



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Mobile Local Office

63 South Royal St., Suite 504
Mobile, AL 36602
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EEOC Charge Number: 425-2010-00577

Francie Michelle Hollis
20801 Wayne Davis Road
Mt. Vernon, AL 36560

Charging Party

City of Mt. Vernon
1565 Boyles Avenue
Mt. Vernon, AL 36560

Respondent

obtained & posted by:

www.911Dispatch.com

LETTER OF DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination on the merits of this charge filed under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq. Timeliness and all other requirements for coverage have been met.

Charging Party alleges that the Respondent engaged in unlawful employment practices in violation of Title VII of the Civil Rights Act of 1964, as amended, by subjecting her to a sexually hostile work environment. Specifically, the Charging Party reports that William Cannon, Dispatcher, would send her emails, text messages, and Facebook postings that were sexual in nature. The Charging Party alleged that Mr. Cannon followed her to an appointment and showed up at work when he was off duty so that he could see her. The Charging Party alleges that she complained about the sexual harassment to Lt. Cassidy and Mayor Lundy and that correction action was not taken. As a result, the Charging Party reports she felt compelled to resign from the Dispatcher position with the Respondent on January 13, 2010.

The Respondent denies the Charging Party's allegations and contends that after she reported the harassment she asked that no action be taken against Mr. Cannon. The Respondent reports that due to the Charging Party's request they decided not to terminate his employment.

The Charging Party denies the Respondent's assertions that she did not want disciplinary action taken against Mr. Cannon and reports she notified the Respondent that if Mr. Cannon remained at work that she would not feel safe working for the Respondent.

The evidence of record establishes that the Charging Party was subjected to a sexually hostile work environment. The Respondent failed to take appropriate and immediate action against the alleged sexual harasser. The evidence of record establishes that the Charging Party was constructively discharged. I have determined that the evidence obtained during the investigation establishes a reasonable cause to believe that Title VII of the Civil Rights Act of 1964, as amended, has been violated.

EXHIBIT

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LETTER OF DETERMINATION

EEOC CHARGE NO: 425-2010-00577

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Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of the matter. The confidentiality provisions of Sections 706 and 709 of Title VII and Commission Regulations apply to information obtained during conciliations.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the Office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the Office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

On Behalf of the Commission:

8-22-11
Date

Erika LaCour
Erika LaCour
Local Office Director

cc: **Respondent Representative**
Andrew Rutens
Post Office Box 16629
Mobile, AL 36616

cc: **Charging Party Representative**
Ronald Herrington
401 Church Street
Mobile, AL 36602



U.S. Department of Justice

Civil Rights Division

TEP:KDW:KLF
DJ 170-3S-0

Employment Litigation Section - PHB
950 Pennsylvania Avenue, NW
Washington, DC 20530
www.usdoj.gov/crt/emp

DEC 21 2011

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

CERTIFIED MAIL 5065 9929
RETURN RECEIPT REQUESTED

Ms. Francie M. Hollis
c/o Ronald "Chip" Herrington, Esq.
Law Offices of Blacksher & Herrington
401 Church Street
Mobile, AL 36602

Re: Francie M. Hollis v. Town of Mount Vernon
EEOC Charge No. 425-2010-00577

Dear Ms. Hollis:

It has been determined that the Department of Justice will not file suit on the above-referenced charge of discrimination that was referred to us by the Equal Employment Opportunity Commission (EEOC). This should not be taken to mean that the Department of Justice has made a judgment as to whether or not your charge is meritorious.

You are hereby notified that conciliation in this matter was unsuccessful by the EEOC. You are further 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. Section 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.

We are returning the files in this matter to EEOC's Mobile Local Office. If you or your attorney have any questions concerning this matter or wish to inspect the investigative file, please feel free to address your inquiry to: Erika LaCour, Director, EEOC, 63 South Royal St., Suite 504, Mobile, AL 36602.

Sincerely,

Thomas E. Perez
Assistant Attorney General
Civil Rights Division

By:

Karen D. Woodard
Deputy Chief
Employment Litigation Section

cc: Francie M. Hollis
Town of Mount Vernon
Andrew J. Rutens, Esquire
EEOC, Mobile Local Office

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

FRANCIE M. HOLLIS,

Plaintiff,

vs.

**TOWN OF MOUNT VERNON. JERRY
LUNDY individually and in his official
capacity, and JOSEPH CASSIDY
individually and in his official capacity,
severally,**

Defendants.

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CASE NUMBER:

COMPLAINT

COMES NOW the Plaintiff, Francie M. Hollis, by and through her undersigned attorneys,
and for her Complaint against the above-named Defendants would show the following:

I. Preliminary Statement

1. This action seeks declaratory, injunctive and equitable relief; compensatory and punitive damages; and costs and attorney fees for gender discrimination suffered by Plaintiff as a result of her employment with Defendant.

II. Jurisdiction

2. This action arises under the 14th Amendment to the United States Constitution and Title VII, 42U.S.C. §2000e, et seq. and 42 U.S.C. §1983. Plaintiff timely filed a Charge of Discrimination with the Equal Employment Opportunity Commission which investigated and issued a “cause” finding based on that investigation. (Exhibit “A” Determination Letter). Plaintiff has filed this Complaint less than 90 days from the receipt of her Notice of Suit Rights a

copy of which is attached hereto as Exhibit "B".

3. Jurisdiction is invoked pursuant to 28 USC §§ 1331 & 1343.

III. Venue

4. This action properly lies in the Southern District of Alabama, Southern Division, pursuant to 28 U.S.C. §1391(b) as the claim arose in this judicial district and the Defendants reside in Mobile County, Alabama.

IV. Parties

5. Plaintiff Francie N. Hollis, is a female citizen and resident in the United States, who at all times relevant hereto resided in Mount Vernon, Alabama.

6. Defendant Town of Mount Vernon is a municipal corporation organized and existing under the laws of the State of Alabama.

7. Defendant Jerry Lundy was at all times relevant hereto the Mayor of the Town of Mount Vernon and was acting in his official capacity. Plaintiff bring this action against Lundy in his official and individual capacities.

8. Defendant Joseph Cassidy was at all times relevant hereto the acting Chief of Police of the Town of Mount Vernon and was acting in his official capacity and was Plaintiff's supervisor. Plaintiffs bring this action against Cassidy in his official and individual capacities.

9. At all times relevant hereto Defendants were acting under the color and authority of state law.

V. Facts

10. Plaintiff was employed with Mount Vernon for approximately three years as dispatcher in Mount Vernon's Police Department.

11. In 2009 Mount Vernon hired a male dispatcher named William Cannon. In mid-November of 2009 he began making romantic advances toward Plaintiff. Cannon continued making these advances even though Plaintiff adamantly and repeatedly rebuffed him. Plaintiff reported the situation to her supervisor, acting Police Chief Joseph Cassidy. Despite her repeated complaints about Cannon's behavior and repeated requests that Cassidy put a stop to the harassment, nothing was done.

12. By December of 2009 Mr. Cannon's harassment had escalated into stalking. Cannon sent more than 40 e-mails to Plaintiff professing his love for her. He posted some of the e-mails and other love notes on the office bulletin board in plain view of Plaintiff's coworkers. Cannon followed Plaintiff around outside of work while off-duty and even appeared at a doctor's office where Plaintiff had an appointment.

13. In addition to Mr. Cannon's improper behavior, Plaintiff was also subjected to sexual harassment by the Town's Mayor, Jerry Lundy, during this same period. Lundy made lewd comments about sex acts, indicating his desire to engage in such acts with Plaintiff. This behavior by the Town's most powerful elected official created a hostile environment and culture which allowed Mr. Cannon to continue to subject Plaintiff to his unwanted advances.

14. At one point a closed door conference was held between Chief Cassidy, Mr. Cannon, and another police officer during which the situation was discussed. During the conference, a physical altercation ensued between Cannon and the other police officer. In spite of Plaintiff's repeated complaints and despite Cannon's behavior in the meeting, Defendant failed to action against Cannon.

15. All of these incidents created a hostile work environment which materially

affected the terms and condition of Plaintiff's employment. These conditions also caused a severe strain on Plaintiff's marriage and caused her severe emotional distress. Finally, having received no relief to the hostile environment after repeated complaints, Plaintiff was left with no choice other than to resign, which she did on January 13, 2010.

VI. Cause of Action

COUNT I

16. Plaintiff incorporates each and every paragraph above as if fully set out herein.

17. The above described harassment and other improper actions, including Plaintiff's constructive discharge, were visited upon Plaintiff due to her gender and, therefore, violated Title VII of the 1964 Civil Rights Act, and 42 U.S.C. §1983.

18. As a result of Defendants' discriminatory actions, Plaintiff has suffered economic loss, emotional distress, humiliation and embarrassment for which she is entitled to compensatory relief. Plaintiff is also entitled to past and future lost wages, as well as equitable relief.

19. Defendants' discriminatory actions were carried out with malice or reckless indifference to the Plaintiff's federally protected rights and, accordingly, Plaintiff seeks punitive damages against Mayor Lundy and Cassidy.

VII. Prayer for Relief

WHEREFORE, Plaintiff, Francie M. Hollis, hereby demands judgment against Defendants Town of Mount Vernon and would respectfully pray that this Court grant the

following relief:

- l. Declare Defendant's conduct to be in violation of Plaintiffs rights;
- m. Enjoin Defendant from engaging in such conduct;
- n. Reinstate Plaintiff to her position or award her front pay in lieu of reinstatement;
- o. Award Plaintiff back pay;
- p. Award Plaintiff compensatory damages;
- q. Award Plaintiff punitive damages;
- r. Award Plaintiff costs and attorneys' fees;
- s. Award Plaintiff any and all other equitable relief to which she is entitled;
- t. Grant such other relief as the Court may deem as just and proper.

**PLAINTIFF RESPECTFULLY DEMANDS TRIAL BY JURY OF ALL CLAIMS
ASSERTED HEREIN.**

s/Richard W. Fuquay

RICHARD W. FUQUAY (FUQUR6214)

Post Office Box 40633

Mobile, Alabama 36640

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s/ Ronald A. Herrington

RONALD (CHIP) HERRINGTON (HERRR8710)

BLACKSHER & HERRINGTON, LLC

P.O. Box 9126

Mobile, Alabama 36691

Telephone: (251) 432-1010

Facsimile: (251) 432-3010

E-mail: herrington.chip@gmail.com

DEFENDANT TO BE SERVED VIA CERTIFIED MAIL AS FOLLOWS:

Town of Mount Vernon, Alabama
C/O Mayor Jerry Lundy
1565 Boyles Avenue
Mount Vernon, Alabama 36560

Mayor Jerry Lundy
1565 Boyles Avenue
Mount Vernon, Alabama 36560

Lt. Joseph Cassidy
1565 Boyles Avenue
Mount Vernon, Alabama 36560