times relevant hereto, has been a resident of Raleigh County, West Virginia and employed by the Raleigh County Sheriff's Department.

8. All events and occurrences alleged in this Complaint took place or otherwise occurred in Raleigh County, West Virginia giving jurisdiction and venue to this Court.

FACTS

9. On July 4, 2006, Raleigh County Deputy Sheriffs Greg Kade and John Hajash, acting within the scope of their employment, responded to a nuisance report made on the non-emergency administrative line that Robert Webb was playing loud music and shooting a gun while at his home.

10. Earlier that evening, Robert Webb discharged his firearm in celebration of his birthday and the Fourth of July holiday. However, more than thirty minutes had elapsed from the time Robert Webb last discharged his firearm and when Deputy Kade and Deputy Hajash arrived at the Webb residence.

11. Numerous residents within the neighborhood surrounding the Webb residence also discharged firearms in celebration that evening.

12. Robert Webb never discharged his firearm in a manner to threaten or endanger the safety of himself or other persons.

13. Deputy Kade and Deputy Hajash approached Robert Webb's house without the visual or audio warnings devices available on their police patrol vehicles.

14. Deputy Kade and Deputy Hajash parked and exited their police patrol vehicles at a location not visible to Robert Webb and approached the Webb residence on foot while using cover to conceal their presence.

15. Deputy Kade removed the assault shotgun from the police patrol vehicle rather than approach the scene with his service standard handgun in spite of the fact this was a non-emergency nuisance call.

16. Deputy Kade and Deputy Hajash chose to ignore the non-lethal weapons issued to them by the Raleigh County Sheriff's Department by leaving them in their police patrol vehicles.

17. When they arrived in the area where Mr. Webb resided, at approximately 1:00 a.m. Deputy Kade and Deputy Hajash observed Mr. Webb engaged in peaceful conduct on his property and they did not hear any shooting.

18. Deputy Kade and Deputy Hajash located a vantage point from which they could observe Robert Webb's actions while remaining concealed by a row of trees at the edge of the Webb property.

19. Deputies Kade and Hajash waited at their hidden vantage point until they witnessed Robert Webb turn away from them at which time they ran toward Robert Webb in order to close the distance between them.

20. Deputies Kade and Hajash proceeded up the street toward Mr. Webb and shot Mr. Webb while he was standing in the driveway of his home.

21. Deputies Kade and Hajash failed to identify themselves as law enforcement officers prior to firing their fatal shots at Mr. Webb.

22. Robert Webb was hit in the head and knocked to the ground by an initial shot from a shotgun.

23. While Mr. Webb was lying on the ground, one of the deputies shot Robert Webb again using his handgun.

24. Upon arrival at the scene, emergency medical personnel were denied immediate access to Robert Webb by personnel from the Raleigh County Sheriff's Department. More specifically, emergency medical personnel were instructed not to touch the patient until Raleigh County Sheriff's Department personnel were finished taking photographs.

25. Robert Webb died as a direct and proximate result of being shot by Deputy Kade and Deputy Hajash.

26. Following the death of Robert Webb, the Sheriff's Department and, on information and belief, other agents of the County Commission failed to take steps to conduct a fair, reasonable, and unbiased investigation of the shooting of Robert Webb.

27. Following the death of Robert Webb, the Sheriff's Department, Sheriff Moore, Chief Tanner and, upon information and belief, other agents of the County Commission engaged acts and words of extreme cruelty toward Mary Webb.

28. Following the death of Robert Webb, the Sheriff's Department, Sheriff Moore, Chief Tanner refused to provide any grief counseling to Mary Webb, her children or the

remainder of the Webb family in spite of keeping them secluded inside their own home for hours while Robert Webb's body was lying just outside on his own driveway.

29. Sheriff Moore and, on information and belief, other agents and employees of the Sheriff's Department and County Commission, including one or both of the deputies who shot Mr. Webb made statements about the events leading to the death of Mr. Webb that were false and/or made with reckless disregard for the truth and that caused Mary Webb and others who know and loved Robert Webb humiliation and severe emotional distress.

30. The false statements include, but were not limited to, allegations that Mr. Webb, without any justification, attempted to shoot the deputies.

31. Upon information and belief, the Sheriff's Department, the County Commission, Sheriff Moore and Chief Tanner engaged in a hasty and inadequate investigation designed solely to absolve Deputies Kade and Hajash from any liability and to taint Robert Webb's name in the public forum.

32. Upon information and belief, the Sheriff's Department, the County Commission, Sheriff Moore and Chief Tanner engaged in conduct designed solely to pressure and control the words and actions of Deputies Kade and Hajash following the shooting of Robert Webb.

COUNT I – WRONGFUL DEATH

33. Plaintiff repeats and realleges the allegations contained in paragraphs 1-32 of this Complaint as if set forth fully herein.

34. Deputies Kade and Hajash were negligent in their response to the report of shooting at Mr. Webb's home, in their investigation of that report and in their shooting of Mr. Webb.

35. The acts and omissions of Deputies Kade and Hajash also violated the rights of Robert Webb under Article III, § 6, of the West Virginia Constitution.

36. Robert Webb was shot and killed as a direct and proximate result of the negligence of and/or the violation his constitutional rights by deputies Kade and Hajash.

37. Defendants Sheriff's Department and County Commission are liable for the acts of Deputies Kade and Hajash all of which occurred within the scope of their employment.

38. As a direct and proximate result of the negligence of Deputies Kade and Hajash, the defendants are liable to plaintiff Webb, the Administratrix of the estate of Robert Webb, for damages for the death of Robert Webb in an amount to be determined by a jury, pursuant to West Virginia Code § 55-7-6, on behalf of herself and all others entitled to relief pursuant to West Virginia law:

- a. Sorrow, mental anguish, and solace including, but not limited to, loss of society, companionship, comfort, guidance, kindly offices and advice of Robert Webb;
- b. Compensation for reasonably expected loss of income and household services of Robert Webb, as well as services, protection, care and assistance provided by Robert Webb;
- c. Reasonable funeral expenses; and
- d. Such other and further relief as to the jury may seem fair and just.

COUNT II – SUFFERING PRIOR TO DEATH

39. Plaintiff repeats and realleges the allegations contained in paragraphs 1-38 of this Complaint as if set forth fully herein.

40. The acts and omissions of the Deputies Kade and Hajash, as alleged in paragraph

14 above, were negligent and, in addition, violated the rights of Robert Webb under Article III, § 6. of the West Virginia Constitution.

41. As a direct and proximate result of the acts of Deputies Kade and Hajash, Robert Webb had pain and suffering prior to his death which entitles his estate to damages for that pre-death pain and suffering in an amount to be determined by the jury.

42. Defendants Sheriff's Department and County Commission are liable for the acts of Deputies Kade and Hajash all of which occurred within the scope of their employment.

COUNT III – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

43. Plaintiff repeats and realleges the allegations contained in paragraphs 1-42 of this Complaint as if set forth fully herein.

44. The conduct of the agents and employees of the Sheriff's Department and the County Commission constituted the intentional infliction of emotional distress in that:

- a. the conduct of the defendants following the shooting of Robert Webb was atrocious, intolerable, and so extreme and outrageous as to exceed the bounds of decency;
- b. the defendants acted recklessly when it was certain or substantially certain emotional distress would result from the conduct; and
- c. the actions of the defendants caused the Mrs. Webb to suffer severe emotional distress.

45. As a direct and proximate result of the acts of agents and employees of the Sheriff's Department, Mary Webb is entitled to damages, in her individual capacity, for the emotional distress she suffered as a result of the conduct of the aforesaid defendants.

46. Defendants Sheriff's Department and County Commission are liable for the acts of deputies Kade and Hajash all of which occurred within the scope of their employment.

COUNT IV – NEGLIGENT HIRING, TRAINING & SUPERVISION

47. Plaintiff repeats and realleges the allegations contained in paragraphs 1-46 of this Complaint as if set forth fully herein.

48. Upon information and belief, Defendants Sheriff Moore, Chief Tanner, Sheriff's Department and County Commission were negligent in several aspects, including but not limited to the following acts:

- a. failing to properly interview, evaluate and screen Deputy Hajash and Deputy Kade prior to hiring;
- b. failing to properly train Deputy Hajash and Deputy Kade in proper police procedures and response procedures, including but not limited to, responding to nuisance/disturbance reports;
- c. failing to properly monitor and supervise Deputy Hajash and Deputy Kade;

49. As a direct and proximate result of the Defendants' aforesaid actions, Plaintiff has suffered, and will continue to suffer, damages in an amount to be proven at trial.

50. As a direct and proximate result of the Defendants' aforesaid actions, Plaintiff is entitled to damages for indignity, embarrassment, humiliation, emotional distress, annoyance and inconvenience in an amount to be determined by the jury.

51. Defendants' actions were willful, wanton, malicious, grossly negligent and/or undertaken with reckless disregard and/or reckless indifference to the rights of the Plaintiff

entitling the Plaintiff to compensatory and punitive damages in an amount to be determined by the jury.

52. The actions of Defendants entitle the Plaintiff to an award of attorney fees and costs.

COUNT V - NEGLIGENCE

53. Plaintiff repeats and realleges the allegations contained in paragraphs 1-52 of this Complaint as if set forth fully herein.

54. Upon information and belief, Defendants Sheriff's Department, County Commission, Sheriff Moore, and Chief Tanner, Deputy Kade and Deputy Hajash were negligent in several aspects, including but not limited to the following acts:

- a. negligence in the manner of patrol, call response, use of weapons and use of force;
- b. failing to follow adopted and implemented policies and procedures for the Sheriff's Department with regard to patrol, call response, use of weapons, and use of force, by its officers;
- c. negligence in the manner of post-use of force grief counseling and family interactions;
- d. failing to follow adopted and implemented policies and procedures for the Sheriff's Department with regard to post-use of force grief counseling and family interactions;
- e. negligence in the method, manner and/or scope of proper and adequate investigation subsequent to fatal use of force incidents on the part of its officers;
and
- f. failing to follow adopted and implemented policies and procedures for the Sheriff's Department with regard to proper and adequate investigation

subsequent to fatal use of force incidents on the part of its officers

55. As a direct and proximate result of the Defendants' aforesaid actions, Plaintiff has suffered, and will continue to suffer, damages in an amount to be proven at trial.

56. As a direct and proximate result of the Defendants' aforesaid actions, Plaintiff is entitled to damages for indignity, embarrassment, humiliation, emotional distress, annoyance and inconvenience in an amount to be determined by the jury.

57. Defendants' actions were willful, wanton, malicious and/or undertaken with reckless disregard and/or reckless indifference to the rights of the Plaintiff entitling the Plaintiff to compensatory and punitive damages in an amount to be determined by the jury.

COUNT VI – TORT OF OUTRAGE

58. Plaintiff repeats and realleges the allegations contained in paragraphs 1-57 of this Complaint as if set forth fully herein.

59. On or about July 4, 2006, the Defendants' shooting of Robert Webb was atrocious, intolerable, and so extreme and outrageous as to exceed the bounds of decency.

60. On or about July 4, 2006, the Defendants conduct towards Plaintiff Mary Webb following the shooting of Robert Webb was atrocious, intolerable, and so extreme and outrageous as to exceed the bounds of decency.

61. On or about July 4, 2006, the Defendants engaged in intentional and/or reckless conduct against the Plaintiffs.

62. The above-referenced conduct by the Defendants was outrageous and intolerable in that it offends against the generally accepted standards of decency and morality.

63. The above-referenced conduct by the Defendants was the direct and proximate cause of severe emotional distress on the part of the Plaintiffs.

COUNT VII – PUNITIVE DAMAGES

64. The Plaintiff repeats and realleges the allegations contained in paragraphs 1-63 of this Complaint as if set forth fully herein.

65. In the event that it is determined that any of the Defendants acted with gross negligence, recklessness or engaged in any intentional misconduct that would justify an award of punitive or exemplary damages, the Plaintiff hereby makes and asserts a claim against each such individual Defendant or individual Defendants for punitive or exemplary damages.

COUNT VIII – STRICT LIABILITY (AGENCY)

66. The Plaintiff repeats and realleges the allegations contained in paragraphs 1-66 of this Complaint as if set forth fully herein.

67. Defendants Sheriff Moore, Chief Tanner, Deputy Kade and Deputy Hajash are officers, agents or supervisory level employees of Defendant Sheriff's Department. At all times referenced herein Defendants Sheriff Moore, Chief Tanner, Deputy Kade and Deputy Hajash were acting within the scope of their agency or employment with Defendant Sheriff's Department. Accordingly, Defendant Sheriff's Department is strictly and vicariously liable for the acts of Defendants Sheriff Moore, Chief Tanner, Deputy Kade and Deputy Hajash pursuant to W. Va. Code § 29-12A-1 et seq. as referenced by the above facts and counts.

68. As a direct and proximate result of the Defendants' aforesaid actions, Plaintiff has suffered, and will continue to suffer damages in an amount to be proven at trial.

69. As a direct and proximate result of the Defendants' aforesaid actions, the Plaintiff is entitled to damages for indignity, embarrassment, humiliation, emotional distress, annoyance and inconvenience in an amount to be determined by the jury.

70. The actions of the Defendants entitle the Plaintiff to an award of attorney fees and costs.

COUNT IX – CIVIL CONSPIRACY

71. The Plaintiff repeats and realleges the allegations contained in paragraphs 1-70 of this Complaint as if set forth fully herein.

72. The Defendants' actions/omissions, in an effort to conceal the actions/omissions by the individual Defendants constitute a civil conspiracy in violation of West Virginia.

73. As a direct and proximate result of the Defendants' aforesaid actions, Plaintiff has suffered, and will continue to suffer, damages in an amount to be proven at trial.

74. As a direct and proximate result of the Defendants' aforesaid actions, the Plaintiff is entitled to damages for indignity, embarrassment, humiliation, emotional distress, annoyance and inconvenience in an amount to be determined by the jury.

75. Defendants' actions were willful, wanton, malicious and/or undertaken with reckless disregard and/or reckless indifference to the rights of the Plaintiff entitling the Plaintiff to compensatory and punitive damages in an amount to be determined by the jury.

76. The actions of the Defendants entitle the Plaintiff to an award of attorney fees and costs.

COUNT X – SPOILIATION OF EVIDENCE

77. The Plaintiff repeats and realleges the allegations contained in paragraphs 1-76 of this Complaint as if set forth fully herein.

78. The Defendants' acts/omissions in an effort to conceal the acts/omissions by Defendants Sheriff Moore, Chief Tanner, Deputy Kade and Deputy Hajash constitute spoliation of original evidence in violation of West Virginia common law as articulated in Hannah v. Heeter, 213 W. Va. 704, 584 S.E.2d 560 (2003).

79. As a direct and proximate result of the Defendants' aforesaid actions, Plaintiff has suffered, and will continue to suffer, damages in an amount to be proven at trial.

80. As a direct and proximate result of the Defendants' aforesaid actions, the Plaintiff is entitled to damages for indignity, embarrassment, humiliation, emotional distress, annoyance and inconvenience in an amount to be determined by the jury.

81. Defendants' actions were willful, wanton, malicious and/or undertaken with reckless disregard and/or reckless indifference to the rights of the Plaintiff entitling the Plaintiff to compensatory and punitive damages in an amount to be determined by the jury.

82. The actions of the Defendants entitle the Plaintiff to an award of attorney fees and costs.

COUNT XI – WRIT OF MANDAMUS

83. Plaintiffs repeat and reallege all of the allegations contained in paragraphs 1-82 as if set forth verbatim herein.

84. The Defendants, individually and in their official capacities, owed a legal duty to the Plaintiffs, and the public in general, to properly follow all adopted policies and procedures of the Raleigh County Sheriff's Department.

85. Due to the Defendants' failure to follow the adopted policies and procedures of the Raleigh County Sheriff's Department as detailed above, the Plaintiffs, and the public in general, have suffered and will continue to suffer.

86. The Defendants, individually and collectively, have deliberately and knowingly refused to exercise their clear legal duties as prescribed by the adopted policies and procedures of the Raleigh County Sheriff's Department, as detailed above and as follows:

- a. failing to properly interview, evaluate and screen potential employees of the Raleigh County Sheriff's Department;
- b. failing to properly train employees of the Raleigh County Sheriff's Department;
- c. failing to properly monitor and supervise employees of the Raleigh County Sheriff's Department;
- d. failing to properly investigate fatal use of force incidents involving the Raleigh County Sheriff's Department; and,
- e. failing to allow emergency medical personnel access to patients involved in use of force incidents involving the Raleigh County Sheriff's Department;

87. Pursuant to West Virginia Code §53-1-1, *et seq.*, Plaintiffs request the Court enter and Order compelling the Defendants, individually and collectively to perform the following now and in the future:

- f. comply with the adopted policies and procedures of the Raleigh County Sheriff's Department;
- g. properly interview, evaluate and screen potential employees of the Raleigh County Sheriff's Department;
- h. properly monitor and supervise employees of the Raleigh County Sheriff's Department;
- i. properly train employees of the Raleigh County Sheriff's Department;

- j. properly investigate fatal use of force incidents involving the Raleigh County Sheriff's Department; and.
- k. requiring employees of the Raleigh County Sheriff's Department to allow emergency medical personnel access to patients involved in use of force incidents.

COUNT XII - ATTORNEY FEES

88. Plaintiffs repeat and reallege all of the allegations contained in paragraphs 1-87 as if set forth verbatim herein.

89. Due to Defendants, individually and in their official capacities, deliberate and knowingly failing to comply with the adopted policies and procedures of the Raleigh County Sheriff's Department, Plaintiff, and the public in general, suffer and continue to suffer.

90. Pursuant to West Virginia Code §53-1-1, *et seq.*, and the authority granted the Court in *State ex rel. West Virginia Highlands Conservancy v. State Div. Of Envtl. Protection*, 193 W.Va. 88, 458 S.E.2d 88 (1995), Plaintiffs demands judgment of and from the Raleigh County Sheriff's Department and the Defendants, individually and in their official capacities, in the form of all attorney fees expended and accrued in prosecuting this civil action and writ of mandamus.

COUNT XIII - VIOLATION OF CIVIL RIGHTS

91. Plaintiffs repeat and reallege all of the allegations contained in paragraphs 1-90 as if set forth verbatim herein.

92. Defendant Hajash, at all times relevant to the allegations set forth in this Amended Complaint, was acting under the color of his law enforcement duties as empowered by the Raleigh County Sheriff's Department.

93. Defendant Kade, at all times relevant to the allegations set forth in this Amended Complaint, was acting under the color of his law enforcement duties as empowered by the Raleigh County Sheriff's Department.

94. Defendants Hajash and Kade fired their department-issued firearms at Robert A. Webb prior to, and without, announcing their presence as law enforcement officers.

95. Defendant Hajash continued to shoot into the body of Robert A. Webb after Mr. Webb fell to the ground after being struck by initial shot(s) fired by both Defendants Hajash and Kade.

96. Defendants Hajash and Kade failed to approach Robert A. Webb in an effort to determine Mr. Webb's vital signs after shooting him.

97. Defendants Hajash and Kade failed to make any attempt to render medical aid to Robert A. Webb after shooting him.

98. Upon information and belief, Defendants Hajash and Kade, and/or other members of Defendant Raleigh County Sheriff's Department, denied emergency medical personnel immediate access to Robert A. Webb upon their arrival at the scene.

99. Upon information and belief, Robert A. Webb was alive and maintained a pulse at the time emergency medical personnel arrived at the scene and were denied immediate access to Mr. Webb.

100. Defendants Hajash and Kade, by the acts and omissions set forth herein, violated the civil rights of Robert A. Webb on or about July 4, 2006.

101. Defendants Hajash and Kade, by their acts and omissions set forth herein, deprived Robert A. Webb of his right to life.

102. Defendants Hajash and Kade are liable to the Estate of Robert A. Webb for depriving Mr. Webb of his civil rights.

103. As a direct and proximate result of the Defendants' aforesaid actions, Plaintiff has suffered, and will continue to suffer, damages in an amount to be proven at trial.

104. As a direct and proximate result of the Defendants' aforesaid actions, the Plaintiff is entitled to damages for indignity, embarrassment, humiliation, emotional distress, annoyance and inconvenience in an amount to be determined by the jury.

105. Defendants' acts and/or omissions, in violating Robert A. Webb's civil rights, are liable to the Plaintiff for compensatory and punitive damages, prejudgment and post-judgment interest, and an award of attorney's fees and costs.

PRAYER FOR RELIEF

WHEREFORE, the conduct described herein of the Defendants, individually and collectively, served as the direct and proximate cause of the death of Robert Webb as well as the injuries to Mary Webb. Therefore, the Plaintiffs demand the following relief:

- A) Compensatory damages for medical expenses, lost wages, loss of earning capacity and all other such loss of services in a fair and just amount to be determined by a jury at trial;
- B) General damages for past, present and future pain and suffering, mental anguish, permanent injury, inconvenience, loss of earning capacity, loss of society service

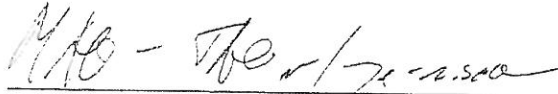
and companionship, loss of enjoyment of life and emotional distress in a fair and just amount to be determined by a jury at trial;

- C) Damages permitted and set forth pursuant to the West Virginia Wrongful Death Act, including:
- (1) Sorrow, mental anguish and solace which may include society, companionship comfort, guidance, kindly offices and advice of the decedent;
 - (2) Compensation for reasonably expected loss of (i) income of the decedent, and (ii) services, protection, care and assistance provided by the decedent;
 - (3) Expenses for the care, treatment and emergency response personnel incident to the accident causing the death of the decedent; and
 - (4) Reasonable funeral expenses.
- D) Punitive damages, if it is determined that the Defendants or any one of the Defendants were grossly negligent, reckless and/or engaged in intentional misconduct;
- E) Judgment of and from the Raleigh County Sheriff's Department and the individual Defendants in the form of an Order compelling the Defendants to comply with the adopted policies and procedures of the Raleigh County Sheriff's Department now and in the future.
- F) Pre-judgment and post-judgment interest;
- G) Costs and attorneys fees expended in this civil action; and
- H) Any other further general or specific relief that the Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES.

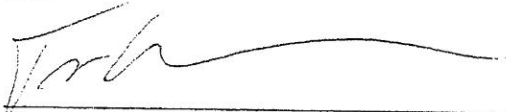
MARY WEBB, individually and in her capacity as
Administratrix of the Estate of Robert Webb

By Counsel



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IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

MARY WEBB, individually,
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Estate of Robert A. Webb,

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Civil Action No. 08-C-406-B
Honorable Robert A. Burnside, Jr.

RALEIGH COUNTY SHERIFF'S DEPARTMENT;
RALEIGH COUNTY COMMISSION;
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DEPUTY GREG S. KADE, individually and in his
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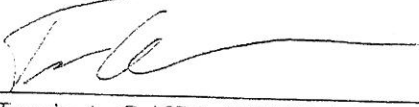
Defendants.

CERTIFICATE OF SERVICE

I, Travis A. Griffith, counsel for Plaintiff, Mary Webb, do hereby certify that the
foregoing "*Amended Complaint*," was served upon counsel of record by depositing a true copy
of same in a properly addressed, postage prepaid envelope in the United States Mail, on this the
3rd of November, 2009 as follows:

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*Counsel for Raleigh County Sheriff's Department, Raleigh County
Commission, Sheriff Danny Moore, Chief Deputy Steve Tanner and
Deputy Greg S. Kade*

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Counsel for Deputy John E. Hajash


Travis A. Griffith (WVSB # 9343)