

NORTH CAROLINA
JUSTICE

)

IN THE GENERAL COURT OF

BUNCOMBE COUNTY

)

SUPERIOR COURT DIVISION

08 CVS _____

SUSAN IHNE,

)

Plaintiff,

)

)

v.

)

)

COMPLAINT

)

)

GANNETT CO., INC., d/b/a
ASHEVILLE CITIZEN- TIMES,
and RANDY HAMMER,

)

)

)

)

Defendants.

FIRST CAUSE OF ACTION

The Plaintiff, Susan Ihne, complaining of the Defendants, Gannett Co., Inc. d/b/a Asheville Citizen- Times and Randy Hammer, says and alleges:

I.

That at all times hereinafter mentioned, the Plaintiff, Susan Ihne, was and is a resident of the County of Buncombe, State of North Carolina.

II.

That at all times hereinafter mentioned, the Defendant, Gannett Co., Inc. was and is a corporation organized and existing under the laws of the State of Delaware, and owns and manages a newspaper known as the Asheville Citizen- Times, which has a circulation in the city of Asheville

and Buncombe County, North Carolina and throughout other parts of western North Carolina, and which has a place of business in the city of Asheville and Buncombe County, North Carolina.

III.

That at all times hereinafter mentioned, the Defendant, Randy Hammer, was and is a resident of the County of Buncombe, State of North Carolina.

IV.

That the Plaintiff, Susan Ihne, was employed by the Defendant, Gannett Co., Inc for approximately 27 years.

V.

That during her career at Gannett Co., Inc., Susan Ihne worked for various newspapers owned by Gannett Co., Inc., including the Detroit News, the Pensacola News Journal, the El Paso Times, the St. Cloud Times and the Asheville Citizen- Times.

VI.

That throughout her 27- year career at Gannett Co., Inc., the Plaintiff, Susan Ihne, was an outstanding employee. That she won numerous national and state journalism awards, including the highest award given to a newspaper Editor in the Gannett organization along with the highest Gannett honors for an Editor the President s Ring in 1999 and 2005. In addition, she received the Robert G. McGruder Award for Diversity

Leadership in 2004, a highly prestigious national award in journalism, which brought Gannett highly sought honors in diversity recruiting.

VII.

That the Plaintiff, Susan Ihne, was the Executive Editor of the Asheville Citizen- Times from October 2005 to May 2008. As the Executive Editor, she ran the news and editorial operation of the Asheville Citizen- Times, and she supervised approximately 62 full- time and 4 part- time staffers in the writing, editing and production of about 50,000 daily papers and 60,000 Sunday papers for the Asheville, Buncombe County, and western North Carolina region.

VIII.

That prior to becoming the Executive Editor of the Asheville Citizen- Times, the Plaintiff, Susan Ihne, served as the Executive Editor of the St. Cloud Times in Central Minnesota. Under her leadership, the St. Cloud Times received the Gold Medal, which is the highest award given to a newspaper in the Gannett newspaper organization. The St. Cloud Times was one of only five (5) newspapers in the corporation to be designated a Gold Medal paper in 2005.

IX.

That throughout her 27- year career at Gannett Co., Inc., the Plaintiff, Susan Ihne, received commendable, superior and exceptional evaluations.

X.

That in October 2007, the Defendant, Randy Hammer, became the Publisher of the Asheville Citizen- Times. That this was the first time that Randy Hammer had been a publisher in the Gannett newspaper chain in his career.

XI.

Within 1½ months after being placed in the position of Publisher of the Asheville Citizen- Times by Gannett Co., Inc., Randy Hammer began harassing and bullying the Plaintiff, Susan Ihne, on the job. That his harassment and bullying consisted of yelling and raising his voice at the Plaintiff, belittling and degrading her on the job, and misusing his power in a calculated effort to destroy her self- confidence and get her to resign from her job. That this harassment and bullying continued from December 2007 to May 2008; and that said harassment and bullying was frequent in scope. For example, during a one- on- one meeting, Randy Hammer leaned toward Susan Ihne and started yelling at her in an extremely loud voice in an attempt to frighten and terrify her. On another occasion, Randy Hammer berated and yelled at Susan Ihne in a business meeting with senior leaders of the Asheville Citizen- Times. He would call her pejorative names, such as nasty person. In another incident, Mr. Hammer entered Ms. Ihne s office and yelled at her. He then closed Ms. Ihne s office door and continued yelling at her. After he left her office, an employee came to Ms. Ihne and wanted to know if she was all right. One day in the early morning hours prior to work, Randy Hammer called Susan Ihne at her

home and yelled at her and was abusive to her. In addition, he went directly to employees under her supervision without the knowledge and consent of Ms. Ihne, in an effort to undermine her authority over the employees which she supervised. Furthermore, he made statements to her threatening her job and ordered her not to call the corporate headquarters concerning him. He also told her that she could not forward his emails to anyone without his permission. On yet another occasion, he went to each member on a project team and told them what a great job the team had done. Then he told Susan Ihne, the leader of the project, what a lousy job her team had done. That Randy Hammer created a hostile work environment by his abusive conduct toward Susan Ihne.

XII.

That on May 1, 2008, Randy Hammer terminated the Plaintiff, Susan Ihne, from her position as the Executive Editor of the Asheville Citizen-Times. That the termination of Susan Ihne from her employment was due to age discrimination and sex discrimination. That the termination of Susan Ihne from her employment with Gannett Co., Inc. violated the public policy of North Carolina, in that N.C.G.S. § 143- 422.2 prohibits age discrimination and sex discrimination in discharge from employment. That the conduct described above by Gannett Co., Inc., by and through its Publisher, Randy Hammer, constitutes wrongful discharge from employment in violation of public policy. That at all times mentioned

herein, Gannett Co., Inc., d/b/a the Asheville Citizen- Times had and currently has more than fifteen (15) employees.

XIII.

That the conduct of Gannett Co., Inc., by and through Randy Hammer, was part of a pattern, practice, scheme and modus operandi of Randy Hammer harassing and bullying older female employees, ages 40 and above on the job, and treating them in an abusive and hostile manner, with the intention of either forcing them to resign or firing them. At the time of her termination, Susan Ihne was 52 years old.

XIV.

That by reason of the wrongful discharge from employment in violation of public policy by the Defendant, Gannett Co., Inc., the Plaintiff, Susan Ihne has suffered actual damages, including a loss of earnings and benefits, both past and future; great worry, anxiety, depression, and past and future mental and emotional distress including but not limited to major depressive disorder and post- traumatic stress disorder; and past and future medical expenses; and the Plaintiff is entitled to recover for said damages in the amount of at least Fifteen Million Dollars (\$15,000,000.00).

XV.

That the facts alleged above, constitute actions by the Defendant, Gannett Co., Inc., which were willful, wanton, intentional and in total disregard of the rights of the Plaintiff, Susan Ihne. That the Defendant,

Gannett Co., Inc. should be required to respond in punitive damages on account of said actions for a sum in excess of Ten Thousand Dollars (\$10,000.00).

SECOND CAUSE OF ACTION

XVI.

That the Plaintiff, Susan Ihne, realleges the allegations in Paragraphs I through XIII and incorporates them by reference herein.

XVII.

That the Plaintiff, Susan Ihne, had a valid oral contract of employment with Gannett Co., Inc. That the Defendant, Randy Hammer, knew of the valid oral contract of employment between the Plaintiff and the Defendant, Gannett Co., Inc., and that Defendant, Randy Hammer, intentionally induced Gannett Co., Inc. to terminate the Plaintiff s employment for improper motives, including age and sex discrimination. That Defendant, Randy Hammer, did this solely with legal malice and without legal justification; and that Defendant, Randy Hammer, in interfering with the Plaintiff s oral contract of employment caused injury and damage to the Plaintiff.

XVIII.

That the Plaintiff complained to upper management of Gannett Co., Inc. concerning the hostile, harassing and abusive conduct of Randy Hammer toward her. That when the Plaintiff made Gannett Co., Inc. aware of Randy Hammer s misconduct as described above, the Defendant,

Gannett Co., Inc. ratified, affirmed and approved the conduct of Defendant, Randy Hammer by failing to stop his misconduct and by failing to terminate him. That the Defendant, Gannett Co., Inc., is liable for the above-described conduct of Defendant, Randy Hammer, based on the doctrine of ratification.

XIX.

That the facts alleged above constitute tortious interference with contractual rights. That by reason of said acts of the Defendants, the Plaintiff, Susan Ihne, has suffered actual damages; and the Plaintiff is entitled to recover compensatory damages for the past and future loss of earnings and benefits; great worry, anxiety, depression and past and future mental and emotional distress including but not limited to major depressive disorder and post-traumatic stress disorder; past and future medical expenses; and the Plaintiff is entitled to recover for said damages in the amount of at least Fifteen Million Dollars (\$15,000,000.00).

XX.

That the facts alleged above constitute actions by the Defendants, which were willful, wanton, intentional, malicious, and in total disregard of the rights of the Plaintiff, Susan Ihne. That said Defendants should be required to respond in punitive damages on account of said actions for a sum in excess of Ten Thousand Dollars (\$10,000,00).

THIRD CAUSE OF ACTION

XXI.

That the Plaintiff, Susan Ihne, realleges the allegations in Paragraphs I through XIII and XVI through XVIII and incorporates them by reference herein.

XXII.

That the above-mentioned acts by Defendant, Randy Hammer, constituted extreme and outrageous conduct, and they were intentionally and/or recklessly perpetrated against the Plaintiff, Susan Ihne, which resulted in said Plaintiff suffering severe mental and emotional distress.

XXIII.

That the Defendant, Gannett Co., Inc. ratified, affirmed and approved the conduct of Defendant, Randy Hammer by failing to stop his misconduct and by failing to terminate him. That the Defendant, Gannett Co., Inc., is liable for the above-described conduct of Defendant, Randy Hammer, based on the doctrine of ratification.

XXIV.

That the facts alleged above constitute intentional infliction of mental and emotional distress. That by reason of said acts of the Defendants, the Plaintiff, Susan Ihne, has suffered actual damages; and the Plaintiff is entitled to recover compensatory damages for great worry, anxiety, depression and past and future severe mental and emotional distress including but not limited to major depressive disorder and post-traumatic stress disorder; and past and future medical expenses; and the

Plaintiff is entitled to recover for said damages in the amount of at least Fifteen Million Dollars (\$15,000,000.00).

XXV.

That the facts alleged above constitute actions by the Defendants, which were willful, wanton, intentional, malicious, and in total disregard of the rights of the Plaintiff, Susan Ihne. That said Defendants should be required to respond in punitive damages on account of said actions for a sum in excess of Ten Thousand Dollars (\$10,000.00).

FOURTH CAUSE OF ACTION

XXVI.

That the Plaintiff, Susan Ihne, realleges the allegations in Paragraph I through XIII and XVI through XVIII and XXII through XXIII, and incorporates them by reference herein.

XXVII.

That the Defendant, Gannett Co., Inc. was negligent in hiring, supervising and retaining Randy Hammer as the Publisher of the Asheville Citizen- Times. That upon information and belief, said Defendant was aware that Randy Hammer was an incompetent employee before he was selected to become publisher of the Asheville Citizen- Times. In addition, upon information and belief, said Defendant was aware that Randy Hammer was an incompetent employee while he was working as the

Publisher of the Asheville Citizen- Times and prior to May 1, 2008. That the reason Randy Hammer was an incompetent employee of said Defendant was that he had a history of and had exhibited a pattern, practice, scheme and modus operandi of treating female employees, ages 40 and above on the job, in an abusive, hostile, and harassing manner prior to May 1, 2008. In spite of full knowledge of Randy Hammer s misconduct toward older female employees, the Defendant, Gannett Co., Inc. hired and retained Randy Hammer to be the Publisher of the Asheville Citizen- Times; and also failed to properly supervise him.

XXVIII.

That the facts alleged above constitute negligent hiring, supervision, and retention of an employee. That by reason of said conduct by the Defendant, Gannett Co., Inc., the Plaintiff Susan Ihne, has suffered actual damages; and the Plaintiff is entitled to recover compensatory damages for great worry, anxiety, depression and past and future severe mental and emotional distress including but not limited to major depressive disorder and post- traumatic stress disorder; past and future medical expenses; and the Plaintiff is entitled to recover for said damages for a sum in excess of Ten Thousand Dollars (\$10,000.00).

XXIX.

That the facts, alleged above constitute actions by the Defendant, Gannett Co., Inc., which were willful, wanton, and in total disregard of the rights of the Plaintiff, Susan Ihne. That the Defendant, Gannett Co., Inc.,

should be required to respond in punitive damages on account of said actions for a sum in excess of Ten Thousand Dollars (\$10,000.00).

FIFTH CAUSE OF ACTION

XXX.

That the Plaintiff, Susan Ihne reallages the allegations in Paragraphs I through XII and XVI through XVIII and XXI through XXIII and XXVI through XXVIII, and incorporates them by reference herein.

XXXIII.

That the Defendants negligently engaged in the conduct described above; that it was reasonably foreseeable that such conduct would cause severe mental and emotional distress; and that Defendants conduct did in fact cause severe emotional distress to the Plaintiff.

XXXIV.

That the facts alleged above constitute negligent infliction of emotional distress. That by reasons of said negligent acts of the Defendants, the Plaintiff, Susan Ihne, has suffered actual damages, and the Plaintiff is entitled to recover compensatory damages for severe mental and emotional distress, past and future, including anxiety, depression, and great worry, and including but not limited to major depressive disorder and post- traumatic stress disorder; and past and future medical expenses for a sum in excess of Ten Thousand Dollars (\$10,000.00).

XXXV.

That the facts alleged above, constitute actions by the Defendants, Gannett Co., Inc. and Randy Hammer, which were willful, wanton, and in total disregard of the rights of the Plaintiff, Susan Ihne. That the Defendants should be required to respond in punitive damages on account of said actions for a sum in excess of Ten Thousand Dollars (\$10,000.00).

WHEREFORE, the Plaintiff, Susan Ihne, demands judgment against the Defendants and respectfully prays the Court as follows:

1. In the first cause of action, that the Plaintiff, Susan Ihne, recover the sum of at least Fifteen Million Dollars (\$15,000,000.00) in actual damages and for a sum in excess of Ten Thousand Dollars (\$10,000.00) in punitive damages;
2. In the second cause of action, that the Plaintiff, Susan Ihne, recover the sum of at least Fifteen Million Dollars (\$15,000,000.00) in actual damages and for a sum in excess of Ten Thousand Dollars (\$10,000.00) in punitive damages;
3. In the third cause of action, that the Plaintiff, Susan Ihne, recover the sum of at least Fifteen Million Dollars (\$15,000,000.00) in actual damages and for a sum in excess of Ten Thousand Dollars (\$10,000.00) in punitive damages;
4. In the fourth cause of action, that the Plaintiff, Susan Ihne, recover a sum in excess of Ten Thousand Dollars (\$10,000.00) in actual

damages and for a sum in excess of Ten Thousand Dollars (\$10,000.00) in punitive damages;

5. In the fifth cause of action, that the Plaintiff, Susan Ihne, recover a sum in excess of Ten Thousand Dollars (\$10,000.00) in actual damages and for a sum in excess of Ten Thousand Dollars (\$10,000.00) in punitive damages;

6. The costs and disbursements of this action;

7. Such further relief as the Court deems just and proper; and

8. Plaintiff demands a trial by jury.

This the 16th day of day

December, 2008.

Harvey L. Kennedy

Harold L. Kennedy, III
Attorneys for Plaintiff

OF COUNSEL:

Kennedy, Kennedy, Kennedy & Kennedy, L.L.P.
301 North Main Street, Suite 2000
Winston- Salem, North Carolina 27101- 3884
Telephone: (336) 724- 9207