

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

AMANDA WILLIAMS

PLAINTIFF

CIVIL CAUSE NO. 3:16cv367DPJ-FKB

CITY OF JACKSON, MISSISSIPPI

DEFENDANT

FIRST AMENDED COMPLAINT
(JURY TRIAL DEMANDED)

COMES NOW, Plaintiff Amanda Williams, by and through her undersigned counsel of record, and files this, her Complaint for damages and for declaratory, injunctive, and other relief against the above-named Defendant, the City of Jackson, Mississippi. The City of Jackson, Mississippi intentionally, maliciously, and with reckless indifference to the federally protected rights of Plaintiff Amanda Williams, a female, terminated Plaintiff's employment with the City of Jackson, Mississippi because of Plaintiff's pregnancy and pregnancy-related medical conditions, including, but not limited to, illnesses and complications. The City of Jackson, Mississippi's unlawful employment practices and the effects of those practices on Ms. Williams are more fully explained below in Plaintiff's Complaint.

JURISDICTION AND VENUE

1. Plaintiff Amanda Williams' claims arise under Title VII of the Civil Rights Act of 1964, as amended, Title 42 U.S.C. § 2000e, et seq. and Title I of the Civil Rights Act of 1991.
2. This Court has jurisdiction over Plaintiff's claims pursuant to Title 28 U.S.C. §§ 451, 1331, and 1343(a)(3) and (4) and Title 42 U.S.C. § 2000e, et seq.

3. Venue is proper in this Court pursuant to Title 28 U.S.C. §§ 1391(b)(1) and (2) and Title 28 U.S.C. § (c)(2). Defendant, City of Jackson, Mississippi, “resides” within the boundaries of the Northern Division of the Southern District of Mississippi, and a substantial part of the events or omissions giving rise to Plaintiff’s claims occurred within the boundaries of the Northern Division of the Southern District of Mississippi.

PARTIES

4. Plaintiff Amanda Williams (“Ms. Williams”) is an adult resident citizen of Hinds County, Mississippi. Ms. Williams resides at 1010 Bellevue Place, Unit B, Jackson, Mississippi 39202. At all times mentioned in this Complaint, Plaintiff Amanda Williams was a City of Jackson, Mississippi “employee” as that term is defined in Title 42 U.S.C. § 2000e(f).

5. The City of Jackson, Mississippi (“the City”) may be served with process of this Court by serving a copy of the Summons and Complaint upon the City’s current Municipal Clerk, Ms. Kristi Moore, at the Office of the City Clerk for the City of Jackson, Mississippi at 219 South President Street, Jackson, Mississippi 39205. At all times mentioned in this Complaint, the City was and is a municipal corporation under the laws of the State of Mississippi and is an “employer” as that term is defined in Title 42 U.S.C. § 2000e(a) and (b).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. Plaintiff Amanda Williams has satisfied and complied with all conditions precedent to this Court’s jurisdiction over this civil action pursuant to Section 706 of Title VII of the Civil Rights Act of 1964, as amended, to wit: Plaintiff, a pregnant female and member of a federally protected class, filed with the Equal Employment Opportunity Commission (“EEOC”) an appropriate charge of employment discrimination. Plaintiff and her

undersigned counsel of record received from EEOC on February 21, 2016, her Notification of her Right to Sue. (See Exhibit “A”).

7. Plaintiff timely filed the instant Complaint based on the time limits set forth in Section 706 of Title VII of the Civil Rights Act of 1964, as amended.

STATEMENT OF FACTS

8. In or near April 2014, Plaintiff Amanda Williams was recruited by the City to serve as the City’s Public Information Officer to the Mayor of the City of Jackson (“the Mayor”).

9. On or about May 18, 2014, the City hired Ms. Williams to serve as the City’s Public Information Officer and did admit to Ms. Williams that she was qualified for the position.

10. In or around June 2014, Ms. Williams notified the City and Mrs. Jackie Anderson-Woods (“Mrs. Anderson-Woods”), Chief of Staff to the Mayor, that Ms. Williams was pregnant.

11. From May 2014 through December 2014, Mrs. Anderson-Woods was Ms. Williams’ direct supervisor with the City.

12. In or around June 2014, Ms. Williams notified the City and Mrs. Anderson-Woods, that Ms. Williams’ pregnancy was a high-risk pregnancy and that Ms. Williams was experiencing pregnancy-related medical conditions and illnesses.

13. In June and July 2014, Ms. Williams intermittently took leaves of absence under her physician’s orders because of medical conditions, such as illnesses and complications, related to her high-risk pregnancy.

14. Ms. Williams notified the City and Mrs. Anderson-Woods of her periodic need for pregnancy-related medical leave and provided the City and Mrs. Anderson-Woods medical documentation from her physician for that leave.

15. On November 26, 2014, Ms. Williams went on maternity leave to give birth to her child and to recuperate from her pregnancy.
16. Prior to November 26, 2014, the City knew that Ms. Williams was on maternity leave from her employment with the City.
17. Prior to November 26, 2014, Mrs. Anderson-Woods knew that Ms. Williams was on maternity leave from her employment with the City.
18. Prior to November 26, 2014, the City's Department of Personnel Management knew that Ms. Williams was on maternity leave from her employment with the City.
19. The City authorized and approved Ms. Williams' maternity leave.
20. Mrs. Anderson-Woods authorized and approved Ms. Williams' maternity leave.
21. The City's Department of Personnel Management authorized and approved Ms. Williams' maternity leave.
22. Even after Ms. Williams delivered her baby, her pregnancy-related medical conditions, illnesses, and complications persisted.
23. At all times relevant to this Complaint, the City had a written policy that mandates that any employee who is absent from work for more than three consecutive days for medical purposes must submit to the City a medical release to work from that employee's physician before that employee may return to work.
24. In accordance with this policy, on January 23, 2015, Ms. Williams' physician sent or caused to be sent to the City a letter that stated that Ms. Williams' final postpartum visit was scheduled for January 26, 2015.
25. On January 23, 2015, Ms. Williams' physician sent or caused to be sent to the City a letter that stated that Ms. Williams' final postpartum visit was scheduled for January 26, 2015.

26. After Ms. Williams' January 26, 2015 postpartum visit, Ms. Williams' physician issued her a formal release to return to work on February 2, 2015.

27. During the time Ms. Williams was on maternity leave, the City claimed to reassign her supervision from Mrs. Anderson-Woods to a new supervisor, Mrs. Beatrice Slaughter ("Mrs. Slaughter").

28. On or about January 27, 2015, Ms. Williams hand-delivered the letter her physician had issued her to return to work on February 2, 2015, to her new supervisor, Mrs. Slaughter.

29. At that time, Mrs. Slaughter did not tell Ms. Williams that the City had terminated Ms. Williams from her employment.

30. That same day, when Ms. Williams arrived home after hand-delivering her return to work letter to her supervisor at the City, Ms. Williams found in her mailbox a termination letter from the City.

CAUSE OF ACTION

SEX DISCRIMINATION IN VIOLATION OF TITLE VII

31. Plaintiff re-alleges and re-incorporates all prior paragraphs of this Complaint as if fully set forth herein.

32. As a rule and written policy, the City of Jackson bars its employees from returning to work following medical leave without first submitting to the City a physician's orders or note permitting those employees to return to work.

33. Plaintiff Amanda Williams, then a pregnant female and member of a federally protected class, expressed to the City her intent and ability to resume work as the City's Public Information Officer to the Mayor upon taking medical maternity leave.

34. At all times during which Plaintiff was employed by the City, she was qualified for her employment position as the City's Public Information Officer.

35. Plaintiff's physician provided the City, directly and by and through Plaintiff, a physician's order or note specifying that Plaintiff could return to work on February 2, 2015.

36. As of February 2, 2015, Plaintiff was able to return to work and perform the essential functions of her position after her physician released her to return to work.

37. Similarly-situated non-pregnant employees were not terminated by the City because of medical conditions, requests for leave, or requests to be released by their physicians prior to their return to work from medical leave.

38. In fact, the city adhered to its own explicitly stated policies regarding medical leave with respect to these similarly-situated, non-pregnant employees, however, it crafted an entirely different policy and set of conditions regarding medical leave with respect to Ms. Williams that constituted discrimination.

39. When Ms. Williams complied with these newly-crafted conditions and policies, the City still fired Ms. Williams despite her qualifications for the position.

40. The City replaced Ms. Williams in her City of Jackson employment position with a non-pregnant employee.

41. As such, the City of Jackson, Mississippi engaged in unlawful employment practices when it terminated Plaintiff Amanda Williams on the basis of her sex and because she was pregnant and suffered from pregnancy-related medical conditions, illnesses, and complications, in violation of Section 703(a) of Title VII, Title 42 U.S.C. § 2000e-2(a).

42. The actions and effects of the City of Jackson's unlawful employment practices Plaintiff references in Numbered Paragraphs 31 through 41 were to deprive Plaintiff Amanda Williams of equal employment opportunities because she was a pregnant female.

43. The intention and effect of the City of Jackson's unlawful employment practices Plaintiff references in Numbered Paragraphs 31 through 42 were intentional.

44. The intention and effect of the City of Jackson's unlawful employment practices Plaintiff references in Numbered Paragraphs 31 through 43 were done with malice or with reckless indifference to the federally protected rights of Plaintiff Amanda Williams.

DAMAGES

45. As a direct and proximate consequence of the foregoing, above-described intentional, malicious, and recklessly indifferent misconduct of Defendant, the City of Jackson, Mississippi, Ms. Williams suffered lost wages and benefits and other pecuniary loss, as well as deep pain; humiliation; anxiety; great mental and emotional distress; depression; insomnia; shock; and humiliation.

RELIEF

46. Plaintiff Amanda Williams respectfully requests this Court issue the following relief:

- A. Grant a permanent injunction enjoining Defendant, the City of Jackson, Mississippi, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with it, from engaging in sex discrimination or from discriminating on the basis of pregnancy;
- B. Defendant, the City of Jackson, Mississippi, to institute and carry out policies, practices, and programs which provide equal employment opportunities for

female employees and for pregnant employees and which eradicate the effects of past and present unlawful employment practices;

- C. Defendant, the City of Jackson, Mississippi, to institute and carry out policies, practices, and programs which provide equal employment opportunities for female employees and for pregnant employees and which eradicate the effects of past and present unlawful employment practices;
- D. Order Defendant, the City of Jackson, Mississippi, to make whole Plaintiff Amanda Williams by providing Plaintiff compensation for appropriate and equitable back pay with prejudgment interest, fringe benefits and promotional opportunities, reinstatement in her employment position, together with compensatory, and liquidated damages for intentional sex and pregnancy discrimination in an amount to be determined by a jury of their peers;
- E. Order Defendant, the City of Jackson, Mississippi, to pay Plaintiff's attorney fees, costs and expenses of litigation; and
- F. Award such other relief to which Plaintiff may be entitled under law and in equity.

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

RESPECTFULLY SUBMITTED, this the 28th day of November, 2016.

AMANDA WILLIAMS, PLAINTIFF

By: /s/ E. Carlos Tanner, III
E. CARLOS TANNER, III, Esq. (MSB 102713)
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ATTORNEY FOR PLAINTIFF



U.S. Department of Justice
Civil Rights Division

CERTIFIED MAIL

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950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHB, Room 4239
Washington, DC 20530

February 17, 2016

Ms. Amanda Williams
c/o E. Carlos Tanner, III, Esquire
Law Offices of Tanner & Assocs.
P.O. Box 3709
Jackson, MS 39207

Re: EEOC Charge Against City of Jackson
No. 423201501216

Dear Ms. Williams:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

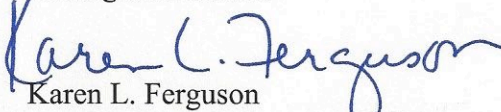
If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Jackson Area Office, Jackson, MS.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Vanita Gupta
Principal Deputy Assistant Attorney General
Civil Rights Division

by 
Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Jackson Area Office, EEOC
City of Jackson