

IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL DISTRICT OF
JASPER COUNTY, MISSISSIPPI

HOWARD HAROLD KING

PLAINTIFF

VS.

CAUSE NO. 213-0081

RALPH SMITH

DEFENDANT

COMPLAINT AND JURY DEMAND

COMES NOW the Plaintiff, **HOWARD HAROLD KING**, and files this Complaint and Jury Demand as against the Defendant, **RALPH SMITH**, and in support thereof would show unto the Court as follows, to-wit:

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I

PARTIES:

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That the Plaintiff, Howard Harold King, is an adult resident citizen of the Second Judicial District of Jasper County, Mississippi, residing at 621 County Road 7, Stringer, Mississippi 39481; that the Defendant, Ralph Smith, is presumed to be an adult resident citizen of Jones County, Mississippi, residing at 116 Woodall Seller Road, Laurel, MS 39443, where he may be served with process of this Court.

II

JURISDICTION AND VENUE:

That the Plaintiff is an adult resident citizen of the state of Mississippi, residing in the Second Judicial District of Jasper County, Mississippi; that the Defendant is an adult resident citizen of Jones County, Mississippi; however, the Defendant's tortious action has delineated below were committed in whole and or in part within the Mississippi state boundaries and the County of Jasper, Second District and have significantly caused harm

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to the Plaintiff in the Second Judicial District of Jasper County, Mississippi, where the tortious acts alleged herein were committed.

III

FACTS:

1.

Plaintiff would show unto this Court that he and Kristi Dawn Holifield King were married to each other on or about the 22nd day of November, 1989 in the Second Judicial District of Jones County, Mississippi, pursuant to a valid Marriage License and said marriage ceremony being solemnized according to law.

2.

That born to this marital union were three (3) children namely, Dalton Emmette King, a male child, born on March 9, 1995, Austin Reid King, a male child, born on December 28, 1996, and Cassidy Nicole King, a female child, born on December 30, 1999.

3.

That Plaintiff and Kristi Dawn Holifield King lived together in a happy relationship as man and wife until on or about the 4th day of October, 2011 at which time the parties separated; that a Complaint for Divorce based on cause for adultery and irreconcilable differences was filed on or about the 19th day of October, 2011 and was later dismissed by the parties in May of 2012. That a Joint Complaint for Divorce was filed on or about March 5th, 2013 with Child Custody, Child Support and Visitation and Property Settlement Agreement attached thereto and a Judgment of Divorce was entered on the 7th day of May, 2013.

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f. Defendant did engage in an adulterous affair, including numerous acts of sexual intercourse with Plaintiff's wife, Kristi Dawn Holifield King, outside of the awareness and presence of Plaintiff.

5.

That after the above acts were perpetrated, Plaintiff's wife, Kristi Dawn Holifield King, lost affection and alienated the affection of Plaintiff's wife toward him and cost her to leave their marital abode after being confronted by the Plaintiff on or about October 4, 2011.

6.

That even after the filing of said Divorce, Defendant continued to seek the affection and favors of Kristi Dawn Holifield King in ways similar to those described above in Paragraph No. 4 and continued to meet said Kristi Dawn Holifield King and have sexual relations with her.

7.

The parties legally dissolved their marriage, as aforesaid on or about the 7th day of May, 2013, due to irreconcilable differences.

IV.

COUNT ONE

ALIENATION OF AFFECTION

1.

Plaintiff incorporates and adopts all prior paragraphs, averments and statements herein. Plaintiff would show that Defendant with malice, intentionally engaged in wrongful conduct, including the act to adultery designed to cause the loss of affection or

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consortium between Plaintiff and his then wife, Kristi Dawn Holifield King, destroying the very foundations of their marriage.

2.

Defendant's actions were the proximate cause of Kristi Dawn Holifield King's alienation of her affection for Plaintiff and were taken in direct contravention of society's interest in protecting the marital relationship and cause a division between Plaintiff and his wife.

3.

Defendant's actions resulted in the loss of Plaintiff's entitlement of society, companionship, love, affection, aid, services, support, sexual relations and the comfort of his wife growing out of the sacred marriage covenant.

4.

That in addition thereto, Defendant caused the Plaintiff to lose tremendous amount of funds in the Property Settlement Agreement with his wife, caused the Plaintiff to have great grief in that he is now forced to raise his children without the aid of their mother and has caused physical damage to his family structure, including his relationship with his children and the children's relationship with their mother. Defendant's actions constitute the tort of alienation of affection.

5.

That further the Defendant's actions caused Plaintiff to lose great sums of money in his businesses, since his wife was also a partner in his business and part ownership in two (2) businesses that he operated, one (1) King Equipment and Dozer, LLC., as well as,

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Tri-County Ready Mix, Inc., causing the Plaintiff to suffer great financial loss in each of his businesses.

V

COUNT TWO

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1.

Plaintiff incorporates and adopts all prior paragraphs, averments, and statements herein.

2.

Defendant's actions were done intentionally with malice evoking outrage and/or revulsion on the part of the Plaintiff. Such actions have caused significant mental and emotional distress to the Plaintiff.

3.

Defendant's actions constitute the tort of intentional infliction of emotional distress.

VI

COUNT THREE

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

1.

Plaintiff incorporates all prior paragraphs, averments and statements.

2.

Defendant's actions have invoked outrage or revulsion on the part of Plaintiff. Such actions have caused significant mental and emotional distress to Plaintiff, resulting in both physical illness and emotional assault on his mind.

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3.

Defendant's actions constitute the tort of negligent infliction of emotional distress.

VII

COUNT FOUR

CLAIMS FOR RELIEF

As a direct and proximate result of Defendant's conduct, Plaintiff is entitled to the following relief:

1. Monetary damages in an amount to compensate him for all monies and expenditures he incurred as a result of the Divorce, which ensued after Defendant's tortious actions, including Property Settlement, as well as, all costs and attorney's fees, Court costs, deposition costs and other costs associated either consequential or incidental to the Divorce.
2. Monetary damages, which sufficiently compensate Plaintiff for all losses he incurred as a result of the tortious acts of the Defendant in his losses in his business relationship with his wife, included in the business of King Equipment and Dozer Service, LLC, as well as, with Tri-County Ready Mix, Inc.
3. Reasonable attorney's fees and all costs expended in this action, as well as, in the two (2) Divorce actions filed severing the bonds of matrimony with his wife.
4. Losses that Plaintiff endures for loss of family relationship, loss of companionship, consortium, services and other family value losses.

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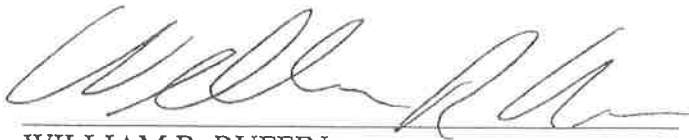
WHEREFORE, Plaintiff respectfully requests that this Court receive and file this Complaint and Demand for Jury Trial and that upon hearing hereon that the Court will grant unto him Judgment against the Defendant in an amount to compensate for his losses stated hereinabove.

Respectfully submitted,



HOWARD HAROLD KING
Plaintiff

OF COUNSEL:



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