

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

MARY BETH WATT

PLAINTIFF

V.

CIVIL ACTION NO. 3:09CV297 DPJ-FKB

MISSISSIPPI DEPARTMENT OF WILDLIFE,
FISHERIES & PARKS

DEFENDANT

ORDER

This employment-discrimination action is before the Court on Defendant's motion for summary judgment [42]. Plaintiff has responded in opposition. The Court, having considered the memoranda and submissions of the parties, finds that Defendant's motion should be denied.

Mary Beth Watt was employed as a conservation officer with the Mississippi Department of Wildlife, Fisheries, and Parks (MDWFP). After completing her training, Watt was first assigned to Noxubee County, Mississippi, then reassigned to Hinds County. Watt claims she was reassigned "in order to make [her] job circumstances difficult and to pressure her to resign." Compl. ¶ 7. Believing that her transfer was due to gender discrimination, Watt complained to a MDWFP commissioner and a state senator. MDWFP and its executive director, Sam G. Polles, then terminated Watt "on the grounds that she has 'gone outside the chain of command.'" *Id.* ¶ 9.

In this suit, Watt avers that MDWFP transferred her to Hinds County and later terminated her employment due to her gender. Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment decisions on the basis of "race, color, religion, sex or national origin." 42 U.S.C. § 2000e-2(a)(1) (2006). A claim of employment discrimination can be proven through direct or circumstantial evidence, and Watt utilizes both approaches. *Wallace v. Methodist Hosp. Sys.*, 271 F.3d 212, 219 (5th Cir. 2001). While the Court finds Watt has not

produced direct evidence of discrimination, she has shown through circumstantial evidence that a question of fact exists as to whether MDWFP treated her differently than the male cadets in her training class, none of whom were transferred following initial training.

Even accepting MDWFP's legitimate non-discriminatory reason for Watt's termination — namely her complaints regarding the transfer — under the applicable mixed-motive analysis, a question of fact still exists as to whether Defendant's actions were motivated, at least in part, by gender or retaliation. *See Smith v. Xerox Corp.*, 602 F.3d 320 (5th Cir. 2010) (applying the mixed-motive framework). In sum, the Court finds that summary judgment should be denied.

SO ORDERED this the 17th day of November, 2010.

s/ Daniel P. Jordan III

UNITED STATES DISTRICT JUDGE