

CIVIL CASE INFORMATION STATEMENT
CIVIL CASES

(Other than Domestic Relations)

In the Circuit Court of Kanawha County, West Virginia

I. CASE STYLE:

Plaintiff(s)

FRANK JOSEPH HAAS

vs.

Defendant(s)

CHARLIE L. MONTGOMERY, Individually,
and as the Grand Master of Masons of the State
of West Virginia, and as member and agent of the
Most Worshipful Grand Lodge of Ancient, Free and
Accepted Masons of the State of West Virginia, Inc.

Rt. 1, Box 66 B

Street

Williamstown, WV 26187

City, State, Zip

CHARLES F. COLEMAN, II, Individually, and as
member and agent of the Most Worshipful Grand
Lodge of Ancient, Free and Accepted Masons of the
State of West Virginia, Inc.

12 Charlo Acres

Street

Hurricane, WV 25526

City, State, Zip

MOST WORSHIPFUL GRAND LODGE OF
ANCIENT, FREE AND ACCEPTED MASONS
OF THE STATE OF WEST VIRGINIA, INC.

107 Hale Street

Street

Charleston, WV 25301

Case #

08C-1035

Judge:

James Stucky

Days to
Answer

Type of Service

20

Personal

20

Personal

30

Secretary of State

Original and 6 copies of complaint furnished

PYMT Type
Rcpt # 430603 \$145 \$135
Iss. Sum. + cc No Sum. Iss.
 Ret. to Atty. \$20cm 2
Mailed CM/RM \$5 clk
Mailed to sos w/ck#
Sent to w/ck#

1-3

PLAINTIFFS: FRANK JOSEPH HAAS

CASE NUMBER:

08-c-1035

DEFENDANTS: CHARLIE L. MONTGOMERY, Individually, and as the Grand Master of Masons of the State of West Virginia, and as member and agent of the Most Worshipful Grand Lodge of Ancient, Free and Accepted Masons of the State of West Virginia, Inc.; CHARLES F. COLEMAN, II, Individually, and as member and agent of the Most Worshipful Grand Lodge of Ancient, Free and Accepted Masons of the State of West Virginia, Inc. MOST WORSHIPFUL GRAND LODGE OF ANCIENT, FREE AND ACCEPTED MASONS OF THE STATE OF WEST VIRGINIA, INC.

II. TYPE OF CASE:

- General Civil, Adoption, Mass Litigation, Administrative Agency Appeal, Asbestos, Carpal Tunnel Syndrome, Diet Drugs, Civil Appeal from Magistrate Court, Environmental, Industrial Hearing Loss, Miscellaneous Civil Petition, Silicone Implants, Mental Hygiene, Other: _____, Guardianship, Medical Malpractice, Habeas Corpus/Other Extraordinary Writ, Other: _____

III. JURY DEMAND: [X] Yes [] No

CASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): December 2008

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? [] YES [X] NO

- Wheelchair accessible hearing room and other facilities, Interpreter or other auxiliary aid for the hearing impaired, Reader or other auxiliary aid for the visually impaired, Spokesperson or other auxiliary aid for the speech impaired, Other: _____

Attorney Name: Robert B. Allen (WV Bar # 0110) R Representing: Pamela C. Deem (WV Bar # 0976)
Firm: Allen Guthrie McHugh & Thomas PLLC [X] Plaintiffs [] Defendant
Address: 500 Lee Street East, Suite 800 [] Cross- Complainant [] Cross-Defendant
P. O. Box 3394
Charleston, WV 25333-3394
Telephone: (304) 345-7250

Robert B. Allen

Signature

[] Proceeding Without an Attorney

2008 MAY 20 PM 1:00
NSY

FRANK JOSEPH HAAS,

Plaintiff,

v.

CIVIL ACTION NO. 08-c-1035

CHARLIE L. MONTGOMERY, Individually,
and as the Grand Master of Masons of the State
of West Virginia, and as member and agent of the
Most Worshipful Grand Lodge of Ancient, Free and
Accepted Masons of the State of West Virginia, Inc.;
CHARLES F. COLEMAN, II, Individually, and as
member and agent of the Most Worshipful Grand
Lodge of Ancient, Free and Accepted Masons of the
State of West Virginia, Inc.;
MOST WORSHIPFUL GRAND LODGE OF
ANCIENT, FREE AND ACCEPTED MASONS
OF THE STATE OF WEST VIRGINIA, INC.,
a West Virginia corporation; and
unknown JOHN DOES, individually, and as
members and agents of the Most Worshipful Grand
Lodge of Ancient, Free and Accepted Masons of the
State of West Virginia, Inc.,

Defendants.

COMPLAINT

Comes now Plaintiff, Frank Joseph Haas, and for his complaint against Defendants

Charlie L. Montgomery, individually, and as the Grand Master of Masons of the State of West
Virginia, and as member and agent of the Most Worshipful Grand Lodge of Ancient, Free and
Accepted Masons of the State of West Virginia, Inc. (hereinafter "Defendant Montgomery");
Charles F. Coleman, II, individually, and as member and agent of the Most Worshipful Grand Lodge
of Ancient, Free and Accepted Masons of the State of West Virginia, Inc. (hereinafter "Defendant

Coleman”); the Most Worshipful Grand Lodge of Ancient, Free and Accepted Masons of the State of West Virginia, Inc. (hereinafter “Defendant Grand Lodge”); and unknown John Does, individually, and as members and agents of the Most Worshipful Grand Lodge of Ancient, Free and Accepted Masons of the State of West Virginia, Inc. (hereinafter “John Doe Defendants”), and alleges as follows:

THE PARTIES

1. Plaintiff, Frank Joseph Haas, is a citizen and resident of Wellsburg, West Virginia, and was, until November 21, 2007, a distinguished, highly regarded and respected Mason throughout the State of West Virginia and North America and had been a member of Wellsburg Lodge #2 since 1986. During 2006 Plaintiff Haas was Grand Master of Defendant Grand Lodge, a fraternal organization.

2. Defendant Montgomery is a citizen and resident of Williamstown, Wood County, West Virginia, and was, at all times material hereto, the Grand Master of Defendant Grand Lodge, and is a member and agent of Defendant Grand Lodge.

3. Defendant Coleman is a citizen and resident of Hurricane, Putnam County, West Virginia, and was, at all times material hereto, a member of Dunbar Lodge #159 and was a member and agent of Defendant Grand Lodge. From October 2006 to October 2007, Defendant Coleman was the Grand Master of Defendant Grand Lodge, a fraternal organization.

4. Defendant Grand Lodge, a West Virginia corporation, whose principal office is located at 107 Hale Street, Charleston, West Virginia 25301, at all times material hereto, controlled and had jurisdiction over all of the Masonic lodges throughout West Virginia and had the power to

make and amend the general laws and regulations, including the Code of Trials, to be used by lodges under the jurisdiction of the Defendant Grand Lodge.

5. The John Doe Defendants are, or were, agents, officers and representatives of Defendant Grand Lodge who were, at all times material hereto, acting in their individual and official capacities but whose identity, at this time, remains unknown.

JURISDICTION AND VENUE

6. Jurisdiction and venue are proper in this Court because Defendant Grand Lodge's principal place of business is located in Charleston, Kanawha County, West Virginia, and all of the individual defendants are members and agents of Defendant Grand Lodge.

FACTUAL ALLEGATIONS

7. Plaintiff Haas resides in Wellsburg, West Virginia, where he graduated from high school in 1975. In 1979 he graduated magna cum laude from Bethany College with a double major in Economics and Business and History and Political Science. In 1982 Plaintiff Haas received his Doctorate of Jurisprudence from the College of Law at West Virginia University.

8. In 1986 Plaintiff Haas became a member of Wellsburg Lodge #2, a Masonic fraternal organization, located in Wellsburg, West Virginia.

9. In or about 2004, Plaintiff Haas endowed a perpetual membership in Wellsburg Lodge #2, which funds are currently held by Defendant Grand Lodge.

10. As a Mason, Plaintiff Haas had the right to retire to the Masonic Home maintained by Defendant Grand Lodge.

11. Since 1986 Plaintiff Haas immersed himself in Masonic undertakings and was actively involved in the day-to-day workings of Wellsburg Lodge #2 as well as 19 other related Masonic organizations. In or about 1991 he became a member of Defendant Grand Lodge.

12. Since becoming a member of Defendant Grand Lodge, Plaintiff Haas served with distinction, was an outstanding ritualist, a representative to the Grand Lodge of Delaware, and on October 11, 2005, was elected and installed as Grand Master of Defendant Grand Lodge, the highest office a Mason can achieve.

13. Throughout his Masonic career, Plaintiff Haas devoted substantial amounts of his time, effort and financial resources to Masonic matters throughout West Virginia and other jurisdictions. His father is a member of Wellsburg Lodge #2 and his paternal great-grandfather was a member of the Masonic lodge in Ayrshire, Scotland. Plaintiff Haas is justifiably proud of his Masonic memberships, heritage and accomplishments.

14. As a result of and in recognition of Plaintiff Haas' membership and dedicated and outstanding service in the concordant Scottish Rite Body, Plaintiff Haas was coronated a 33rd degree Mason in October 2005, which honor is given only to a limited number of Masons with outstanding service and accomplishments.

15. During his Masonic career and as Grand Master, Plaintiff Haas supported various progressive reforms in Masonry reflecting the will of the majority of the members of Defendant Grand Lodge which reforms were consistent with and promoted rules and regulations designed to respect and protect the constitutional and other rights of all Masons and prospective Masons. The proposed changes and reforms were not only morally right but were consistent with and designed

to bring Masonic laws and attitudes into conformity with the substantial public policy of the State of West Virginia and the United States of America.

16. Plaintiff Haas' goal was to make Masonry more tolerant, friendly, decent and accepting of everyone regardless of nationality, race, religion or disability.

17. Plaintiff Haas shared his beliefs and proposals with the members of Defendant Grand Lodge during his service as Grand Master and prior to the October 2006 meeting of Defendant Grand Lodge when these proposals were presented to and voted on by the membership.

18. During the 2006 Annual Meeting, the members of Defendant Grand Lodge voted approval of various reforms proposed by Plaintiff Haas that were in his opinion designed to make Masonry more tolerant, friendly, decent and accepting of all Masons and prospective Masons. These reforms and proposals were intended to rid Masonry in West Virginia of the Orwellian, repressive, regressive and unconstitutional practices that were and are clearly unconstitutional and against the substantial public policy of this State.

19. The proposed reforms and changes were designed to:

- a. Encourage all Masons to do what is morally and legally right and wipe away lingering racism that is tolerated and enforced by telling the Masters of all local lodges that they must maintain the peace and harmony of their lodges;
- b. Eliminate discriminatory practices against the handicapped;
- c. Eliminate discriminatory practices against youth organizations and young adults participating in related Masonic organizations and those young adults desiring to become a Mason;

- d. Allow debate and free speech regarding Masonic issues and possible reforms without fear of reprisal; and
- e. Support other substantial public policy issues that are morally right and would promote genuine equality throughout Masonry.

20. Plaintiff Haas' progressive proposals to eliminate various Masonic practices that are discriminatory and against the substantial public policy of this State were voted on and approved by Defendant Grand Lodge during the 2006 Annual Meeting. Unfortunately, Plaintiff Haas' laudatory efforts were met with resistance by a few Masons determined to undermine any proposed reforms regardless of how outdated, discriminatory or offensive the policies were to individual constitutional rights and the substantial public policy of this State.

21. During the 2006 Annual Meeting, Defendants Montgomery and Coleman and the John Doe Defendants individually and collectively tried to undermine and defeat the efforts of Plaintiff Haas and to render the actions of a majority of the members of the Defendant Grand Lodge null and void.

22. At the conclusion of the October 2006 Annual Meeting, Defendant Coleman succeeded Plaintiff Haas as Grand Master of Defendant Grand Lodge. Rather than accepting the majority vote of the membership of Defendant Grand Lodge and doing what was ethically, morally and legally right, Defendant Coleman almost immediately unilaterally entered various Edicts rendering the progressive proposals voted on and adopted by a majority of Defendant Grand Lodge null and void. As a result, Defendant Coleman reinstated the unconstitutional and discriminatory practices that are without question against the substantial public policy of this State.

23. Defendant Coleman went to great length to try and justify why the vote of the Defendant Grand Lodge should and would be set aside citing various procedural errors all of which were a subterfuge. No one has been sanctioned for those alleged procedural errors that Coleman claimed were dishonest and in violation of the Masonic laws. The fact that the alleged procedural errors were a pretext is further evidenced by the fact that Defendants have never allowed the members of Defendant Grand Lodge to vote on any of the proposals since they were set aside by Edict.

24. During the remainder of 2006 and continuing through the 2007 Annual Meeting, at which time Defendant Montgomery became Grand Master of Defendant Grand Lodge, Plaintiff Haas continued to speak out about the ethical, moral and legal obligation of Masons to promote changes that would eliminate those discriminatory practices set forth herein that are unconstitutional and against the substantial public policy of West Virginia, most of which a majority of Defendant Grand Lodge had previously voted to change.

25. Plaintiff Haas' continued efforts angered Defendants Montgomery and Coleman and the John Doe Defendants, and they collectively conspired and colluded to punish Plaintiff Haas and others for exercising their constitutional right to debate these issues and their right of free speech.

26. Defendants' efforts to punish Plaintiff Haas and others who disagreed with their Orwellian attitudes culminated on November 19, 2007, when Defendant Montgomery, through misrepresentation, deceit and bad faith induced Plaintiff Haas to attend a meeting at Wellsburg Lodge #2 by telling him the meeting was for the purpose of discussing the visit of the Grand Master of Ohio at a previous meeting. Defendant Coleman and John Doe members of Defendant Grand Lodge supporting Defendant Montgomery also attended the November 19, 2007, meeting.

27. Having lured Plaintiff Haas to the meeting under false pretenses, Defendant Montgomery directed the Master of Wellsburg Lodge #2 to step aside, took charge of the meeting and summarily, arbitrarily and unlawfully expelled Plaintiff Haas and another individual from Masonry after lecturing, berating and belittling them in front of family and numerous members of Plaintiff Haas' home lodge. Defendant Montgomery's rantings and outlandish attack on Plaintiff Haas were based on trumped up allegations that were false and untrue and were fully protected by Plaintiff Haas' constitutional rights.

28. As part of the Edict expelling Plaintiff Haas from Masonry, Defendant Montgomery directed the Edict be read in all lodges throughout West Virginia and directed all Masons to refrain from communicating with Plaintiff Haas about Masonic matters.

29. In summarily expelling Plaintiff Haas from Masonry, Defendant Montgomery denied Plaintiff Haas a fair hearing by failing to comply with The Masonic Code of Trials and the fundamental fairness afforded all individuals who are members of fraternal organizations.

30. Plaintiff Haas was given absolutely no notice of Defendants' true intentions at the November 19, 2007, meeting, was not provided with a statement of charges nor given any of the other procedural safeguards set forth in the Code of Trials thereby effectively denying Plaintiff Haas his right to resist expulsion. Further, Plaintiff Haas was offered no opportunity to appeal from Defendants' illegal and wrongful conduct.

31. Defendants deliberately and intentionally refused to follow the internal procedures of Defendant Grand Lodge designed to provide all Masons the fundamental fairness they are entitled to when confronted with allegations that could lead to discipline or expulsion.

32. The record of the November 19, 2007, meeting wherein Plaintiff Haas was summarily, oppressively and without notice given the Masonic death sentence will clearly show that Plaintiff Haas was ambushed by Defendants.

33. Defendants' plan, conceived and put together in secrecy, to deliberately and intentionally berate and degrade Plaintiff Haas in front of his father and other members of his lodge and then summarily expel him from Masonry, was demeaning, repulsive and outrageous--an act of bad faith by these officers. Defendants' true character and unsavory intentions and conduct regarding Plaintiff Haas were obvious due to the fact Defendants had the edict expelling Plaintiff Haas prepared in advance and invited various members of Defendant Grand Lodge to witness this unlawful, illegal and outrageous conduct.

34. Defendants' deceitful conduct in secretly scheming, planning, preparing for and carrying out Plaintiff Haas' wrongful expulsion from Masonry was nothing more than an underhanded and blindsided attack on Plaintiff Haas' reputation and good character which denied Plaintiff Haas the fundamental fairness to which he was entitled.

35. Defendants' underhanded and deceitful conduct and their true reason for getting Plaintiff Haas to attend the November 19, 2007, meeting became painfully obvious to Plaintiff Haas and the members of his lodge when Defendant Montgomery pulled out a previously prepared Edict which was read aloud, expelling Plaintiff Haas.

36. Even though there are no Masonic laws, rules and regulations, or procedural guidelines regarding an appeal from being summarily expelled from Masonry by a Grand Master, Plaintiff Haas complied with the Code of Trials as if he had been given a fair hearing and timely filed a written appeal to Defendant Grand Lodge. Plaintiff Haas' appeal has been totally ignored by

Defendants making his request for relief on appeal futile and leaving Plaintiff Haas no recourse for this denial of justice other than filing this civil action to vindicate his reputation and good name and to protect his constitutional and other rights.

37. There can be no dispute that Plaintiff Haas was denied a fair and regular hearing in accordance with designated procedures and that Defendants' conduct is tainted by fraud, bad faith and arbitrary conduct.

38. Fundamental fairness dictates that even a member of a voluntary fraternal organization charged with such an apparently serious offense as to warrant his expulsion from Masonry should be given notice of the charges and a reasonable opportunity to defend himself before a tribunal appointed to try him.

39. As a result of Plaintiff Haas' unlawful expulsion from Masonry, he has been, and continues to be, denied his property, contract and other rights and privileges to which he was entitled due to his Masonic membership as well as his valuable personal relationship with his Masonic Lodge, the Grand Lodge and all other Masons and Masonic lodges throughout West Virginia and in other jurisdictions.

40. The loss of status resulting from the destruction of Plaintiff Haas' relationship with the Masons in West Virginia and other Masonic organizations includes, but is not limited to:

- a. the loss of esteem that Plaintiff Haas enjoyed and was entitled to due to his having served as Grand Master of all Masons throughout West Virginia;
- b. the loss of esteem Plaintiff Haas enjoyed with other Masonic organizations throughout West Virginia and North America due to his accomplishments as a Mason;

- c. the embarrassment and humiliation Plaintiff Haas has been subjected to in his position as an Administrative Law Judge in West Virginia;
- d. the embarrassment and humiliation before his family and friends which was inflicted upon Plaintiff Haas by Defendants' actions;
- e. the degrading job of having to explain to family, friends and other Masons as to why he is no longer a Mason;
- f. the loss of credibility and integrity Plaintiff Haas feels as a judicial officer due to Defendants' unwarranted and unjustified attack on his credibility, integrity and honesty;
- g. Loss of his prepaid dues for lifetime membership;
- h. Loss of his right as a Mason to retire to the West Virginia Masonic Home.

41. Defendants' intentional willful, arbitrary and outrageous conduct was and is illegal and unlawful in that it is designed to suppress and prohibit the free discussion of important public issues such as racial equality, age discrimination, discrimination against the handicapped, and open and free speech in a widespread and socially significant fraternal organization.

42. Defendant Grand Lodge is incorporated under the laws of the State of West Virginia and is exempt from certain state regulatory statutes in the operation of the West Virginia Masonic Home and enjoys other tax benefits as a nonprofit fraternal organization. Accordingly, since Defendant Grand Lodge takes advantage of these privileges, it should be required to fulfill its duties and obligations and comply with the substantial public policy of this State.

43. The Defendants' conduct is ultra vires, fraudulent and contrary to the duty of good faith and warrants judicial intervention out of necessity.

COUNT I

Violation of Internal Rules Adopted to Govern Members

44. Plaintiff Haas incorporates each and every allegations set forth in Paragraphs 1 through 43 of the Complaint by reference hereto as if set forth verbatim hereinafter.

45. In summarily expelling Plaintiff Haas from Masonry and denying him the benefits of his membership as a Mason, Defendants had a duty to comply with its internal procedures and Defendant's Code of Trials and to provide adequate notice, a statement of charges and a fair hearing.

46. Plaintiff Haas has no adequate remedy for review or appeal of his summary expulsion and his written application for an appeal has been totally ignored.

47. Defendants' conduct was tainted by fraud, bad faith and arbitrary conduct.

48. Defendants' actions detrimentally affected, and continue to detrimentally affect, Plaintiff Haas' personal and professional reputation, not only as a Mason but his standing as an attorney and administrative law judge in the community in which he resides and works, and impugns him as being untruthful and as having done something improper or failing to stay within or conform to reasonable rules and regulations.

49. Defendants' unreasonable, arbitrary, capricious, and/or discriminatory adverse actions required Plaintiff Haas to initiate this legal proceeding in order to protect his right to continue his Masonic relationships and to protect his other rights.

50. Due to Defendants' conduct, Plaintiff Haas must spend time and energy prosecuting his claim and vindicating his good name for which Plaintiff Haas has proximately suffered, and will continue to suffer, pecuniary and emotional damages and is entitled to recover for those damages.

COUNT II

Defamation

51. Plaintiff Haas incorporates each and every allegation set forth in Paragraphs 1 through 50 of the Complaint by reference hereto as if set forth verbatim hereinafter.

52. Defendants' communications with all Masons throughout West Virginia and others both in and outside of Masonry were intended to and did injure Plaintiff Haas in his personal, professional and community standing.

53. In communicating with others regarding Plaintiff Haas, Defendants and their agents owed a duty to Plaintiff Haas to communicate responsibly so as not to defame Plaintiff Haas.

54. Defendants have negligently breached their duty to Plaintiff Haas and defamed him by communicating information and falsely inferring, implicating, implying, or insinuating that Plaintiff Haas had lied and was not a truthful person, had failed to comply with his Masonic obligations and therefore should be summarily expelled from Masonry. Furthermore, the Edict expelling Plaintiff Haas made it appear that he was unable to function within the law and/or was unable to conform to reasonable rules and regulations as a Mason.

55. Defendants' defamation of Plaintiff Haas was done deliberately and with knowledge of the falsity of the allegations and inferences or was done in reckless disregard of the truth or falsehood of the allegations.

56. By allowing Defendants Montgomery, Coleman and the John Doe defendants to act unreasonably, capriciously, arbitrarily and summarily, without just cause, Defendant Grand Lodge has breached its duty to Plaintiff Haas.

57. Plaintiff Haas has suffered, and will continue to suffer, both personally and professionally, damages as a proximate result of Defendants' conduct, and he is entitled to recover for those damages.

58. Furthermore, the seriousness of the injury to Plaintiff Haas outweighs Defendant Grand Lodge's interest in autonomy and freedom from judicial oversight.

COUNT III

Invasion of Privacy - False Light

59. Plaintiff Haas incorporates each and every allegation set forth in Paragraph 1 through 58 of the Complaint by reference hereto as if set forth verbatim hereinafter.

60. Plaintiff Haas, as a West Virginia citizen, has a recognized and protected right of privacy, including the right to his good name.

61. Defendants owed a duty to Plaintiff Haas not to invade his privacy in their widespread communications about him as aforesaid to all Masons in West Virginia and others.

62. Defendants breached their duty to Plaintiff Haas and unlawfully invaded his privacy by unreasonably placing him in a false light before the public by communicating that Plaintiff Haas was not a truthful person, that he failed to comply with his Masonic obligations, that Plaintiff Haas' privileges as a Mason had been revoked, that Plaintiff Haas was expelled from Masonry and was blackballed and forbidden from having any contact with other Masons.

63. The false depiction of Plaintiff Haas as being insubordinate and disrespectful with no evidence on which to base such allegations was, and is, highly offensive to Plaintiff Haas as a Mason and prior Grand Master and would be highly offensive to a reasonable person.

64. As a proximate result of Defendants' invasion of Plaintiff Haas' privacy and false depiction of him, Plaintiff Haas has suffered, and will continue to suffer, damage for which he is entitled to recover.

COUNT IV

Outrageous Conduct

65. Plaintiff Haas incorporates each and every allegation set forth in Paragraph 1 through 64 of the Complaint by reference hereto as if set forth verbatim hereinafter.

66. The acts of the Defendants in wrongly expelling Plaintiff Haas from Masonry and its attendant privileges, communicating false and misleading information to third parties, retaliating against Plaintiff Haas for seeking to have Defendant Grand Lodge respect the constitutional and civil rights of all Masons and prospective Masons, retaliating against Plaintiff Haas for exercising his constitutional right to have Defendant Grand Lodge modify its actions to conform with the substantial public policy of this State, disrupting Plaintiff Haas' Masonic status, and otherwise maligning Plaintiff Haas, amount to intentional infliction of emotional distress.

67. The acts and/or failures to act of the Defendants as aforesaid have been outrageous, atrocious, intolerable, and so extreme as to exceed the bounds of decency.

68. The extreme and outrageous acts and/or failures to act of the Defendants have been intentional, reckless, fraudulent and in bad faith because they were certain or substantially certain to result in emotional distress and cause injury to Plaintiff Haas.

69. The acts and/or failures to act of the Defendants have proximately caused, and will continue to cause, Plaintiff Haas to suffer injuries to his psyche and well-being as set forth herein

as well as the fact that Plaintiff Haas will forever have to explain why he was falsely labeled a liar and arbitrarily and maliciously expelled from Masonry.

70. The emotional distress suffered by Plaintiff Haas was, and is, reasonably expected to be so severe that no reasonable person should have been or could be expected to endure it.

71. As a direct and proximate result of the Defendants' intentional infliction of emotional distress upon Plaintiff Haas, he has suffered, and will continue to suffer, damages for which he is entitled to recover.

COUNT V

Negligent Infliction of Emotional Distress

72. Plaintiff Haas incorporates each and every allegation set forth in Paragraph 1 through 71 of the Complaint by reference hereto as if set forth verbatim hereinafter.

73. The Defendants knew, or should have known, that their acts and/or failures to act as set forth herein in wrongfully expelling Plaintiff Haas from Masonry, communicating false and misleading information to other Masons about Plaintiff Haas, retaliating against Plaintiff Haas for encouraging Defendant Grand Lodge to pass laws that were morally and ethically right and designed to respect the rights of all Masons and prospective Masons, retaliating against Plaintiff Haas for exercising his right of free speech to bring about reform and change and require Defendant Grand Lodge to comply with the substantial public policies of this State, disrupting Plaintiff Haas' Masonic career, denying Plaintiff Haas his property and contractual rights as a Mason, and otherwise maligning Plaintiff would proximately cause Plaintiff to suffer the injuries set forth herein.

74. The Defendants' negligent acts have proximately caused, and will continue to cause,

Plaintiff Haas to suffer injury to his psyche and well-being as set forth herein.

75. As a direct and proximate result of Defendants' negligent infliction of emotional distress upon Plaintiff Haas, he has suffered, and will continue to suffer, damages for which he is entitled to recover.

COUNT VI

Adverse Retaliatory Conduct in Contravention of Substantial Public Policy Principles

76. Plaintiff Haas incorporates each and every allegation set forth in Paragraph 1 through 75 of the Complaint by reference hereto as if set forth verbatim hereinafter.

77. Members of fraternal organizations in West Virginia and elsewhere are entitled to be treated with fundamental fairness free from discriminatory practices in violation of an individual's rights and contrary to the substantial public policies of West Virginia regarding racial discrimination, age discrimination, discrimination against the handicapped, religious freedom and summarily punishing people for exercising their right of free speech and debate regarding such matters.

78. Defendants' unlawful expulsion of Plaintiff Haas from Masonry in contravention of the substantial public policies of West Virginia and in retaliation for Plaintiff Haas' exercise of his rights as set forth herein have subjected Plaintiff Haas to ridicule and public humiliation both individually and professionally.

79. Plaintiff Haas has suffered, and will continue to suffer, damages as a proximate result of Defendants' adverse, retaliatory conduct.

COUNT VII

Contract

80. Plaintiff Haas incorporates each and every allegation set forth in Paragraph 1 through 79 of the Complaint by reference hereto as if set forth verbatim hereinafter.

81. At the time Plaintiff Haas became a Mason, he undertook certain obligations and agreed to pay dues and abide by the lawful rules and regulations of Masonry based on various representations and promises of Defendant Grand Lodge, which representations and promises constitute a legally binding and enforceable contract between Plaintiff Haas and Defendant Grand Lodge.

82. Defendants' conduct is in clear violation of the contractual duties and obligations owed Plaintiff Haas as a result of his membership in Defendant Grand Lodge.

83. Plaintiff Haas complied with and fulfilled his contractual duties and obligations to Defendant Grand Lodge, and Defendant Grand Lodge had the duty to comply with its contractual obligations to Plaintiff Haas.

84. As a result of Defendants' breach of their contractual duty, Plaintiff Haas has suffered and will continue to suffer financial and other damages to which he is entitled to recover from Defendants.

COUNT VIII

Property Claim

85. Plaintiff Haas incorporates each and every allegation set forth in Paragraph 1 through 84 of the Complaint by reference hereto as if set forth verbatim hereinafter.

86. Defendants' conduct violated Plaintiff Haas' property rights including, but not limited to, depriving him of the rights and benefits of the perpetual membership he endowed which funds are held by Defendant Grand Lodge, his right to admission in the Masonic home maintained by Defendant Grand Lodge which provides residences, services and medical care, a Masonic funeral and pallbearers, and similar property rights in other Masonic related organizations where Masonic membership is a prerequisite.

87. As a result of Defendants' illegal taking of Plaintiff Haas' property rights as set forth herein, he has suffered and will continue to suffer both economic and other consequential damages.

COUNT IX

Conspiracy

88. Plaintiff Haas incorporates each and every allegation set forth in Paragraph 1 through 87 of the Complaint by reference hereto as if set forth verbatim hereinafter.

89. Defendants Montgomery and Coleman have had the advice, support, encouragement and assistance of the John Doe Defendants in planning, implementing and carrying out the illegal and wrongful expulsion of Plaintiff Haas; and each of the overt acts set forth herein was in furtherance of the illegal conspiracy of the individual defendants.

90. Defendants Montgomery, Coleman and the John Doe Defendants' conduct in secretly scheming, planning and carrying out the illegal and wrongful expulsion of Plaintiff Haas from Masonry constitutes an illegal conspiracy which has caused Plaintiff Haas to be damaged both individually and professionally for which he is entitled to be fully compensated and defendants punished by an award of punitive damages.

COUNT X

Punitive Damages

91. Plaintiff Haas incorporates each and every allegation set forth in Paragraph 1 through 90 of the Complaint by reference hereto as if set forth verbatim hereinafter.

92. The acts and/or failures to act of the Defendants as set forth herein constitute malice, oppression, wanton, willful, or reckless conduct, or criminal indifference to civil obligations affecting the rights of others such that the jury may assess punitive damages.

WHEREFORE, Plaintiff Haas respectfully prays that:

1. Plaintiff Haas be reinstated as a member of Defendant Grand Lodge and Wellsburg Lodge #2 with all of the attendant rights and privileges;

2. This Court issue a cease and desist order temporarily and permanently enjoining Defendants from any further acts of harassment and retaliation against Plaintiff Haas and from enforcing the illegal expulsion edict;

3. This Court grant Plaintiff Haas a preliminary and permanent injunction prohibiting Defendants from interfering with Plaintiff Haas' Masonic membership for reasons that are unconstitutional and against the substantial public policy of this State;

4. Plaintiff Haas' Masonic record be expunged of any and all references to his illegal and wrongful expulsion;

5. Plaintiff Haas recover compensatory damages from Defendants in such amounts as shall be determined in accordance with the law;

6. Plaintiff Haas be awarded punitive damages against Defendants in such amounts as shall be determined under the circumstances herein;

7. Plaintiff Haas recover his attorney fees, costs and expenses incurred in this action;

and

8. This Court grant Plaintiff Haas such other and further relief as the nature of his cause

may merit.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL COUNTS.

FRANK JOSEPH HAAS

Plaintiff,

BY COUNSEL:



ROBERT B. ALLEN (W. Va. Bar No. 0110)
PAMELA C. DEEM (W. Va. Bar No. 0976)
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