

Delegate sues track She was attacked, Susman alleges

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pjnyden@wvgazette.com Delegate Sally Susman, D-Raleigh, is suing Tri-State Racetrack and Gaming Center, a track guard and a track patron, alleging she was injured in an assault at the track.

Represented by former Supreme Court Justice **Richard Neely**, Susman filed the suit in Kanawha County Circuit Court at noon Tuesday.

Susman and her husband Alan visited Tri-State on the evening of Sept. 21. While Sally was playing a video slot machine, Rubin C. Pinnix, another guest, attempted to take the money from her machine, the suit alleges.

At one point, Pinnix, who weighs more than 240 pounds, struck Susman, who is 72 years old and weighs less than 120 pounds, in the chest, the suit states. When "Susman defended herself by striking out with her foot," the lawsuit charges, Pinnix proceeded to pick her up and "throw her on the ground." No officials at the track in Cross Lanes would comment, referring calls to Daniel Adkins at the Hollywood Greyhound Track in Florida.

Tri-State's owners include Adkins, Bernard Hartman of Dania, Fla., and Herbert Tyner of Southfield, Mich.

Adkins said, "I know there was an incident that involved Ms. Susman. I am not sure of any details. Our attorney has been handling it." Adkins declined to make any additional comments on Tuesday.

Shortly after the altercation between Susman and Pinnix began, Terry Thompson, a security guard hired by the track, appeared and further bruised Susman's arm, the suit alleges.

Thompson, a Nitro Police Department captain, has an unlisted home telephone number and could not be reached for comment at work on Tuesday afternoon.

Pinnix has no listed telephone number in West Virginia and could not be located. The lawsuit charges Tri-State officials know Pinnix, but "willfully and deliberately withheld [his] name and address." The lawsuit also states Tri-State's owners have "an obligation to protect its patrons from the depredations of others and to aid and assist those patrons in being made whole in the event of a predatory attack." The lawsuit asks for a jury trial and seeks compensatory damages of at least \$300,000 and unspecified punitive damages to punish "all defendants ... for their reprehensible conduct." Susman - elected to the House of Delegates from 1966 to 1972, 1984 and from 1994 to 2002 - opposes any expansion of legalized gambling.

"When I was elected recently, gaming was already a reality in West Virginia. Expansion was the issue. I felt, and still feel, that expansion is morally wrong because gambling preys on those least able to afford it.

"I always believed we should build a better West Virginia based on the strengths of our people, not their weaknesses. I have been to Las Vegas and Atlantic City. I know gambling creates crime and corruption.

I believe that is what is happening here," Susman said Tuesday.

Susman said this is the first time she ever sued anyone. "The reason I did it is that no one ever called me back from the track." Susman said she wanted to make sure criminal charges were filed against Pinnix. "But I couldn't, because I couldn't find out anything about him." To contact staff writer Paul J. Nyden, use e-mail or call 348-5164.