

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

JANICE BROWN

PLAINTIFF

VS.

CIVIL ACTION NO. 3:11-CV-678-WHB-LRA

MISSISSIPPI STATE SENATE

DEFENDANT

**COMPLAINT**

**JURY TRIAL DEMANDED**

COMES NOW Plaintiff, Janice Brown, and brings this action against Defendant, Mississippi State Senate. Plaintiff is seeking back wages, reinstatement or future wages, compensatory damages, costs and attorney fees. As more specifically set forth below, Plaintiff has been subjected to intentional discrimination in the terms and conditions of her employment with Defendant on the basis of race. The actions of the Defendant described herein constitute violations of Title VII of the Civil Rights Act of 1964.

**THE PARTIES**

1. Plaintiff Janice Brown is an African-American adult female resident citizen of Hinds County, Mississippi, who resides at 5985 Floral Drive, Jackson, Mississippi 39206.
2. The Defendant, Mississippi State Senate, may be sued pursuant to Miss. Code Ann. § 65-1-5, and service of process may be had by serving the Mississippi Attorney General, Jim Hood at 550 High Street, Jackson, MS 39201.

**JURISDICTION**

3. This action arises under Title VII.
4. This Court has personal and subject matter jurisdiction over the

Defendant.

5.     Venue is proper in this Court.

#### STATEMENT OF FACTS

6.     Janice Brown began her employment with the Mississippi State Senate in 1995 as a part-time Senate session docket room employee.

7.     From 1996 until 1999, Ms. Brown performed the position of Executive Assistant for the office of Lieutenant Governor Ronnie Musgrove in the Mississippi State Senate.

8.     From 2000 until 2001, Ms. Brown performed the position of Correspondent Coordinator for the office of Governor Ronnie Musgrove in the Mississippi State Senate.

9.     From 2001 until 2004, Ms. Brown performed the position of Senate Docket Room Staffer.

10.    From 2004 until 2007, Ms. Brown performed the position of Executive Assistant for the office of Lieutenant Governor Amy Tuck in the Mississippi State Senate.

11.    From 2008 until May 25, 2010, Ms. Brown performed the position of Senate Committee Assistant.

12.    On May 25, 2010, Ms. Brown was called into the Secretary of the Senate's office, and was informed that she was being terminated because her services were no longer needed.

13.    Later that day Ms. Brown filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") alleging race discrimination as less experience and less senior white staff members who had complaints against them were retained. See Charge of Discrimination, attached hereto as Exhibit "A."

14. In response to the charge of discrimination, the Defendant claimed that it terminated Ms. Brown as part of a reduction in force, and that she was selected as Senators and other co-workers allegedly complained that Ms. Brown either refused or was resistant to perform her job duties.

15. However, during the EEOC's investigation none of the Senators or co-workers, who allegedly complained of Ms. Brown's job performance, corroborated the Defendant's claims during their interviews with the EEOC investigator.

16. On August 10, 2011, the EEOC issued a determination letter finding that it was reasonable to believe that Ms. Brown was terminated because of her race. See Determination Letter, attached hereto as Exhibit "B."

17. On October 19, 2011, the EEOC issued Ms. Brown a Notice of Right to Sue, which has now given her the ability to file a federal lawsuit regarding the facts in this case.

### **CAUSES OF ACTION**

#### **COUNT ONE**

##### **RACE DISCRIMINATION**

18. Plaintiff re-alleges and incorporates all averments set forth through Paragraphs 1 through 17 above as though specifically set forth herein and alleges that:

19. Defendant's actions constitute intentional discrimination on the basis of race in violation of Title VII.

20. As a direct and proximate result of Defendant's unlawful, discriminatory conduct toward Plaintiff, Plaintiff has lost wages and benefits and has sustained other pecuniary loss. Plaintiff has also been denied opportunities for career advancement. Defendants' discriminatory practices, insults, contempt and disdain have been demeaning

to Plaintiff and have caused her to suffer deep pain, humiliation, anxiety and emotional distress.

21. The unlawful actions of the Defendant complained of above were intentional, malicious and taken in reckless disregard of the statutory rights of Plaintiff.

**PRAYER FOR RELIEF**

**WHEREFORE, PREMISES CONSIDERED, PLAINTIFF RESPECTFULLY PRAYS**  
that the Court cause service to issue in this cause upon the Defendant and that this matter be set for trial. Upon trial by jury thereon, Plaintiff prays that the following relief be granted:

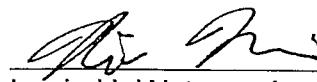
1. Reinstatement or front pay in lieu of promotion, back pay, lost benefits, and other pecuniary losses proximately caused by Defendant unlawful conduct;
2. Compensatory damages against Defendant in an amount to be determined by the jury;
3. All costs, disbursements, pre-judgment interest, post-judgment interest, expert witness fees and reasonable attorney's fees allowed under actions brought pursuant to Title VII; and
4. Such further relief as is deemed just and proper.

THIS the 2<sup>nd</sup> day of November, 2011.

Respectfully submitted,

PLAINTIFF

By:



Louis H. Watson, Jr. (MB# 9053)  
Nick Norris (MB# 101574)  
Attorneys for Plaintiff

OF COUNSEL:

LOUIS H. WATSON, JR., P.A.  
628 N. State Street  
Jackson, Mississippi 39202  
(601) 968-0000  
Fax: (601) 968-0010

## CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

 FEPA

 EEOC

423-2010-01313

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Ms. Janice M. Brown**

Home Phone (Incl. Area Code)

Date of Birth

Street Address

City, State and ZIP Code

**5985 Floral Drive, Jackson, MS 39206**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**MISSISSIPPI STATE SENATE**

No. Employees, Members

Phone No. (Include Area Code)

**15 - 100****(601) 359-3202**

Street Address

City, State and ZIP Code

**400 High Street, Suite 316, Jackson, MS 39201**

Name

No. Employees, Members

Phone No. (Include Area Code)

**RECEIVED  
MAY 25 2010**

Street Address

City, State and ZIP Code

**EEOC/JAO**

DISCRIMINATION BASED ON (Check appropriate box(es).)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**05-25-2010****05-25-2010**

RACE    COLOR    SEX    RELIGION    NATIONAL ORIGIN  
 RETALIATION    AGE    DISABILITY    GENETIC INFORMATION  
 OTHER (Specify)

 CONTINUING ACTION
 

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

On May 25, 2010 I was called into the Secretary of the Senate's office and told that my services were no longer needed.

No reason was given for my discharge.

I believe I was discriminated against and discharged from my Committee Assistant position because of my race (black) in violation of Title VII of the Civil Rights Act of 1964, as amended, since:

My performance was excellent and I had no reprimands. Less experienced, less senior white Committee Assistants who have complaints against them were retained.

There is a history of discharging blacks rather than poor performing whites.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

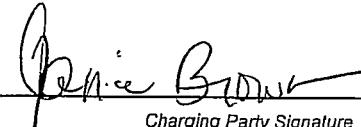
NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

May 25, 2010



Date

Charging Party Signature

SUBSCRIBED AND SWEORN TO BEFORE ME THIS DATE  
(month, day, year)

EXHIBIT "A"



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Jackson Area Office

Dr. A. H. McCov Federal Building  
100 W. Capitol Street, Suite 207  
Jackson, MS 39269  
(601) 948-8400  
TTY (601) 948-8469  
FAX (601) 948-8401  
(800) 669-4000  
(866) 408-8075

Certified Number: 7006 0810 0000 6867 0797

Charge No. 423 2010 01313

Janice Brown  
5985 Floral Drive  
Jackson, MS 39206

Charging Party

Mississippi State Senate  
400 High Street, Suite 316  
Jackson, MS 39206

Respondent

DETERMINATION

Under the authority vested in me by the Commission's Procedural Regulations, I issue the following determination on the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII). The Respondent is an employer within the meaning of Title VII and all requirements for coverage have been met.

Charging Party alleged that she was discharged from her committee assistant position because of her race (black) in violation of Title VII of the Civil Rights Act of 1964, as amended (Title VII), because less experienced, less senior white committee assistants were retained.

Respondent maintained that Charging Party's employment was terminated due to a staff reduction in force mandated by budget constraints. There was a full assessment of committee assistants. This evaluation included seniority, workload, and Senator satisfaction interviews. Respondent maintained that management received complaints from Senators and co-workers that Charging Party refused or was resistant to perform her assigned duties.

Interviews with Charging Party's assigned Senators and co-workers who allegedly complained did not corroborate Respondent's articulated reasons for its action. Moreover there were no documented complaints or disciplinary actions during her tenure as committee assistant. Evidence showed that while Charging Party's employment was terminated, a less experienced, less senior white committee assistant was retained. Respondent's articulated reasons for Charging Party's layoff do not withstand scrutiny.

Based on the forgoing evidence and testimonies, it is reasonable to believe that Charging Party was laid off because of her race in violation of Title VII.

This determination is final. When the Commission finds that violations have occurred, it attempts to eliminate unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made only in accordance with the Commission's Procedural Regulations (29 CFR Part 1601.26).

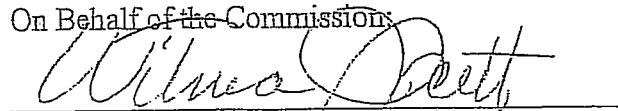
If the Respondent wishes to accept this invitation to participate in conciliation efforts, it may do so at this time by reviewing the attached proposed conciliation agreement and responding to the Commission representative within 14 days of the date of this determination. The remedies for violations of the statutes we enforce are designed to make the identified victims whole and to provide corrective and preventive relief. These remedies may include, as appropriate, an agreement by the Respondent to not engage in unlawful employment practices, placement of identified victims in positions they would have held but for discriminatory actions, back pay, restoration of lost benefits, injunctive relief, compensatory and/or punitive damages, and notice to employees of the violation and the resolution of the claim.

Should the Respondent have further questions regarding the conciliation process or have conciliation terms it would like to propose, we encourage it to contact the assigned Commission representative. Should there be no response from the Respondent in 14 days, we may conclude that further conciliation efforts would be futile or nonproductive.

You are reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

Date: 8/10/11

On Behalf of the Commission:

  
\_\_\_\_\_  
Wilma Scott, Area Director

Enclosure:

Proposed Conciliation Agreement