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CLEBURNE COUNTY
HEBER SPRINGS, ARKANSAS

**IN THE CIRCUIT COURT OF CLEBURNE COUNTY, ARKANSAS
CIVIL DIVISION**

DANNY ARRASMITH

PLAINTIFF

V.

CASE NO. 12CV-19- 227

**CITY OF HEBER SPRINGS
MAYOR, JIMMY CLARK,
In his individual and official capacity,
MARTY MARTELLI,
In his individual and official capacity,**

DEFENDANTS

COMPLAINT FOR DAMAGES

Comes now the Plaintiff, Danny Arrasmith via his attorney, William Z. White, who in support of this Complaint for Damages, state and allege as follows:

1. Plaintiff brings claims for violation of the Arkansas Whistleblower's Act, and violation of Ark. Code Ann. 16-123-105 of the Arkansas Civil Rights Act, and that the tort of battery. Plaintiff is a resident and citizen of Cleburne County. Defendant City of Heber Springs is a municipal corporation in Cleburne County. Defendants Clark and Martelli are residents and citizens of Cleburne County.

2. Plaintiff was employed with the City in Cleburne County, and this action is brought for an amount exceeding that required for diversity jurisdiction.

3. Plaintiff started employment with the City in September 2014.

4. Plaintiff's started as a recycling worker doing highway trash, and then went to work as caretaker for the graveyard, and then went back to recycling.

5. Plaintiff was an excellent worker and did a good job.

6. Martelli was the Director of Public Works.
7. Martelli kept multiple BB guns at the office.
8. Martelli would point the guns at employees and shoot them with the guns.
9. Martelli said he would shoot them to break up the monotony of the day.
10. Plaintiff complained about this to Martelli and HR multiple times. The Mayor knew about the complaints.
11. Plaintiff was warned that he would get fired if he did not quit complaining.
12. Martelli got upset at Plaintiff and would not leave him alone.
13. Martelli started pulling from the graveyard so much that the Plaintiff could not complete those tasks, and would not give him any help, therefore it looked like Plaintiff was not doing his job.
14. Therefore, Plaintiff asked to go back recycling.
15. Plaintiff was directed to move his belongings out of a building that was being used to store said items.
16. Plaintiff complied by removing said items.
17. Plaintiff was then written up because he went into the building to remove his belongings.
18. Plaintiff sought employment elsewhere, and had the job, but then the Mayor called the prospective employer and told them not to hire plaintiff.
19. Plaintiff complained to HR about this.
20. Plaintiff had an eye doctor appointment that he had forgotten about.
21. Plaintiff went and told his supervisor about the appointment and asked if he could go to it.

22. Plaintiff was allowed to go to the appointment.

23. If they had told him there would be punishment he would not have gone to the doctor, but delayed the appointment.

24. By virtue of the facts alleged herein, incorporated by reference, Defendants have violated the Arkansas Civil Rights Act by retaliating against him for exercising free speech, petition, and remonstrance rights.

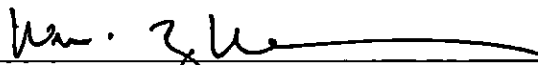
25. Plaintiff suffered adverse actions in the form of termination, discipline, negative references, and being tricked into going to see the doctor with permission, and then firing him for going to the doctor.

26. Plaintiff has lost wages and benefits, and endured mental and emotional suffering as a result of the loss of his job, as well as damage to his reputation.

27. Defendants have knowingly, intentionally, recklessly violated Plaintiff's rights with malice and in deliberate indifference to those rights.

WHEREFORE, Plaintiff prays for compensatory damages exceeding that required for diversity jurisdiction, lost wages and benefits, punitive damages exceeding that required for diversity jurisdiction, front pay or reinstatement, designation as rehirable, a positive reference, an injunction against retaliation, and for a trial by jury on all matters so triable.

Respectfully submitted on behalf of the
Plaintiff, Danny Arrasmith.

By: 
William "Zac" White – Attorney & Counselor at Law
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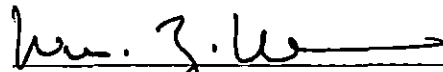
CERTIFICATE OF SERVICE

I, William Z. White, hereby certify that a true and correct copy of the foregoing pleading has been served upon opposing counsel of record and/or other interested parties in this case as set forth below either by hand delivery, facsimile, electronic mail, other delivery methods _____, and/or ~~by~~ depositing a copy of the same with the U.S. Postal Service with sufficient postage to arrive at its destination, addressed to the following:

Marty Martelli
614 S 4th St
Heber Springs, AR 72543

Jimmy Clark
1001 West Main Street,
Heber Springs, AR 72543

Dated: Tuesday, October 22, 19



William Z. White