

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MELVIA CLEMMONS,

Plaintiff,

-v-

BELLSOUTH TELECOMMUNICATIONS,
INC.,

Defendant.

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CIVIL ACTION
NO. 01-0087-BK-S

COMPLAINT

Jurisdiction and Venue

1. Plaintiff Melvia Clemmons brings this action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e, et seq. as amended by the Civil Rights Act of 1991.
2. Subject matter jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sec. 1331 and 1343, 42 U.S.C. Sec. 2000e, et seq.
3. This action is brought within the State where the unlawful employment practice was committed, making venue proper under 42 U.S.C. Section 2000e-5(f)(3).

The Parties

4. Plaintiff Clemmons is an African-American citizen of the United States and of the State of Alabama. She is a resident of Mobile, Alabama, (Mobile County) which makes her a resident of this District and Division.
5. Defendant BellSouth Telecommunications, Inc. (hereinafter "BellSouth") is an employer within the meaning of Title VII of the 1964 Civil Rights Act and the 1991

amendments thereto.

6. BellSouth is located and doing business within this District and Division.

7. Plaintiff was an employee of BellSouth within the meaning of Title VII of the 1964 Civil Rights Act and the 1991 amendments thereto, up until her retirement February 21, 2001.

Facts

8. Prior to her retirement after thirty years of service to BellSouth or its corporate predecessors, Clemmons was employed as a service representative of BellSouth at their Mobile, Alabama office.

9. During Clemmons' employment, BellSouth subjected plaintiff to discriminatory terms and conditions of employment based upon her race, African-American.

10. During Clemmons' employment, she was discriminated against and treated differently because of her race, African-American, than similarly situated white employees.

11. In early 1998, Clemmons applied for a supervisory position for which she was qualified, but BellSouth refused to promote her because of her race and discriminatorily conducted assessment training which adversely affected Ms. Clemmons' ability to be promoted.

12. In June of 1998, BellSouth placed a white employee in the supervisory position which BellSouth had denied Clemmons. This white employee was, upon information and belief, less qualified than Clemmons.

13. As a result of BellSouth's discriminatory actions against her, Clemmons filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC") on or about December 15, 1998. This filing was within 180 days of the commission of the most

recent unlawful employment practice that had occurred at that time.

14. Following the filing of this charge, BellSouth intentionally retaliated against Clemmons in violation of Title VII.

15. Such acts of retaliation by BellSouth against Clemmons included, but were not limited to, failing to use Clemmons as a relief supervisor. Since the filing of her charge, Clemmons has never been asked to relieve a supervisor, even though the relief positions are supposed to be assigned based on seniority. Just weeks after Clemmons filed her charge, a white employee who had been with BellSouth for less than two years was asked to relieve the supervisor while Clemmons was present at work and fully capable of relieving. Further, two other white employees have been placed in permanent supervisory positions after December 15, 1998.

16. In taking the above described actions, defendant BellSouth intentionally retaliated against plaintiff because she filed an EEOC Charge against it. The actions of defendant were taken with malice or reckless indifference to the federally protected rights of plaintiff.

17. As a proximate consequence of these actions and the violation of Title VII, Clemmons has lost income and benefits, suffered mental anguish and emotional distress, and suffered other injuries and damages.

CLAIM I

TITLE VII - Race Discrimination

18. Clemmons realleges and incorporates herein by reference Paragraphs 1 through 17 above as if they are recopied and restated herein in full.

19. Clemmons has been intentionally discriminated against on the basis of race in violation

of Title VII based on the following:

A. In early 1998, Clemmons applied for a supervisory position for which she was qualified, but BellSouth refused to promote her because of her race and discriminatorily conducted assessment training which adversely affected Ms. Clemmons' ability to be promoted.

B. In June of 1998, a white employee was placed in the supervisory position which BellSouth had denied Clemmons.

C. This white employee was, upon information and belief, less qualified than Clemmons.

D. Clemmons was denied this promotion on the basis of her race, African-American, in violation of Title VII.

20. In taking the above described action, BellSouth intentionally discriminated against Clemmons on the basis of her race, African-American. The actions of BellSouth were taken with malice or reckless indifference to the federally protected rights of Clemmons.

21. As a proximate consequence of BellSouth's actions and the violation of Title VII, Clemmons has lost income and benefits, suffered mental anguish and emotional distress, and suffered other injuries and damages.

22. Clemmons has satisfied all administrative prerequisites to bringing this claim.

A. On or about December 15, 1998, plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC"), which was filed within 180 days of the commission of the most recent unlawful employment practice that

had occurred at that time.

B. On February 1, 2001, the EEOC filed suit against BellSouth on the basis of Clemmons', and other African American employees', charges of discrimination against BellSouth.

C. This complaint in intervention has been timely filed.

WHEREFORE, plaintiff respectfully requests that this Court grant the following relief:

A. Grant plaintiff a declaratory judgment that the practices complained of herein are violative of the provisions of Title VII of the Civil Rights Act of 1964, and the 1991 amendments thereto;

B. Grant plaintiff an order enjoining defendant and all persons acting in concert with defendant from engaging in discriminatory employment practices on the basis of race;

C. Grant Clemmons an appropriate amount of back pay and other damages and which she was discriminatorily denied, adjusting her retirement benefits accordingly;

D. Grant Clemmons an award of compensatory damages, including but not limited to an award for mental anguish and emotional distress, as well as punitive damages;

E. Award Clemmons her costs and expenses, including an award of reasonable attorney's fees; and,

F. Award such other relief as may be appropriate.

CLAIM II

TITLE VII- RETALIATION

23. Clemmons realleges and incorporates herein by reference Paragraphs 1 through 22 above as if they are recopied and restated herein in full.

24. Clemmons has been intentionally retaliated against in violation of Title VII based on the following:

A. Clemmons timely filed an EEOC Charge against the BellSouth on the basis of race discrimination.

B. Since the filing of her Charge, BellSouth engaged in acts of retaliation against Clemmons which included, but were not limited to, failing to use Clemmons as a relief supervisor. Since the filing of her charge, Clemmons has never been asked to relieve a supervisor, even though the relief positions are supposed to be assigned based on seniority. Just weeks after Clemmons filed her charge, a white employee who had been with BellSouth for less than two years was asked to relieve the supervisor while Clemmons was present at work and fully capable of relieving. Further, two other white employees have been placed in permanent supervisory positions after December 15, 1998.

25. In taking the above described actions, BellSouth intentionally retaliated against Clemmons because she filed an EEOC Charge against it. The actions of BellSouth were taken with malice or reckless indifference to the federally protected rights of plaintiff.

26. As a proximate consequence of these actions and the violation of Title VII, Clemmons has lost income and benefits, suffered mental anguish and emotional distress, and suffered other injuries and damages.

27. Clemmons has satisfied all administrative prerequisites to bringing this claim.

WHEREFORE, Clemmons respectfully requests that this Court grant the following relief:

A. Grant Clemmons a declaratory judgment that the practices complained of herein are violative of the provisions of Title VII of the Civil Rights Act of 1964, and the 1991 amendments thereto;

B. Grant Clemmons an order enjoining defendant and all persons acting in concert with defendant from engaging in discriminatory employment practices on the basis of race;

C. Grant Clemmons an appropriate amount of back pay and other damages;

D. Grant Clemmons an award of compensatory damages, including but not limited to an award for mental anguish and emotional distress, as well as punitive damages;

E. Award Clemmons her costs and expenses, including an award of reasonable attorney's fees; and,

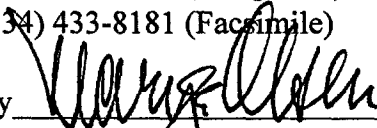
F. Award such other relief as may be appropriate.

PLAINTIFF DEMANDS TRIAL BY STRUCK JURY ON ALL CLAIMS SO TRIABLE

Respectfully submitted,

GARDNER, MIDDLEBROOKS,
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By


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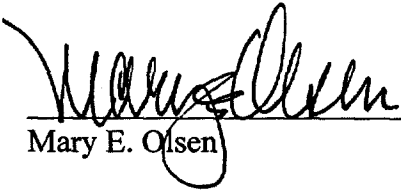
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served by U.S. Mail on the following counsel of record this 23rd day of March, 2001.

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