

Rights Act of 1991 and to address violations of her Equal Protection and Due Process rights guaranteed by the Fourteenth Amendment and First Amendment to the United States Constitution.

3. Debra Hopson filed a charge of discrimination with the Equal Employment Opportunity Commission [hereinafter “EEOC”] field office in Birmingham, Alabama and is filing this action within 90 days of the receipt of the notice of right to sue.

JURISDICTION AND VENUE

4. Federal jurisdiction in this case is based upon 28 U.S.C. §§1331, 1343(a)(3) and (4).

5. Venue is proper pursuant to 28 U.S.C. § 1391(b) in the Northern District of Alabama and in the Western Division thereof, because all of the Defendants reside or exist in Sumter County.

PARTIES

6. Debra Hopson [hereinafter “Plaintiff” or “Hopson”] is a female citizen of the United States and the State of Alabama. At all times relevant, Ms. Hopson was employed by Sherriff’s Department and/or the Sumter County Commission or was an applicant for employment.

7. Defendant Sumter County Commission is a governmental entity under

the laws of the State of Alabama, paid Ms. Hopson's wages, and is an employer under the Title VII's joint employer standard.

8. Defendant Sumter County Sheriff Office is also an employer under the Title VII's definition of an employer.

9. Former Sheriff Tyrone Clark, Sr. ["Sherriff Clark"] is sued in his Individual capacity, former Official Capacity and as the supervisor of Ms. Hopson who is alleged to have sexually harassed and retaliated against Ms. Hopson.

10. Current Sheriff Brian Clark is sued in his official and individual capacity. Clark is sued in his official capacity to re-employ Hopson and in his individual capacity for retaliation in failing to re-employ Harris after she gave damaging testimony concerning the former Sherriff and the operation of the Sumter County jail.

STATEMENT OF FACTS

11. Debra Hopson re-alleges and incorporates by reference all preceding paragraphs, as if fully set forth herein.

12. Hopson was formerly employed as a detention officer in the Sumter County jail.

13. Hopson was terminated after she opposed and testified in the Alabama

Supreme court about sexual harassment in the work place and mismanagement inside the Sumter County jail, ratified, authorized and condoned by former Sheriff Clark.

14. In May 2015, Hopson started working in the jail for the Sheriff's Department and/or Sumter County Commission.

15. Within in a week of starting, Hopson was called into the Sheriff's office, and asked if she was ready to pay her debt for being hired.

16. Hopson did not what Sherriff Clark was referring too.

17. Sheriff Clark stated that he expected "head" from her.

18. Sheriff Clark showed Hopson his office and full bath and informed her that afterwards, she could take a bath, clean up and go back to work.

19. In early February 2016, Hopson was placed on administrative leave investigation and informed not to report to work.

20. Hopson now believes that was so that she would not be present when federal investigators came to the jail.

21. However, Hopson spoke to federal investigators detailing the sexual harassment she experienced and issues concerning mismanagement of the jail.

After giving the statement, Hopson was never called back to work.

22. In March 2016, Hopson was informed by the federal investigators that her employment had been terminated.

23. The former Sheriff Clark nor any person from the Sheriff's Department and/or Sumter county commission informed Hopson of her termination.

24. Hopson testified at the Alabama Supreme Court trial concerning how Sheriff Clark sexually propositioned her and operated the jail.

25. Ultimately, Sheriff Clark was removed from his Sheriff position by the Alabama Supreme Court.

26. Hopson re-applied for employment in writing and was informed that it would be up to the new Sheriff whether she could be re-hired.

27. A new Sheriff, Brian Harris, was hired who has not re-hired Hopson.

28. Hopson has suffered emotional trauma, mental distress, lost pay and benefits.

COUNT I-42 U.S.C. § 1983 & CONSTITUTIONAL CLAIMS

29. Hopson re-alleges and incorporates by reference all preceding paragraphs, as if fully set forth herein.

30. The constitutional claims are only brought against former Sheriff Clark and Current Sherriff Brian Harris in their individual and official capacities.

31. This Count is brought as the individual defendants wrongfully and

unlawfully deprived Plaintiff of her rights, privileges, and/or immunities secured by the United States Constitution.

32. For purposes of this Count, individuals Defendants acted under color of State law at all times relevant hereto.

33. Plaintiff has suffered damages as described herein above as the result of Defendants' violation of her Equal Protection and Due Process Rights, First Amendment and Retaliation guaranteed to her by the Fourteenth Amendment to the United States Constitution (and/or the rights or privileges otherwise guaranteed to her by federal law), and the First Amendment to the United States Constitution the deprivation of which is actionable pursuant to 42 U.S.C. § 1983 and retaliation:

Wherefore, Plaintiff demands the following relief:

- (a) preliminary and/or permanent injunctive relief, including but not limited to, back pay and front pay or reinstatement in lieu thereof;
- (b) Compensatory damages;
- (c) Punitive damages [against the individual Defendants]; and
- (d) Attorney's Fees.

COUNT II-TITLE VII VIOLATIONS

44. This Count is only brought against the Sumter County Sherriff's Department and/or Sumter County Commission on the basis of sex discrimination and retaliation.

Hopson experienced sexual harassment, opposed sexual harassment and testified in opposition to sexual harassment in a trial held in the Alabama Supreme Court.

45. Hopson was terminated from her employment and re-applied after the former Sheriff was removed.

46. Hopson was never rehired.

47. These malicious, reckless and willful actions on the part of the Defendant constitute a violation of the Plaintiffs' statutory rights pursuant to Title VII of the Civil Rights Act of 1964, as amended, by the Civil Rights Act of 1991.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully prays that this Court assumes jurisdiction of this action and after trial:

1. Grant the Plaintiff a declaratory judgment holding that the actions of the Defendants described herein above violated and continue to violate the rights of the Plaintiff as secured by the Equal Protection Clause and the Due Process Clause of the Fourteenth Amendment and First Amendment;

2. Grant the Plaintiff a permanent injunction enjoining Defendants, their agents, successors, employees, attorneys and those acting in concert with these Defendants and on these Defendants' behalf from continuing to violate the Equal

Protection Clause and the Due Process Clause of the Fourteenth Amendment and First Amendment to the United States Constitution;

3. Issue an injunction ordering these Defendants: (1) not to engage in retaliation gender discrimination and sexual harassment; (2) ordering Defendants to establish written policies and procedures against such discriminatory conduct; (3) and to establish a grievance procedure for reporting such conduct;

4. Grant the Plaintiff an order requiring the Defendants to make the Plaintiff whole by awarding Plaintiff back pay (plus interest), and by awarding Plaintiff compensatory, punitive, liquidated, and/or nominal damages.

5. The Plaintiff further prays for such other relief and benefits as the cause of justice may require, including, but not limited to, an award of costs, attorneys' fees and expenses.

**PLAINTIFF HEREBY DEMANDS
A JURY FOR ALL ISSUES TRIABLE BY JURY**

Respectfully submitted,

/s/Lee Winston

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