

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

MARY BETH WATT

PLAINTIFF

VERSUS

NO. 3:09cv297-DPJ-JCS

MISSISSIPPI DEPARTMENT OF WILDLIFE,
FISHERIES AND PARKS and SAM G. POLLES,
PH.D, IN HIS INDIVIDUAL CAPACITY
FOR DECLARATORY AND INJUNCTIVE RELIEF

DEFENDANTS

JURY TRIAL DEMANDED

COMPLAINT

This is an action to recover actual damages against the Mississippi Department of Wildlife Fisheries and Parks for sex discrimination and against Sam G. Polles, Ph.D., in his individual capacity and for declaratory and injunctive relief. Dr. Polles is not sued for damages because of the qualified immunity doctrine, but is sued for declaratory and injunctive relief for violation of the First Amendment rights. The following facts support this action:

1.

Plaintiff, MARY BETH WATT, is an adult resident citizen of 3269 Cooksville Road, Macon, Mississippi 39341. Following her termination by the Defendants, she has been employed as a police officer by the City of Macon, Mississippi.

2.

Defendant, MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS, is a political subdivision of the State of Mississippi. It has no Eleventh Amendment immunity because Congress, through Title VII of the Civil Rights Act of 1964, pursuant to its

powers under the Fourteenth Amendment, has waived its sovereign immunity. It may be served with process upon the Mississippi Department of Wildlife, Fisheries and Parks' Executive Director, Dr. Sam Polles, 1505 Eastover Drive, Jackson, Mississippi 39211-6374 and upon the Attorney General of the State of Mississippi, Jim Hood, Carroll Gartin Justice Building, 450 High Street, Post Office Box 220, Jackson, Mississippi 39205-0220.

Defendant, Sam G. Polles, Ph.D., is sued in his individual capacity for injunctive and declaratory relief for a First Amendment violation and for sex discrimination. Because Plaintiff concedes Dr. Polles has qualified immunity for damages, he is sued for declaratory and injunctive relief only. He may be served with process at his place of employment, Mississippi Department of Wildlife, Fisheries and Parks, 1505 Eastover Drive, Jackson, Mississippi 39211. Dr. Polles is the director of the Defendant department and made or authorized the employment action against Plaintiff.

3.

This Court has federal question jurisdiction under 28 U.S.C. § 1331, civil rights jurisdiction under 28 U.S.C. § 1343, for a cause of action for sex discrimination and discrimination because Plaintiff opposed sex discrimination as made unlawful by the Civil Rights Act of 1964. This Court also has jurisdiction over a claim for injunctive and declaratory relief against Defendant Polles, as authorized by 42 U.S.C. § 1983, to redress a claim for violation of the First and Fourteenth Amendments.

4.

At all relevant times, the individual Defendant Polles was employed as the Executive Director of the Mississippi Department of Wildlife, Fisheries and Parks.

5.

After spending five (5) years in the United States Coast Guard, Plaintiff applied for a position as a conservation officer position with the Defendant agency. The Defendants would normally not hire a female. However, because of Plaintiff's outstanding qualifications, which would render a failure to hire her obvious sex discrimination, she was accepted for employment and completed the police academy in Pearl, Mississippi in May, 2008, and completed the conservation officers' academy on July 1, 2008.

6.

Plaintiff was the only female in the conservation officer class. Many of Defendants' male employees resented Plaintiff because of her sex and made baseless, harassing charges that Plaintiff was "going with an instructor."

7.

Conservation officer cadets were told they could be assigned to any county. Plaintiff then began her employment in her home county of Noxubee. Unlike any male officers, thereafter Plaintiff was then reassigned to a different county, Hinds County. This reassignment was made in order to make Plaintiff's job circumstances difficult and to pressure her to resign.

8.

Plaintiff contacted both a Department commissioner (Charles Rigdon) and a state senator (Terry Brown) to complain of the gender-biased reassignment. The reassignment was a particular hardship to her because she is a single mother of a young child.

9.

Thereafter, Plaintiff was discharged on the grounds that she had "gone outside the chain of command." The discharge was directed or approved by Defendant Polles.

10.

It is routine practice in the Defendant agency to utilize political contacts such as contacting a legislator for assistance in employment matters. It is routine practice to use political contacts to obtain a job as a conservation officer, which is a highly desirable law enforcement position. During training, cadets frequently asked whom they knew to be able to be hired by the Defendant, Mississippi Department of Wildlife, Fisheries and Parks. For Plaintiff to contact a State Senator about the mistreatment did not offend the Defendant agency's policies. Going outside the chain of command would not have been an offense had Plaintiff been a male.

11.

The reason for firing Plaintiff was pretextual. The real reason for Plaintiff's termination was her gender, female.

12.

Alternatively, if in fact, Plaintiff's contact with a state senator (Terry Brown) and a department commissioner (Charles Rigdon) was the reason for Plaintiff's termination, then this violated Plaintiff's right to petition for redress of grievances as protected by United States Constitution Amendment One. The individual Defendant, while immune from damages, is liable for declaratory injunctive relief reinstating Plaintiff to her employment because he violated either her Fourteenth Amendment equal protection right to be free from sex discrimination or her First Amendment right to be free from petition for redress of grievances or both.

13.

Plaintiff has been discharged from her employment because of her sex in violation of Title VII of the Civil Rights Act of 1964. Alternatively, Plaintiff has been discharged from her

employment because of her exercising of her First Amendment rights to petition for redress of grievances and because she opposed illegal practices in violation of Title VII of the Civil Rights Act of 1964.

14.

Plaintiff has suffered lost income, mental anxiety and stress.

15.

Plaintiff is entitled to an injunctive and declaratory relief against the individual Defendant, declaring Plaintiff's termination violated the First and Fourteenth Amendments of the United States Constitution and directing her reinstatement.

16.

Plaintiff is entitled to actual damages against the Defendant, Mississippi Department of Wildlife, Fisheries and Parks to compensate her for the loss of her employment. She is also entitled to declaratory and injunctive relief reinstating her to her employment.

17.

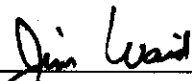
Plaintiff has filed an EEOC charge, which is attached hereto as Exhibit "A," and received the right to sue letter, attached hereto as Exhibit "B."

PRAYER

Plaintiff requests an injunctive and declaratory relief against both Defendants reinstating her to her employment and requests damages against the Defendant, Mississippi Department of Wildlife, Fisheries and Parks in an amount to be determined by a jury. Plaintiff also requests reinstatement and reasonable attorneys' fees against both Defendants.

Respectfully Submitted,

WAIDE & ASSOCIATES, P.A.

BY: 

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