

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

SHERRIE L. MOORE

PLAINTIFF

VS.

CAUSE NO. 1:10cv500450-JMR

ALLEN, COBB, HOOD & ATKINSON, P.A.

DEFENDANT

COMPLAINT
JURY TRIAL REQUESTED

Plaintiff, Sherrie L. Moore, brings this action against Defendant Allen, Cobb, Hood & Atkinson, P.A. under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.* and Mississippi common law. Plaintiff seeks compensatory damages, punitive damages, attorney fees and costs under both state and federal claims. Furthermore, Plaintiff seeks the value of her equitable ownership interest in the Defendant firm as of the date of her termination. As set forth more specifically herein, Plaintiff has been subjected to unlawful sex discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964. Defendant has also breached its fiduciary duties to Plaintiff. Plaintiff seeks recovery.

I. JURISDICTION AND VENUE

1. This action arises under Title VII, 42 U.S.C. §§2000e, *et seq.*, 28 U.S.C. §1331 and under Mississippi federal and state jurisprudence. As such, jurisdiction is proper in this Court.

2. Venue is properly fixed in this district as the violations, acts of retaliation and breaches of fiduciary duties occurred in Harrison County, Mississippi.

3. The common law claims under state law are attached to this cause through pendent jurisdiction as they arise out of common facts and their disposition in this cause will effect judicial economy.

II. PARTIES

4. Plaintiff Sherrie L. Moore (hereinafter "Plaintiff" and/or "Moore") is an adult, female resident citizen of the State of Mississippi who resides in Harrison County, Mississippi.

5. Defendant Allen, Cobb, Hood & Atkinson, P.A. (hereinafter "ACHA") is a Mississippi professional corporation located at 2510 14th Avenue, Suite 1212, Gulfport, Mississippi 39501. The registered agent for service of process is Harry R. Allen, who may be served at One Hancock Plaza, Suite 1212, Gulfport, Mississippi 39501.

III. FACTS

6. ACHA is a law firm located in the Hancock Bank Building in Gulfport, Mississippi. Its total number of employees exceeded fifteen at all times material to this complaint.

7. Plaintiff, a lawyer admitted to practice in the State of Mississippi, practiced for more than six years in Tupelo, Mississippi. Plaintiff moved to Gulfport to join the firm of Allen Vaughn, the predecessor of ACHA. She joined the firm in 2003 as an equity owner by paying \$4,500.00 to the firm. She engaged in an active litigation practice with the firm until she was terminated from her membership in the firm on May 31, 2010.

8. While employed at ACHA, the hiring of African American employees was discouraged. When Plaintiff attempted to interview for hiring African American applicants, she was told that the firm did not hire them. Plaintiff objected but was told that was the way it would be. At the date of her termination, May 31, 2010, the firm did not have any employees who were African American or any other minority.

9. Some members of the law firm tolerated a racially charged atmosphere. Jokes, cartoons and stories insensitive to the dignity of minorities were irresponsibly left about the office where employees could see them.

10. In early April 2010, it came to Plaintiff's understanding that an associate lawyer, Stephen Dummer, had brought in two of the firm's secretaries to his office and discussed with them the upcoming event called "Black Spring Break." As Plaintiff understood, Dummer had told these white female secretaries that the black participants of Black Spring Break would likely target people like these secretaries for physical harm. When Plaintiff heard of this conversation, she went to Mr. Dummer to discuss this with him and to tell him this kind of behavior was inappropriate and unwarranted. Moreover, Plaintiff informed Mr. Dummer that such practices were a threat to Plaintiff's client relations as there were clients she represented that had diverse work forces and who might find such attitude offensive.

11. Shortly after that, Plaintiff was informed that Mr. Dummer had complained to other partners that Plaintiff was harassing him and that Mr. Dummer had formalized his

complaint of harassment against Plaintiff. Plaintiff was then told instructed by her senior partner, Harry Allen, that she was not to talk with Mr. Dummer any further.

12. Plaintiff recognizing some threat to her employment, as well as being concerned about her legal rights told the president of the firm that she believed she should consult counsel to determine what her personal exposure might be. Plaintiff had not yet consulted counsel when the firm met in her absence and voted to terminate her employment by giving her the opportunity to resign or be terminated. Plaintiff was given less than three days to make her choice, was barred from removing her personal effects from her office and was for all intents and purposes expelled from her own business.

13. ACHA consciously and knowingly acted to take adverse action against Plaintiff, a female member of the firm, in favor of Mr. Dummer, a male non-member employee, who had been a member of the bar only three years and who remained employed after plaintiff was terminated. ACHA rather than supporting the actions of the Plaintiff who had moved to correct the racially charged and discriminatory behavior of Mr. Dummer, chose to perpetuate and reinforce the unlawful discriminatory atmosphere which existed in the firm.

14. During the seven years of Plaintiff's practice with ACHA, she had been one of the more productive partners in the practice. As recently as the end of 2009, based on the revenues generated by the partners to the firm, Plaintiff's productivity had been recognized with a bonus larger than any other member of the firm. The productivity resulting in the

bonus included work assigned to others and supervised by Plaintiff in an amount greater than any other member.

15. Plaintiff was during her tenure with the firm active in the firm's governance. She raised objections to the discriminatory practices and attitudes which prevailed in the firm. From time to time, Plaintiff advanced her personal funds to the firm so the firm could meet its cash flow needs. Plaintiff actively participated in the hiring of lawyers and non-lawyers.

16. As one measure of Plaintiff's value to the firm, the firm agreed to pay a premium on "Key Man Insurance" coverage of Plaintiff in the amount of \$400,000. This insurance was in effect at the time of Plaintiff's termination.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

17. Prior to the complaint, Plaintiff complied with the administrative process as required by the Equal Employment Opportunity Commission. Plaintiff filed a timely charge of discrimination with the EEOC, see Exhibit A to the complaint, and received the Notice of Right to Sue, see Exhibit B. This complaint is being filed within the time limits as required by law.

V. CAUSES OF ACTION

COUNT ONE - SEX DISCRIMINATION

18. Plaintiff incorporates Paragraphs 1 through 17 of the Complaint above as though specifically set forth herein.

19. ACHA's actions constitute unlawful sex discrimination, in violation of Title VII of the Civil Rights Act of 1964.

20. The unlawful actions of ACHA were intentional and in reckless disregard of her statutory rights. The Plaintiff is entitled to recovery of both compensatory and punitive damages against ACHA as a result of her baseless termination from her employment as a member of ACHA.

COUNT TWO - RETALIATION

21. Plaintiff incorporates Paragraphs 1 through 20 of the Complaint above as though specifically set forth herein.

22. ACHA's violated Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §§2000e, *et seq.* by retaliating against her for objecting to both sexually discriminatory and racially discriminatory comments and practices of ACHA. Plaintiff was terminated for this reason. Plaintiff is entitled to protection from making complaints of ACHA's misconduct in violation of Title VII.

23. The unlawful actions of ACHA were intentional and in reckless disregard of the statutory rights of the Plaintiff. Plaintiff is entitled to recovery of both compensatory and punitive damages against ACHA as a result of her foundless termination from her employment as a member of ACHA.

COUNT THREE - BREACH OF FIDUCIARY DUTY

24. Plaintiff incorporates Paragraphs 1 through 23 of the Complaint above as though specifically set forth herein.

25. As a member of the professional corporation of ACHA, the members owed Plaintiff a duty of good faith and loyalty to Plaintiff, to attach value to the shared goals and the members' commercial activities and to give meaning to Plaintiff of their obligation for good faith and fair dealing.

26. ACHA failed to act in good faith in ending its relationship with Plaintiff.

27. The unlawful actions of ACHA were intentional, malicious and in reckless disregard of the Plaintiff's rights. The Plaintiff is entitled to recovery of both compensatory and punitive damages against ACHA as a result of the breach of the fiduciary duties owed to her.

IV. RELIEF

WHEREFORE for the foregoing reasons, the Plaintiff seeks the following relief:

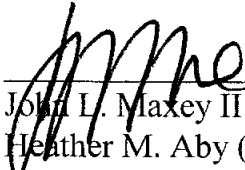
- A. All remedies available under Title VII of the Civil Rights Act of 1964 for sex discrimination and retaliation;
- B. An accounting of the books and accounts of ACHA;
- C. Payment to Plaintiff of the value of her membership in the firm at the date of her termination;
- D. Compensatory and punitive damages for the tortious acts against the Plaintiff;

- E. Attorney fees and costs as awardable under the causes of action;
- F. And such other and further relief as may be appropriate for the acts of the Defendant against the Plaintiff.

This the 22nd day of December, 2010.

Respectfully submitted,

SHERRIE L. MOORE, Plaintiff



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