IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI ABERDEEN DIVISION

KRISTEN CAMPANELLA

PLAINTIFF

VERSUS

CAUSE NO. 1:16cv127-GHD-DAS

OKTIBBEHA COUNTY, MISSISSIPPI

DEFENDANT

JURY TRIAL DEMANDED

COMPLAINT

This is an action to recover actual damages and injunctive relief for sex discrimination. The following facts support this action:

1.

Plaintiff KRISTEN CAMPANELLA is an adult resident citizen of 600 Broad Street, Starkville, Mississippi 39759.

2.

Defendant OKTIBBEHA COUNTY, MISSISSIPPI is a political subdivision of the State of Mississippi. At all relevant times, Defendant was an employer within the meaning of the Civil Rights Act of 1964, as amended. Defendant may be served with process upon the Clerk of Chancery Court of Oktibbeha County, Monica W. Banks, 101 East Main Street, Starkville, Mississippi 39759.

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3.

This Court has federal question jurisdiction under 28 U.S.C.A. § 1331, and civil rights jurisdiction under 28 U.S.C.A. § 1343, for causes of action arising under Title VII of the Civil Rights Act of 1964, as amended.

4.

Plaintiff filed the EEOC charge, attached hereto as Exhibit "A." The allegations in the EEOC charge are incorporated herein by reference. Plaintiff has received the right-to-sue letter, attached hereto as Exhibit "B," and institutes this suit within ninety (90) days of receipt of the right-to-sue letter, dated April 20, 2016.

5.

Plaintiff is employed by EMA/E911 of Defendant Oktibbeha County, having begun as a dispatcher and ultimately being promoted to deputy director.

6.

Plaintiff's former immediate supervisor, Director Jim Britt, entertains prejudice against females, the details of which are stated in the attached EEOC charge.

7.

Upon retiring, Mr. Britt, because of his animosity toward females, misrepresented to the Oktibbeha County Board of Supervisors that Plaintiff was not interested in being his replacement.

8.

Because of the misrepresentations of Mr. Britt, and because some members of the Board also wanted a male for the position, the Board did not give Plaintiff the position of director of EMA/E911 upon Britt's retirement. Instead, Defendant hired as director a career law enforcement officer who

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had no experience whatsoever and who lacked even the most basic qualifications for the position. Plaintiff's application contained numerous certifications and letters of recommendation, including, but not limited to, the recommendation of the highly-respected former Sheriff of Oktibbeha County. While the successful applicant was an excellent law enforcement officer, he lacked even the basic knowledge to operate the EMA/E911 system, but relies upon Plaintiff to show him how to do the job of director.

9.

Plaintiff was not hired for the job of Director of EMA/E911 because of her gender, female.

10.

Plaintiff has suffered lost income and mental anxiety and stress as a result of Defendant's actions.

REQUEST FOR RELIEF

Plaintiff requests actual damages in an amount to be determined by a jury, and for reasonable attorneys' fees, costs and expenses.

RESPECTFULLY SUBMITTED, this the 7th day of July, 2016.

KRISTEN CAMPANELLA, Plaintiff

By: /s/ Jim Waide Jim Waide, MS Bar No. 6857 waide@waidelaw.com WAIDE & ASSOCIATES, P.A. Post Office Box 1357 Tupelo, MS 38802-1357 (662) 842-7324 / Telephone (662) 842-8056 / Facsimile

ATTORNEYS FOR PLAINTIFF

Case: 1:16-cv-00127-GHD-DAS Doc #: 1-1 Filed: 07/07/16 1 of 2 PageID #: 4

| The form is afforced by the Privacy Act of 1974; See Privacy Act | CHARGE OF DISCRIMINATION | AGENCY | CHARGE NUMBER | | |
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| I want this charge filed with both the EEOC and the State or local Agency. if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. I declare under penalty of penjury that the foregoing is true and correct. SIGNATURE OF COMPLAINANT 6 - 11 - 15 Width Campandum SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE | EMA/E911 with Respondent, beginning as a dispatcher and then proprejudice against females. Britt made disparaging remarks critical of she was a female. Also, Britt treated females in a disparaging fashion. When Britt left the position, I applied for the position. Britt, because of was not interested in the position. When I learned that Britt had told application. Even then, Britt made statements to the Board indicating them that I had limited job duties. In fact, I was the only qualified per multiple certifications from the Board of Standards and Training from the only person in the County who is a Mississippi Certified Energency Management Agency. I have almost fifteen (15) years experform the duties of EMA/E911 Director. I was not selected for the | moted to Deputy Director. N an Area Coordinator. I saw n n, making sexual advances and of his sexual bias, misrepresent d the Board that I was not inte g that I did not want the position rson for the job, and I have su om the Department of Public S mergency Manager certified the perience. I am the only person | My immediate supervisor, Jim Britt, o basis for these remarks, other that sexual comments toward wome ted to the Board of Supervisors that rested in the position, I filed a form on, and also made false statements to aperior qualifications. I have receive Safety, pertinent to my E911 duties. hrough the Mississippi Civil Defen- on in the County who knows how | | |
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| 6-11-15 Kristen Campavella SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year) | | SIGNATURE OF COMPLAINAN | T . | | |
| | | | | | |
| Date Charging Party (Signature) EEOC FORM 5 (Test 10/94) | | | | | |

A

Kristen Campanella EEOC Charge Page Two

All of the deputy sheriff's experience has been in law enforcement, and if I remain employed, I will have to train him on everything so he can learn his job. Respondent hired him because my former boss, Britt, has a prejudice against females, and falsified my qualifications to the Board. Except for Britt's sexual bias against me, I believe the Board would have hired me.

I request the EEOC to investigate and determine whether there is any legitimate non-discriminatory reason for not being given the position o EMA/E911 Director, except for my sex (female) in violation of the Civil Rights Act of 1964, as amended.

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CERTIFIED MAIL 7010 0290 0000 2011 7631 U.S. Department of Justice Civil Rights Division

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

April 20, 2016

Ms. Kristen Campenella c/o Jim Waide, Esquire Law Offices of Waide & Associates 332 North Spring Street Tupelo, MS 38804

Re: EEOC Charge Against Oktibbeha County E911 No. 423201501640

Dear Ms. Campenella:

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 are Karen L. Ferguson

Supervisory Civil Rights Analyst Employment Litigation Section

cc: Jackson Area Office, EEOC Oktibbeha County E911

EXHIBIT

JS 44 (Rev. 07/16)

, :

Case: 1:16-cv-00127-GHD-DAS Doc #: 1-3 Filed: 07/07/16 1 of 1 PageID #: 7 CIVIL COVER SHEET 1:16cv127-GHD-DAS

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

| I. (a) PLAINTIFFS Kristen Campanella | | | DEFENDANT Oktibbeha Count | DEFENDANTS Oktibbeha County, Mississippi | | | |
|---|---|---|--|--|---|--|--|
| (b) County of Residence of (E) (c) Attorneys (Firm Name, Jim Waide, Waide & Ass - 662.842.7324 | XCEPT IN U.S. PLAINTIFF C Address, and Telephone Numbe | r) | NOTE: IN LAND (THE TRAC | e of First Listed Defendant (IN U.S. PLAINTIFF CASES) CONDEMNATION CASES, USE T T OF LAND INVOLVED. | | | |
| II. BASIS OF JURISD | | III III III | | DDINCIDAL DADTIES | (Place an "X" in One Box for Plainti | | |
| D 1 U.S. Government Plantiff | 3 Federal Question (U.S. Government) | | (For Diversity Cases Only, | | and One Box for Defendant) PTF DEF rincipal Place D 4 D 4 | | |
| □ 2 U.S. Government Defendant | ☐ 4 Diversity (Indicate Citizensh | ip of Parties in Item 111) | Citizen of Another State | □ 2 □ 2 Incorporated and of Business In | | | |
| | | | Citizen or Subject of a Foreign Country | 3 3 Foreign Nation | | | |
| IV. NATURE OF SUIT | | | | | | | |
| CONTRACT | | RTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | | |
| 110 Insurance 120 Marine 120 Marine 130 Miller Act 140 Negotiable Instrument 450 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise 210 L and Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 245 Tort Product Liability 290 All Other Real Property | □ 330 Federal Employers' Liability □ 340 Marine □ 345 Marine Product Liability □ 350 Motor Vehicle □ 355 Motor Vehicle □ 355 Motor Vehicle Product Liability □ 360 Other Personal Injury □ 362 Personal Injury - Medical Malpractice CIVIL RIGHTS □ 440 Other Civil Rights □ 441 Voting □ 442 Employment □ 445 Amer. w/Disabilities - Employment □ 446 Amer. w/Disabilities - Other □ 448 Education | PERSONAL INJURY 365 Personal Injury - Product Liability 367 Health Carc' Pharmaceutical Personal Injury 368 Asbestos Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability 368 Asbestos Personal Injury Product Jaro Other Fraud 371 Truth in Lending 380 Other Personal Property Damage Product Liability 385 Property Damage Product Liability PRISONER PETITIONS Habeas Corpus: 463 Ahen Detainee 510 Motions to Vacate Sentence 535 Death Penalty Other: 540 Mandamus & Other 555 Prison Condition 560 Civil Detainee - Conditions of Confinement | Gess Drug Related Seizure of Property 21 USC 881 Ge90 Other 710 Fair Labor Standards Act 720 Labor Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act 462 Naturalization Application Actions | □ 422 Appeal 28 USC 158 □ 423 Withdrawal 28 USC 157 □ PROPERTY RIGHTS □ 820 Copyrights □ 830 Patent □ 840 Trademark □ 861 HIA (1395ff) □ 862 Black Lung (923) □ 863 DIWC/DIWW (405(g)) □ 864 SSID Title XVI □ 865 RSI (405(g)) □ 870 Taxes (U.S. Plaintiff or Defendant) □ 871 IRS - Third Party 26 USC 7609 □ n | 375 False Claims Act 376 Qui Tam (31 USC 3729(a)) 400 State Reapportionment 410 Antirust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 850 Securities/Commodities/ Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 950 Constitutionality of State Statutes | | |
| | moved from 3 te Court | Appellate Court | (specif | er District Litigation | | | |
| VI. CAUSE OF ACTIC | DN 28 USC Sec 1331 Brief description of ca | I; 28 USC Sec 1343. use: | iling (Do not cite jurisdictional sta | | | | |
| VII. REQUESTED IN COMPLAINT: | | IS A CLASS ACTION | DEMAND \$ | | if demanded in complaint: : X Yes □ No | | |
| VIII. RELATED CASE IF ANY | E(S) (See instructions): | JUDGE | | DOCKET NUMBER | | | |
| DATE 07/07/2016 | | SIGNATURE OF ATTOR /s/ JIM WAIDE | RNEY OF RECORD | | | | |
| FOR OFFICE USE ONLY 0537-1339252 RECEIPT # AN | 40UNT \$400 | APPL YING IFP | JUDGE | GHD MAG. JUI | dge DAS | | |