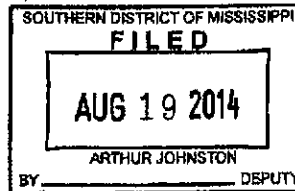


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

RHONDA D. LOTT

PLAINTIFF

VERSUS



NO. 2:14cv131-KS-MTP

FORREST COUNTY, MISSISSIPPI
(same entity as Sheriff of Forrest County,
Mississippi, in his official capacity);
CHIEF DEPUTY CHARLES BOLTON,
in his individual capacity, and
SERGEANT ANDREA ESTRADA,
in her individual capacity

DEFENDANTS

JURY TRIAL DEMANDED

COMPLAINT

This is an action to recover actual and punitive damages for violation of First Amendment rights of free speech. The following actions support the action:

1.

Plaintiff, RHONDA DIANE LOTT, is an adult resident citizen residing at 27 Barry's Lane, Collins, Mississippi 39428.

2.

Defendant, FORREST COUNTY, MISSISSIPPI, is a political subdivision of the State of Mississippi. It is sued for the official policy acts of its Sheriff and for the gross negligence of the Sheriff in failing to correct First Amendment retaliation by Defendants Bolton and Estrada. The Sheriff is the official law enforcement policy maker for Defendant. This Defendant may be served with process by personal service upon its Chancery Clerk, Jimmy C. Havard, 641 Main Street,

Hattiesburg, Mississippi 39401, and upon Sheriff Billy McGee at 55 Arena Drive, Hattiesburg, Mississippi 39401.

Defendant, CHIEF DEPUTY CHARLES BOLTON, is an adult resident citizen of Mississippi. Defendant Bolton is a deputy with Forrest County Sheriff's Department and may be served with process by service upon him at his place of employment at 55 Arena Drive, Hattiesburg, Mississippi 39401.

Defendant, SERGEANT ANDREA ESTRADA, is an adult resident citizen of Mississippi. Defendant Estrada is a sergeant with Forrest County Sheriff's Department and is Plaintiff's immediate supervisor. Defendant Estrada may be served with process by service upon her at her place of employment at 55 Arena Drive, Hattiesburg, Mississippi 39401.

3.

This Court has federal question jurisdiction under 28 U.S.C. § 1331 and civil rights jurisdiction under 28 U.S.C. § 1343, for a cause of action arising under Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. This action is authorized by 42 U.S.C. § 1983.

4.

Plaintiff is employed, but suspended from her job, as a correctional officer for Defendant. Plaintiff began working as a booking officer on August 8, 2012, and has worked continuously for Defendant since that time.

5.

On or about July 23, 2013, at a time when Plaintiff was a booking officer, Plaintiff was subpoenaed to a trial concerning an election contest between Hattiesburg incumbent Mayor Johnny

Dupree and his opponent, Dave Ware. Plaintiff did not know why she received this subpoena until her arrival at the Forrest County Courthouse where she was told by the attorney for Ware that he knew she had witnessed Defendant Bolton's ordering the release of a prisoner with instructions for him to vote for Dupree. Consistent with her having been subpoenaed to trial and consistent with her obligation as a citizen to tell the truth, Plaintiff truthfully testified about what she had witnessed with respect to the prisoner and the election. Specifically, Plaintiff testified that she witnessed Defendant Bolton instructing that a prisoner (Samuel Lindsey) be released from jail on his own recognizance so that he could cast a vote for Mayor Dupree. Plaintiff has no animosity toward Dupree, and did not support either Dupree or Ware in the mayoral race, and has no knowledge as to whether Dupree even knew about Defendant Bolton's conduct with respect to the prisoner. Plaintiff testified truthfully to her limited knowledge; which was that Defendant Bolton had authorized the release of a prisoner on the understanding that the prisoner would cast a ballot for Dupree. The substance of Plaintiff's testimony was embarrassing to Defendant Bolton, since it was wildly reported in the news media.

6.

Plaintiff's immediate supervisor at the time she testified at trial was Defendant Estrada. Defendant Estrada is the immediate subordinate of Defendant Bolton, and from Plaintiff's personal observation, is a close friend to Defendant Bolton.

7.

Prior to Plaintiff's testifying at trial, she enjoyed a good working relationship with Defendant Estrada. Immediately following her testimony at trial, Defendant Estrada drastically changed her treatment towards Plaintiff. Defendant Estrada referred to Plaintiff only as a "prejudiced bitch" or

“bitch.” Defendant Estrada threatened Plaintiff’s safety by saying that she intended to “whip her white ass,” and made statements to the effect that she was going to “get that bitch” or “get on her white ass.” These threatening and insulting statements made by Defendant Estrada were reported to Plaintiff by jail employees Stephen Jenson and Andre Cooley.

8.

The harassment by Defendant Estrada affected the conditions of Plaintiff’s work, and caused Plaintiff to seek intervention from Defendant Bolton and Sheriff McGee. Both Defendant Bolton and McGee refused to talk to Plaintiff about the matter. Sheriff McGee has personal knowledge, however, about the harassment, since he was informed of it both in writing and verbally, by another employee, Andre Cooley.

9.

Sheriff McGee and Defendant Bolton enjoy a mutually dependent relationship. Defendant Bolton is an influential leader in the black community of Forrest County, Mississippi, and his support of Sheriff McGee in county elections helps McGee be elected as sheriff. Sheriff McGee is, thus, dependant upon Defendant Bolton’s good will, just as Defendant Bolton is dependant upon Sheriff McGee for his job as Chief Deputy. There is no reasonable explanation for Sheriff McGee to refuse to speak to Plaintiff about the harassment other than his close, dependant relationship with Defendant Bolton. There is no reasonable explanation for the harassment and mistreatment by Defendant Estrada against Plaintiff, except her close relationship with Defendant Bolton, and her being Defendant Bolton’s immediate subordinate.

10.

On January 7, 2014, less than six (6) months after her testimony, amidst the retaliation by

Defendant Estrada, Plaintiff was moved from her position as booking officer and sent to the position of corrections officer, for which she had no training, and which is a less desirable position.

11.

On July 8, 2014, Plaintiff was given a write-up for being outside of her assigned area by Sgt. Brandon Freeman. Plaintiff immediately requested to meet with someone about this write-up, since she had never been told she could not go into certain areas of the jail. No employee of Forrest County, Mississippi has been given a write up for this reason, since it is a practice that jail employees may go anywhere in the jail.

12.

Because Plaintiff was unable to speak to Sheriff McGee or Defendant Bolton about the actions against her, she complained about the harassment to Captain Darnell Brannon. On July 17, 2014, Brannon, along with Sgt. Joseph Corley and Sgt. Brandon Freeman, informed Plaintiff, after meeting with Defendant Bolton, that Plaintiff was not allowed in the booking room or in the kitchen. Plaintiff is the only employee who has been banned from going into any area in the jail. Brannon has no animosity toward Plaintiff, and is sympathetic with Plaintiff. Therefore, Brannon's instructions as to where Plaintiff could go in the jail could have only been the result of directions from Defendant Bolton or Sheriff McGee.

13.

Plaintiff's job requires her to go into the booking office, but since Plaintiff is not allowed to go into the booking office or to even have any communication with the booking office, her partner has to do this part of her job, which puts extra work on her partner. Most of Plaintiff's coworkers avoid her because they are afraid of the punishment they would receive from Defendant Estrada if

they talk to her.

14.

The harassment of Plaintiff has caused her extreme nervousness and depression, such that she is under medical treatment from Dr. Pete Redman. Dr. Redman advised Plaintiff to leave her job to protect her health. See Exhibit "A."

15.

On August 8, 2014, a Forrest County investigator, Nick Calico, informed Plaintiff she was suspended from her employment.

16.

Plaintiff has suffered mental anxiety and stress as a result of Defendants' actions.

17.

Plaintiff currently sues only for violation of First Amendment rights. She requests damages for mental anxiety, stress and lost income. Upon expiration of the ninety (90) days from the filing of her Notice of Claim, Plaintiff requests to amend her complaint to sue for state law violations of malicious interference with employment and constructive discharge in violation of public policy.

REQUEST FOR RELIEF

Plaintiff requests actual and punitive damages against individual Defendants, and actual damages against Defendant Forrest County for retaliating against her because of exercise of her First Amendment rights to free speech in an amount to be determined by a jury, for reinstatement to her booking officer position, and for reasonable attorneys' fees, costs and expenses.

Respectfully submitted, this the 14 day of August, 2014.

Respectfully submitted,

WAIDE & ASSOCIATES, P.A.

BY: Jim Waide
JIM WAIDE
MS BAR NO. 6857

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Attorneys for Plaintiff

**H. HATTIESBURG
CLINIC**
415 South 28th Ave., Hattiesburg, MS 39401

August 7, 2014

Rhonda D Lott
27 Barry's Lane
Collins MS 39428

To whom it may concern:

I feel that Mrs. Lott should seek employment other than where she is currently employed. I feel that the work atmosphere is causing increased issues to her health and well being. She has been to see me on more than one occasion very distraught about issues at her job.

I have seen both physical and mental issues that are requiring more medication to control. She is not sleeping well, stays very upset, especially at work, cries and is having coping issues.

Mrs. Lott has been a patient of mine for several years and I have seen a drastic change in her within the last year. I believe this is directly related to her current employment.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,



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EXHIBIT

A