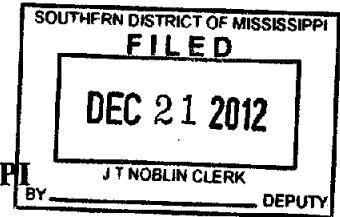


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION



RENATA D. WARD,

Plaintiff

v.

CLC OF PASCAGOULA, LLC., D/B/A
PLAZA COMMUNITY LIVING CENTER,

Defendant.

Civil Action No. 1:12cv 402 HSO-RHW

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, by and through her attorney, for her Complaint allege, upon knowledge as to herself and otherwise upon information and belief, as follows:

I. PRELIMINARY STATEMENT

1. This action is also brought pursuant to 42 U.S.C. § 2000 et seq., Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, for unlawful race discrimination. This action is also brought pursuant to 42 U.S.C. § 1981.

2. This is an action to recover actual, nominal, compensatory, emotional, and punitive damages for race discrimination.

3. The relief Plaintiff seeks is supported by satisfactory proofs, including the public records, facts and other documentation referenced throughout the Complaint.

4. Aside from the damages stated in Paragraph 2, Plaintiff seeks the costs of litigation, including reasonable attorney's fees.

II. JURISDICTION

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343(3)(4), which confers original jurisdiction on federal district courts to redress the deprivation of rights, privileges and immunities as stated herein. It also has federal question jurisdiction pursuant to 28 U.S.C. § 1331.

III. VENUE

6. Venue is proper in the United States District Court for the Southern District of Mississippi, Southern Division, pursuant to 28 U.S.C. § 1391(b), because the claims arise in Jackson County, Mississippi.

IV. IDENTIFICATION OF PLAINTIFF

7. Plaintiff, RENATA D. WARD is an adult resident citizen of Lucedale, Mississippi.

8. Plaintiff is a black female and a former employee of the Plaza Community Living Center located at 4403 Hospital Street, Pascagoula, Mississippi 39581.

V. IDENTIFICATION OF DEFENDANT

9. Defendant CLC OF PASCAGOULA, LLC., D/B/A PLAZA COMMUNITY LIVING CENTER, is a Mississippi corporation doing business in Mississippi at 4403 Hospital Street, Pascagoula, Mississippi 39581. It may be served with process upon its registered agent, CHRIS HILL, located at 2844 Traceland Drive, Tupelo, Mississippi 38803.

10. Defendant is an employer within the meaning and scope of Title VII.

VI. STATEMENT OF FACTS

11. Plaintiff filed a charge with the Equal Employment Opportunity Commission (hereinafter "EEOC"), attached hereto as Exhibit "A," related to her race claim, and has received the right to sue letter, dated September 26, 2012, attached hereto as Exhibit "B."

12. Plaintiff's complaint is timely filed in this court as ninety (90) days has not passed since the receipt of her right to sue letter.

13. Plaintiff was hired by Defendant on April 13, 2011.

14. Plaintiff was hired to fill the position of an LPN. This was the position Plaintiff held when she was terminated.

15. Prior to her employment with Defendant, Plaintiff had worked as a nurse for twelve (12) years and was qualified to perform such duties.

16. During her employment, Plaintiff excelled at her job, performed her work duties without major incidents and maintained a work record devoid of serious reprimands.

17. During the last week of August 2012, the Gulf Coast of Mississippi, including Jackson and George Counties, was severely impacted by Hurricane Isaac.

18. Hurricane Isaac was a natural disaster that disrupted businesses, schools and government operations.

19. It was common knowledge that Hurricane Isaac was going to impact the region and even the Republicans canceled the first night of their presidential convention in Tampa, Florida due to the storm. Aware that the storm was heading towards Pascagoula Plaintiff inquired to her superiors as to the protocol to be followed when the storm hit. Specifically, Plaintiff asked what the call schedule would be and who would be expected to work certain shifts. This was done on August 25, 2012.

20. In the past, Defendant would place nurses on two teams, A & B. Team A would be required to stay and work through the storm, while Team B would be relief for Team A when the storm no longer presented dangerous travel conditions. In the days immediately before Hurricane Isaac, however, neither Defendant's administrator, Terry Reynolds, nor Defendant's Director of Nurses, Brenda, Voekel, followed such a procedure.

21. Hours before Hurricane Isaac hit the Mississippi Gulf Coast and surrounding counties, Defendant had yet to instruct its employees, including Plaintiff, of a work schedule to be utilized during the storm. Concerned, Plaintiff called Defendant and specifically asked what team she was placed on and she never received an answer.

22. Hurricane Isaac hit Jackson and George Counties on August 29, 2012. At this time Defendant had yet to follow its customary scheduling protocol involving storms and natural disasters.

23. Under a normal situation Plaintiff was scheduled to report to work on August 29, 2012. Plaintiff, however, was unable to do so because of Hurricane Isaac.

24. The storm had created unsafe travel conditions. Moreover, Plaintiff cares for her elderly mother and her young son, age three (3), and young daughter, age one (1). Plaintiff, due to the storm and Defendant's lack of planning, was unable to find care for her mother and son because of the storm.

25. If Defendant had followed its customary protocol and assigned teams prior to the storm, Plaintiff could have prepared and come to work in advance. Defendant, however, did not do this and Plaintiff, as well as other employees, was unable to report to work on the normal shift.

26. Plaintiff informed Defendant on August 29, 2012, that she would not be able to report to her assigned shift because of the difficulties created by Hurricane Isaac.

27. Because Hurricane Isaac prevented Plaintiff from reporting to work, Ms. Voekel informed Plaintiff that she was terminated. This happened on August 29, 2012.

28. Later that evening on August 29, 2012, Plaintiff received a phone call from Defendant asking if she was coming to work on August 30, 2012. Plaintiff informed Defendant that Ms. Voekel had already terminated her employment.

29. Plaintiff was informed that a number of employees had missed work due to Hurricane Isaac and she was instructed to meet with Ms. Reynolds on August 31, 2012.

30. Plaintiff, following instructions, made an appointment to meet with Ms. Reynolds at 2 o'clock in the afternoon on August 31, 2012.

31. During this meeting, Ms. Reynolds told Plaintiff it was Plaintiff's responsibility to be at work regardless of the weather conditions. Ms. Reynolds' also asked who had informed Plaintiff she was terminated and Plaintiff responded Ms. Voekel had terminated Plaintiff's employment.

32. At the close of the meeting Ms. Reynolds informed Plaintiff that Defendant would be making a decision as to whether Plaintiff would retain her employment or be terminated.

32. Plaintiff was dismissed from the meeting and officially fired on September 7, 2012. Plaintiff was informed that Defendant had to let her go because she had missed work on the day Hurricane Isaac hit the Gulf Coast of Mississippi.

33. Moreover, at least one (1) other black employee who missed work because of Hurricane Isaac was terminated.

34. There were, however, at least two (2) white employees who missed work because of Hurricane Isaac and they were not fired by Defendant. These white employees were permitted to retain their employment even though they had missed work, just like Plaintiff, due to Hurricane Isaac.

VII. ALLEGATIONS OF LAW

35. At all times relevant, Plaintiff was a member of the African-American race.

36. At all times relevant, Plaintiff was qualified for the position of LPN.

37. At all times relevant, Plaintiff suffered an adverse employment action when she was terminated by Defendant on or about September 7, 2012.

38. At all time relevant, Plaintiff was (i) replaced by someone outside the protected class of race, (ii) treated differently than a person similarly situated outside the protected class and/or (iii) otherwise discharged because of her race.

39. Defendant's non-discriminatory/retaliatory reason termination is Plaintiff was did not report for work on August 29, 2012, the same day Hurricane Isaac struck Jackson County, Mississippi.

40. At all times relevant, at least two (2) white employee who missed work on the same day as Plaintiff and for the same reason as Plaintiff were not terminated by Defendant.

41. At all times relevant, Plaintiff would not have been discharged by Defendant but for her race.

42. At all times relevant, Defendant's decision to terminate Plaintiff was substantially motivated by her race.

43. As a result of Defendant's actions, Plaintiff was unlawfully terminated because of her race.

44. The actions of the Defendant are so outrageous that punitive damages are due.

45. Plaintiff has suffered substantial mental anxiety and stress to the extent emotional damages are due.

**VIII. FIRST CAUSE OF ACTION – 42 U.S.C. § 2000 et seq.
(Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 - Race)**

46. Paragraphs 1 – 45 of the Complaint are incorporated herein by reference, the same as though pleaded in full.

47. The unlawful actions of Defendant, as alleged herein, constituted an unlawful discharged based on race.

48. As a direct and proximate cause of Defendant's actions, Plaintiff's rights, as guaranteed by Title VII, were injured.

WHEREFORE Plaintiff prays for relief against Defendant as set forth below.

**IX. SECOND CAUSE OF ACTION – 42 U.S.C. § 2000 et seq.
(Equal Benefits Under the Law)**

49. Paragraphs 1 – 48 of the Complaint are incorporated herein by reference, the same as though pleaded in full.

50. The actions of Defendant, as alleged herein, discriminated against Plaintiff because of his race.

51. Preferential treatment given to the white employees referenced in this complaint violated 42 U.S.C. § 1981's guarantee of equal benefits under the law.

52. Preferential treatment given to the black employees referenced in this complaint violated 42 U.S.C. § 1981's contract clause.

53. Defendant is guilty of deliberate indifference to the protection Plaintiff's equal protection rights.

54. Defendant's deliberate indifference was the proximate cause of Plaintiff's injuries.

WHEREFORE Plaintiff prays for relief against all Defendants as set forth below.

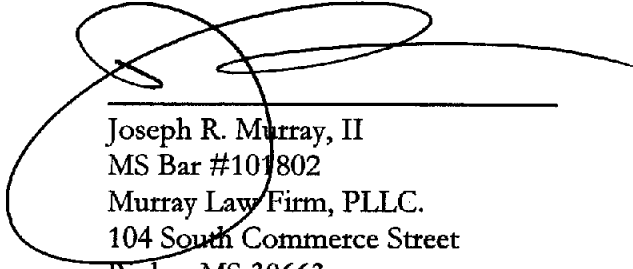
PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays this Court:

- a. Assume jurisdiction over this action;
- b. Declare that Defendant's actions, as herein described, violated Plaintiff's rights under Title VII;
- c. Declare that Defendant's actions, as herein described, violated Plaintiff's rights under 42 U.S.C. § 1981;
- d. Award Plaintiff nominal, actual, compensatory, emotional and punitive damages against Defendant for its discriminatory and retaliatory actions, as defined by Title VII and 42 U.S.C. § 1981;
- e. Award Plaintiff his costs of litigation, including reasonable attorney's fees and expenses, pursuant to 42 U.S.C. sec. 1988 and/or 20 U.S.C. sec. 1400 et seq.,

- f. Grant such other relief to which Plaintiff may be entitled or as this Court deems necessary and proper.

Respectfully submitted,



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