

VIRGINIA:

IN THE LYNCHBURG CIRCUIT COURT

STEPHANIE ANN HALE,
Plaintiff

v.

EMORY W. TIBBS, JR. (a/k/a ETHAN TOMS)

and

CENTRA HEALTH, INC.

and

JOHN DOES 1-20

and

JANE DOES 1-20,
Defendants.

CASE NO. CL19000208

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, STEPHANIE ANN HALE ("Ms. Hale" or "Plaintiff"), by the undersigned attorney, makes the following averments:

NATURE OF THE CASE

1. This action arises from the wrongful termination of Ms. Hale from her employment by defendant CENTRA HEALTH INC. ("Centra") after she was stalked, sexually harrassed and intimidated by Centra's former Chief Operating Officer, defendant EMORY WAYNE TIBBS, JR. ("Tibbs" or "E. W. Tibbs, Jr.") and after Tibbs sexually assaulted her and negligently injured her in a room at a hotel in Lynchburg on or about March 12, 2017. Ms. Hale alleges that JOHN DOES 1-20 and JANE DOES 1-20 aided and abetted Centra

and Tibbs in the conduct that injured her.

PARTIES

2. Ms. Hale is an adult resident of Lynchburg, Virginia.
3. Centra is a non-stock corporation with its headquarters and principal place of business located in Lynchburg, Virginia.
4. Tibbs is the former CEO of Centra Health, Inc. and is now the Chief Operating Officer of Sparrow Health System in Lansing Michigan.
5. John Does 1-20 and Jane Does 1-20 are (or were) employees or agents of Centra.

FACTS COMMON TO ALL COUNTS

6. In 2016, Ms. Hale was hired as a Licensed Practical Nurse by Centra to staff a substance abuse rehabilitation facility operated by Centra in Amherst County.
7. Upon being hired by Centra, Ms. Hale attended an orientation for newly hired employees at Centra's headquarters in Lynchburg.
8. At the employee orientation, Ms. Hale met Tibbs for the first time.
9. Shortly after starting her job, Ms. Hale began to receive sexually suggestive emails from someone calling himself "Ethan Toms" and using the email address fun.2.bhad@hotmail.com. The sender identified himself as a UFC fighter and Ms. Hale sent him a few dismissive emails in the hope he would stop emailing her.
10. "Ethan Toms" did not stop emailing Ms. Hale, however. Instead, Ms. Hale's then boyfriend, ROBERT PETERS ("Peters"), discovered the emails and suspected that Ms.

Hale was cheating on him with "Ethan Toms." At this point, Ms. Hale did not know the true identity of Ethan Toms.

11. Peters began manipulating Ms. Hales' phone and used her email account to impersonate her by replying to "Ethan Toms." Peters sent sexually suggestive replies with the goal of identifying the sender and determining whether or not Ms. Hale was telling Peters the truth about the emails.
12. During a chance encounter with a female associate, Ms. Hale learned that the female associate had also been communicating with "Ethan Toms" in a sexually suggestive manner by means of a website designed to facilitate clandestine or illicit sexual encounters. The associate had a recording of a sexually suggestive voice message left by "Ethan Toms" and played it for Ms. Hale. It was at this point that Ms. Hale recognized that "Ethan Toms" was in fact defendant Emory Wayne Tibbs, Jr.
13. Tibbs obtained Ms. Hale's email address from her employment records.
14. Ms. Hale informed Peters that Tibbs and "Ethan Toms" were one and the same person. Peters did not fully believe her, but began to send email messages (impersonating Ms. Hale) that insinuated that she was aware that "Ethan Toms" was in fact Tibbs.
15. Shortly after Peters sent the above-referenced emails, Ms. Hale was subjected to false accusations of drug use and was subjected to baseless harassment. She was called from Amherst to Lynchburg three times to take random drug tests (all of which were negative) and her supervisor even lifted her shirt to look for track marks (that did not exist).
16. Ms. Hale asked her supervisor why she was being subjected to harassment and

unreasonable discipline. The supervisor made a “hush sign” by putting her finger over her lips and gestured for Ms. Hale to follow her. They walked through the hospital to the Tibbs’ office where the supervisor pointed at the door. It was clear from this gesture that the Ms. Hale was fired at Tibbs’ behest.

17. Notwithstanding the negative drug screens, Ms. Hale was notified that she was being terminated on February 27, 2017 and she was terminated on that date.
18. Peters insisted on confirming the identity of “Ethan Toms” and developed a plan to extort him if he was in fact Tibbs. Ms. Hale became aware of this plan only after it was executed – she had no prior knowledge of it, did not take part in it, received no benefit from it and did not knowingly participate in it.
19. In furtherance of his goal of confirming the identity of “Ethan Toms” and of extorting Tibbs if he discovered Tibbs to be “Ethan Toms,” Peters, impersonating Ms. Hale by email in reply to Tibbs as “Ethan Toms”, accepted Tibbs’ invitation to engage in a paid sexual encounter at the Extended Stay hotel in Lynchburg on March 27, 2019.
20. The plan, as it was developed, was that Ms. Hale would arrange to obtain an extra room keycard and leave it in the hotel lobby for Peters to use to enter the room immediately after she checked in with Tibbs and then to identify and confront Ethan Toms once inside the room. Peters enlisted the help of a friend to videotape the sting. Prior to this night Ms. Hale had only seen Tibbs once before (at the employee orientation). Ms. Hale agreed to participate in this scheme to put an end to Peters’ harassment and distrust and to prove that “Ethan Toms” was Tibbs.

21. Ms. Hale met Tibbs in the parking lot and then knew with absolute certainty that he was “Ethan Toms.” Tibbs gave her cash to register the hotel room and arranged for her to let him a back door of the hotel after she registered.
22. Ms. Hale registered and left the spare key for Peters as planned.
23. However, the plan went awry because Peters had difficulty locating the room - it took him about 10 minutes to do so.
24. In the interim, Tibbs entered the room with Hale and immediately locked the door and began pouring drinks made with Maker’s Mark whiskey and soda. Tibbs had been drinking prior to entering the hotel. He stripped completely naked and demanded that Ms. Hale do so as well.
25. Ms. Hale, distressed at being alone with Tibbs for so long under the circumstances, tried to get the bathroom, but Tibbs grabbed and held her and began attempting to remove her clothing as he groped her breasts and genitals. This continued for about a minute.
26. Ms. Hale eventually broke free, ran to the bathroom and locked the door.
27. Tibbs turned down the bedding and continued to drink.
28. Peters eventually found the room and attempted to use the keycard, but it would not work because Tibbs had engaged the security lock from inside the room.
29. Peters, being filmed by his friend on an iPhone, began pounding on the door and calling Ms. Hale vile names.
30. Ms. Hale attempted to exit the bathroom and let Peters in, but Tibbs refused to let her

open the bathroom door.

31. Tibbs, still naked, abandoned his position in front of the bathroom door and attempted to flee the hotel room by jumping out of the window, but the window would not open.

32. When Tibbs abandoned his position by the bathroom door, Ms. Hale exited the bathroom and went to open the door.

33. Upon seeing Ms. Hale exit the bathroom, Tibbs, who had picked up and was holding his clothing, interposed himself between Ms. Hale and the hotel room door, thereby preventing her from moving.

34. As Peters continued pounding on the hotel room door while screaming, Tibbs suddenly ran into the bathroom, knocking Ms. Hale first into a wall and then onto the floor, injuring her head, back and shoulder in the process. Tibbs locked himself in the bathroom.

35. Ms. Hale, now outside of the bathroom, let Peters and his friend into the room. Peters' friend continued filming as Peters realized that "Ethan Toms" was in the locked bathroom.

36. Peters began to berate and threaten Tibbs. He repeatedly called for Tibbs to come out of the bathroom.

37. Tibbs eventually exited the bathroom with a wad of cash in his hand and attempted to hand it to Peters before throwing it on the floor and fleeing the room.

38. Ms. Hale remained in the room as Peters and Tibbs left the hotel and continued their argument in the parking lot.

39. The video of the encounter has been preserved.
40. Ms. Hale believes that Peters began to extort money from Tibbs after the incident at the Extended Stay hotel, but she had no part in Peters' scheme and she received no benefit from it.
41. Upon information and belief, Tibbs engaged in sexual misconduct with other Centra employees over the course of his employment with Centra.
42. Upon information and belief, Centra executives (including some or all of John Does 1-20 and Jane Does 1-20) were aware of Tibbs' misconduct and covered it up.
43. Upon information and belief, Tibbs' sudden resignation was prompted by an incident of sexual misconduct with a Centra employee.
44. Upon information and belief, Tibbs was given the choice of resigning immediately or being terminated and he chose to resign immediately.
45. Upon information and belief, Centra executives gave Tibbs glowing accolades upon his resignation, thereby allowing Tibbs to secure a position as CEO of Sparrow Health System in Lansing, Michigan.
46. Tibbs is a sexual predator who, upon information and belief, joined and participated in "AdultFriendFinder.com" which bills itself as the "World's Largest Sex & Swinger Community" and "The World's Largest Dating and Hookup Site."
47. Tibbs solicited at least one other woman in Lynchburg using the AdultFriendFinder.com site.

48. Since she was wrongfully terminated by Centra and assaulted by Tibbs, Ms. Hale curtailed her relationship with Peters, got a new job and spent two years doing her best to put this incident behind her as she was ashamed that she unwittingly allowed herself to be used as a pawn by Tibbs and Peters. She comes forward now with her claims (knowing that many may ultimately be barred by the statute of limitations and that she will be subjected to further abuse) because she learned that Tibbs had taken a new position as CEO of another large health care company where he could abuse others. She decided that she could not stand by when Centra had swept Tibbs' misconduct under the rug and allowed him to leave on good terms, thereby putting other patients and employees in danger.

49. Ms. Hale has suffered damages as a result of Centra's and Tibbs' conduct, including pain, bruising, loss of liberty, humiliation, fear, anxiety, nausea, vomiting, insomnia and damage to her reputation.

**COUNT ONE – NEGLIGENT HIRING AND RETENTION OF DEFENDANT TIBBS BY
DEFENDANT CENTRA HEALTH, INC.**

50. All previous paragraphs are realleged and incorporated herein.

51. Tibbs discriminated against Ms. Hale on the basis of her sex during the scope of his employment by Centra, by stalking her, by sexually harassing her, thereby causing her severe emotional distress and the wrongful termination of her employment.

52. Centra knew, or should have known after conducting a reasonable investigation, that Tibbs was a sexual predator before he was hired, before he was promoted to CEO and before he was retained in that position for years.

53. Tibbs' propensity as sexual predator was not only likely, but virtually certain to cause harm to Centra employees.
54. Tibbs' propensity as a sexual predator was known to Centra, or should have been discovered by Centra after a reasonable investigation before he was promoted to CEO.
55. It was not only utterly foreseeable, but clearly virtually certain, that installing a sexual predator into the position of CEO of company that employs thousands of people would result in the threat of injury to others, thus Centra should have recognized the threat of injury to others when it installed Tibbs, a sexual predator, into the position of CEO.
56. Centra's hiring of Tibbs was a proximate cause of Ms. Hale's injuries.
57. Centra's retention of Tibbs as CEO was a proximate cause of Ms. Hale's injuries.

COUNT TWO - SEXUAL ASSAULT BY DEFENDANT TIBBS

58. All previous paragraphs are realleged and incorporated herein.
59. Tibbs placed Ms. Hale in a reasonable and imminent fear of harm when he pursued her in the hotel room with the intention of forcing her to remove her clothing.
60. Ms. Hale suffered damages as result of being assaulted by Tibbs.

COUNT THREE – BATTERY BY DEFENDANT TIBBS

61. All previous paragraphs are realleged and incorporated herein.
62. Tibbs intentionally grabbed Ms. Hale in the hotel room and tried to remove her clothing against her will.
63. Ms. Hale did not invite Tibbs to touch or grab her and he did so in an offensive manner.

64. Ms. Hale suffered injury as a result of being battered by Tibbs.

COUNT FOUR - FALSE IMPRISONMENT BY DEFENDANT TIBBS

65. All previous paragraphs are realleged and incorporated herein.

66. Tibbs intentionally, unlawfully and without justification deprived Ms. Hale of her liberty when he held her against her will and attempted to remove her clothing in the hotel room.

67. Tibbs intentionally, unlawfully and without justification deprived Ms. Hale of her liberty when he held her against her by preventing her from leaving the bathroom of the hotel room and opening the hotel room door.

68. Ms. Hale suffered injury as a result of her false imprisonment by Tibbs.

COUNT FIVE - NEGLIGENCE OF DEFENDANT TIBBS

69. All previous paragraphs are realleged and incorporated herein.

70. Tibbs had a duty to conduct himself with ordinary care in moving through the hotel room in manner to avoid harmful physical contact with others.

71. Tibbs neglected and breached this duty when he ran haphazardly to the bathroom of the hotel room and ran into Ms. Hale, thereby knocking her into a wall and the floor.

72. Ms. Hale was without fault in causing the collision. She was stationary and standing in a normal position and in a readily visible location.

73. Ms. Hale was injured because of the collision. She suffered pain and bruising to her arm, shoulder and back.

74. Tibbs' negligence was a proximate cause of Ms. Hale's injuries.

CONCLUSION

75. Plaintiff STEPHANIE ANN HALE prays this Court (i) award damages as proven by the evidence, including compensatory damages of FIVE MILLION DOLLARS (\$5,000,000.00) and punitive damages in the amount of FIVE MILLION DOLLARS (\$5,000,000.00) from the defendants, jointly and severally (ii) award costs and reasonable attorney fees incurred in bringing this action and (iii) grant such other relief as the Court deems appropriate.

JURY TRIAL DEMAND

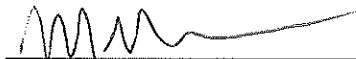
76. Plaintiff STEPHANIE ANN HALE hereby demands a jury trial.

Respectfully submitted,

STEPHANIE ANN HALE
By Counsel

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