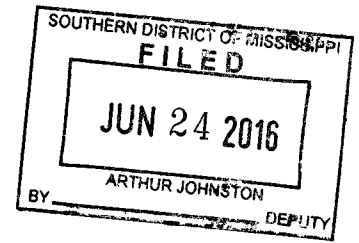


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**



TINA BIANCHINI

PLAINTIFF

VS.

CIVIL ACTION NO. 3:16-cv-510 DPJ-FKB

**CITY OF JACKSON,
LEE VANCE, in his individual capacity,
and JOHN DOES 1-4**

DEFENDANTS

COMPLAINT

Tina Bianchini, by and through her attorney of record, hereby files this Complaint against the Defendants, and in support thereof would show unto the Court, the following to-wit:

I. INTRODUCTION

Tina Bianchini files this lawsuit to redress the deprivation of her constitutional right to Equal Protection arising out of her forced resignation after she was threatened with termination if she did not resign. On March 26, 2015, Tina Bianchini, a female police officer with the City of Jackson, was arrested and charged with domestic violence. The African-American male police officer that was involved in the domestic violence encounter was not arrested or charged with domestic violence on March 26, 2015. In addition, Police Chief Lee Vance, who is African-American, has not fired other African-American police officers that have been charged with domestic violence before and after March 26, 2015. Tina Bianchini was fired because of her race. She is white.

JURISDICTION AND VENUE

1. The defendants in this action deprived Tina Bianchini of various constitutional rights including but not limited to the deprivation of her right to Equal Protection. This lawsuit is authorized and instituted pursuant to 42 U.S.C. § 1983 and the Fourteenth Amendment of the United States. Jurisdiction of the Court is invoked pursuant to 28 U.S.C. § 1331. Plaintiff seeks declaratory relief pursuant to 28 U.S.C. § 2202. Plaintiff also invokes this Court's pendent jurisdiction over Plaintiff's state law claim of false arrest and malicious prosecution.

2. Venue is proper pursuant to 28 U.S.C. § 1391(b). A substantial part of the events or omissions giving rise to these claims acts complained of by Plaintiff occurred in Hazlehurst, Mississippi.

PARTIES

3. Plaintiff Tina Bianchini is an adult resident citizen of Collin County, Texas. Tina Bianchini is a white female.

4. Defendant, City of Jackson, is a Mississippi municipality and may be served with process of this Court by serving a copy of the Summons and Complaint upon Mayor Tony Yarber.

5. Defendant, Lee Vance, is the police chief of the City of Jackson Police Department. Defendant Lee Vance may be served with process of this Court by serving a copy of the Summons and Complaint upon him wherever he may be found. Lee Vance is being sued in his individual capacity.

STATEMENT OF FACTS

6. On March 26, 2015, Tina Bianchini, a white female, who was employed by the Jackson Police Department, as a police officer, was arrested and charged with domestic violence. The City of Jackson Police Department did not arrest Aaron Allen, the African-American male JPD officer involved in the alleged domestic violence incident.

7. JPD officers came to Aaron Allen's home on the morning of March 26, 2015 after Aaron Allen called Lt. Randy Avery, who is African-American, on his personal cellular phone and stated that he had a situation at his residence. Lt. Randy Avery came to Aaron Allen's home alone and Sgt. Kenyatta Gowdy came a short time later. When officers arrived, they listened only to Aaron Allen's allegations against Tina Bianchini and refused to listen to Tina Bianchini's allegations against Aaron Allen.

8. Based on Aaron Allen's statements, officers arrested Tina Bianchini and transported her to St. Dominic Hospital where she was treated for injuries she suffered during the incident with Aaron Allen. After Tina Bianchini was released from St. Dominic, she was transported to the Jackson Police Department, where she was charged with domestic violence and given a \$700.00 bond. Upon information and belief, after Tina Bianchini's bond was posted, she was held in the Jackson City Jail where she remained in a cell until she was escorted to Police Chief Lee Vance's office. Police Chief Lee Vance gave Tina Bianchini a pre-prepared resignation letter and told her she could sign it or be terminated. Faced with termination, Tina Bianchini signed the letter of resignation.

9. After Tina Bianchini was released from jail, she repeatedly went to JPD and attempted to file charges against Aaron Allen but JPD officers refused to allow her to swear out an affidavit against Aaron Allen.

10. Aaron Allen, however, was subsequently indicted by a Hinds County Grand Jury and charged with aggravated domestic violence. When Aaron Allen was indicted, Police Chief Lee Vance did not terminate him.

11. On January 25, 2016, the domestic violence charge pending against Tina Bianchini was remanded to the file.

12. As a result of her wrongful termination from JPD, Tina Bianchini also was terminated from her job as a security officer at an apartment complex in Jackson, Mississippi and relieved of her security guard duties at a local restaurant.

13. After Tina Bianchini was terminated because she was involved in a domestic violence incident, Police Chief Lee Vance and the City of Jackson continued to employ African-American police officers, including but not limited to Aaron Allen, who were charged with domestic violence. Tina Bianchini has a constitutional right to be treated by the defendants like similarly situated African-American police officers charged with domestic violence.

CAUSE OF ACTIONS
EQUAL PROTECTION

13. The Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.

14. Plaintiff contends that she had a clearly established right to Equal Protection on March 26, 2016 when she was terminated from her employment as a City of Jackson police officer.

15. Upon information and belief, City of Jackson and Lee Vance, knew or should have known that Tina Bianchini had a clearly established right to Equal Protection and was entitled to be treated like similarly situated African-American police officers charged with domestic violence.

16. As a proximate consequence of the actions of Defendants City of Jackson and Police Chief Lee Vance, Plaintiff Tina Bianchini was unlawfully terminated from her employment in violation of the Equal Protection Clause of the Fourteenth Amendment.

RIGHT TO BE FREE FROM UNLAWFUL SEIZURE

17. Plaintiff incorporates the allegations contained in paragraphs 1 through 16 above.

18. The Fourth Amendment to the United States Constitution guards against unreasonable search and seizure. The seizure and arrest of Tina Bianchini constituted an unreasonable seizure under the Fourth Amendment to the United States Constitution.

19. Defendants Lee Vance and City of Jackson are liable for the wrongful seizure and incarceration of Tina Bianchini because her arrest/seizure and detention were carried out pursuant to a policy or custom of the City of Jackson and the City of Jackson Police Department and said policy or custom was the moving force behind the constitutional violation. The City of Jackson is liable for the actions of its requisite policymakers who implemented the policies at issue and played a direct role in the seizure, arrest and detention of Tina Bianchini.

20. As a proximate consequence of the actions of Defendants City of Jackson and Police Chief Lee Vance, Plaintiff Tina Bianchini was unlawfully seized in violation of her Fourth Amendment Right to be free from illegal search and seizure.

FALSE ARREST

21. Plaintiff incorporates the allegations contained in paragraphs 1 through 20 above.
22. Plaintiff was falsely arrested and the charge of domestic violence subsequently was remanded.
23. As a proximate consequence of the actions of Defendants City of Jackson and Police Chief Lee Vance, Plaintiff Tina Bianchini was falsely arrested.

FALSE IMPRISONMENT

24. Plaintiff incorporates the allegations contained in paragraphs 1 through 23 above.
25. Plaintiff was falsely arrested and the charge of domestic violence subsequently was remanded.
26. As a proximate consequence of the actions of Defendants City of Jackson and Police Chief Lee Vance, Plaintiff Tina Bianchini was falsely imprisonment.

MALICIOUS PROSECUTION

27. Plaintiff incorporates the allegations contained in paragraphs 1 through 26 above.
28. Plaintiff was falsely arrested and the charge of domestic violence subsequently was remanded.
29. As a proximate consequence of the actions of Defendants City of Jackson and Police Chief Lee Vance, Plaintiff Tina Bianchini was maliciously prosecuted.

DAMAGES

30. As a consequence of the foregoing misconduct of the Defendants, Plaintiff Tina Bianchini sustained pain and suffering, physical injury, great mental distress, depression, insomnia, shock, fright and humiliation as a result of the violation of her constitutionally protected and other legal rights.

31. As a consequence of the foregoing misconduct of the Defendants, Plaintiff Tina Bianchini has been damaged in an amount exceeding the jurisdictional requirements of this Court.

RELIEF

32. Plaintiff requests that the Court issue the following relief:

a. Award Plaintiff Tina Bianchini equitable back pay, reinstatement, economic damages for her lost pay, together with compensatory and punitive damages; and

b. Award Tina Bianchini attorney fees, costs and expenses of litigation, *and jury trial.*

WHEREFORE PREMISES CONSIDERED, Plaintiff Tina Bianchini demands judgment against the Defendants in an amount exceeding the jurisdictional requirements of this Court, all together with the costs and disbursement action, including attorneys' fees, plus interest, and for any other relief which this Court deems just and proper.

RESPECTFULLY SUBMITTED this, the *24th* day of June, 2016.

TINA BIANCHINI

By: *Lisa M. Ross*

Lisa M. Ross (MSB # 9755)
Post Office Box 11264
Jackson, MS 39283-1264
(601) 981-7900 (telephone)
(601) 981-7917 (facsimile)

Carlos Tanner (MSB # 102713)
Post Office Box 3709
Jackson, MS 30207
(601) 460-1745 (telephone)
(601) 796-3509 (facsimile)

Attorneys for Plaintiff