

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

VERSIE HAMLETT,

Plaintiff,

V.

**CITY OF HUMBOLDT, and
THE CITY OF HUMBOLDT
BOARD OF EDUCATION**

Defendant.

Case No. _____
JURY DEMANDED

**VERIFIED COMPLAINT
FOR DECLARATIVE AND INJUNCTIVE RELIEF
AND DAMAGES**

Plaintiff Versie Hamlett, by and through counsel, hereby files this Complaint against the City of Humboldt and the City of Humboldt Board of Education:

I. PARTIES, JURISDICTION, VENUE

1. Dr. Versie Hamlett is a citizen of Madison County who is currently the Director of Schools in the City of Humboldt.
2. The City of Humboldt is a governmental entity that, along with, or through, the City of Humboldt Board of Education, employed Dr. Hamlett within Gibson County, Tennessee.

3. Jurisdiction is proper under 42 U.S.C. §1981, 42 U.S.C. §1983, the First Amendment, and 28 U.S.C. §1331. The Court has supplemental jurisdiction over claims under the Tennessee Human Rights Act. Tenn. Code Ann. §4-21-101 et. seq.

4. Venue is proper in this Court under 28 U.S.C. §1391 as the cause of action accrued in Gibson County (within this judicial district) and the Defendant may be found in this judicial district.

II. INTRODUCTION

5. This lawsuit, filed under 42 U.S.C. §1981, the First Amendment to the United States Constitution and 42 U.S.C. §1983, and the Tennessee Human Rights Act (THRA), involves the City of Humboldt's Board of Education and its Director of Schools, Dr. Versie Hamlett. In September of 2019, the City's Board voted its intention not to renew Dr. Hamlett's contract and, instead, to replace her in June of 2020. However, prior to the vote, Dr. Hamlett had refused Board member demands that she must "clean house" by firing qualified white educators and replacing them with black educators.

6. Because this obviously violates both federal law and state law, and will expose Dr. Hamlett and the City to substantial economic harm, she seeks injunctive relief and an order enjoining the City from hiring a permanent replacement as Director of Schools. Such action is necessary to prevent irreparable injury. Otherwise, Dr. Hamlett will have no choice but to seek the damages that the City and Board's action will cause beginning in June of 2020.

III. FACTS

BROWN V. BOARD (1954)

7. In 1954, the United States Supreme Court ruled that a Topeka, Kansas school board could not segregate black children to all-black schools taught mostly by black teachers. *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954). The Constitution entitled black children to the same treatment as white children who were being educated in better schools.

8. *Brown v. Board* thus began the process of public-school integration of black children with their white peers. Throughout the nation—not without some pain, federal enforcement, and a civil rights movement—black and white *teachers* gradually began teaching integrated classes of black and white *children*.

DR. VERSIE HAMLETT

9. One of ten children, Dr. Versie Hamlett grew up on a working farm in Palestine, Arkansas, where she and her siblings picked vegetables, chopped in the fields, and raised livestock to help the family. Growing up in poverty, as she tells it, Dr. Hamlett had difficulty learning to read, a situation that, looking back, would shape her career and the lives of countless youths.

10. Dr. Hamlett earned a college degree at Lane College, in Jackson, then a Master's in Education at Freed Hardeman University, in Henderson, followed by a Doctorate in Education at Union University, in Jackson. Beginning as a licensed teacher in the Jackson Madison County school

system, she was promoted to principal of Madison County's largest African American populated school. And she excelled.

11. Six decades after *Brown*, in 2014, the City of Humboldt hired Dr. Hamlett as its first-ever African American school superintendent, with a three-year renewable contract. She enjoyed the support of principals and administrators within the Humboldt City schools, as well as the business community. She personally understood poverty, the accompanying educational challenges it brings and, more broadly, that healthy schools meant a healthy business community and, in turn, a better quality of life for citizens in Humboldt.

BOARD MEMBER LEON McNEAL

12. Dr. Hamlett reported to Mr. Leon McNeal, an African American on the Humboldt school board. Mr. McNeal hold strong negative views about white educators educating black students. He supported Dr. Hamlett's hiring because he believed—mistakenly—that she could become his tool to remove white educators in favor of blacks. He provided her the white persons he wanted fired, and black replacements, simply *because of their race*.

13. Mr. McNeal believed that he could confide his beliefs in Dr. Hamlett. He stated that Humboldt's black children could not be taught by white teachers. He wanted "blacks taught by blacks." He claimed the white teachers did not know *how* to teach black children, they were not helping the black children, and *the whites* were responsible for a "school to prison

pipeline” for blacks. He wanted blacks hired, even if unlicensed, stating that Dr. Hamlett “could do whatever she wanted.”

DR. HAMLETT’S PROTECTED SPEECH

14. Dr. Hamlett would not be anyone’s tool for discrimination. She explained that *his* views on race were decidedly different than hers. Dr. Hamlett tried to explain that the civil rights movement stood for *integration*, not *re-segregation*, and that firing white persons because of race was just as illegal as firing black persons because of race. On a more basic level, she said he would get the City sued over and over.

15. Mr. McNeal, who, upon information and belief, has an online high school degree, refused to relent on formal licensing requirements. He believed whites could be replaced with blacks *regardless of qualifications or licensure*.

16. Defendants certainly were on notice of these racist views and demands on Dr. Hamlett. Dr. Hamlett obtained and shared with all Board members an official legal opinion from the Board’s own attorney from Nashville that Title 49 of the Tennessee Code *requires* valid licensure. On December 9, 2015, the opinion written to Dr. Hamlett and shared with the Board: “Section 49-5-101 makes it unlawful for any board of education to pay an individual for services as a teacher if that individual has not presented the director of schools with a valid teaching license.”

17. But Mr. McNeal did not relent with his beliefs. Dr. Hamlett began contemporaneously documenting his improper requests. Prior to her

contract renewal for another term, Mr. McNeal wanted to “negotiate” with her having to fire whites and replace them with blacks. She refused.

18. Prior to the vote to renew her contract, in 2016, while discussing the subject of Black Lives Matter, Mr. McNeal stated that predominantly black students on the “West Side” must see black persons in the school system and “it would be nice to put some of our people” in those positions. In public, Mr. McNeal was even less diplomatic, stating whites should be removed by “cleaning house,” and replacing them with blacks.

19. Dr. Hamlett would survive for another three-year term, in spite of Mr. McNeal’s requests to fire whites. Shortly prior to the meeting, she and Mr. McNeal met with a third party. Mr. McNeal repeated how he wanted whites removed, and Dr. Hamlett explained that would not be legal. Mr. McNeal relented—this time—and Dr. Hamlett’s contract was renewed for a three-year term.

20. But after the renewal, Mr. McNeal persisted with the theme of firing and not hiring whites. On April 24, 2017, he asked her to fire whites, stating: “These white people are not here to help our black kids. You need to get rid of them.”

21. On June 6, 2018, after Dr. Hamlett hired a very capable white principal (among others), Mr. McNeal told her “your head is on the chopping block for this one” because “we don’t need a white man teaching our black kids.”

22. In 2019, it came time for Dr. Hamlett's contract to be considered for another renewal. McNeal's concerns about blacks in visible positions of power continued, along with his "clean house" rhetoric of whites.

23. McNeal steamed that Hamlett still had not fired whites and he *again* instructed Hamlett to terminate whites and "clean house." He reiterated that that he wanted whites *gone*, replaced by *blacks*, because in his view only *they* could properly teach black children. He believed whites supported a "school to prison" mentality.

24. As she had in the past, Dr. Hamlett refused Mr. McNeal's racially discriminatory demands to remove white teachers because of their race. She told McNeal she rejects his view and she would not engage in race discrimination to keep her own head "off the chopping block," as he had put it.

25. To be sure, Dr. Hamlett *wanted* more qualified black teachers. But the challenges to doing it legally, per the Board's attorney, and per the applicant pool, were greater than McNeal would acknowledge. Memphis, Jackson, and Nashville lured away many qualified applicants through higher paying jobs and Dr. Hamlett could not, and would not, engage in discriminatory hiring practices.

26. In vein, she again explained to Mr. McNeal that she could not hire unlicensed personnel and fire whites. This would *hurt* the City's schoolchildren, the City's schools, public and system morale, the business community, and persons who wanted to invest in the promise of the City of Humboldt, not to mention the lawsuits that it would cost the City.

27. The principals of all three regular education schools in Humboldt offered their support for Dr. Hamlett's second renewal too. They wrote of Dr. Hamlett supporting them in home visits, well checks, counseling resources, working with incarcerated parents, decrease in discipline referrals, opportunities for students, services for displaced families, field trips for places students had never been, and community partnerships. "She is here because her heart is here. We trust her as a leader." And a banner at the Humboldt Schools' central office stated: "A vote for Dr. Hamlett is a vote for better education."

RETALIATORY AND RACIALLY DISCRIMINATORY ACTION

28. It did not matter. Dr. Hamlett's refusal to fire whites and replace with blacks only emboldened Mr. McNeal to act on his threat. In September of 2019, McNeal repeatedly stated in the Board meeting, "*We are a black school system.*" The five-person school board voted 3-2 along racial lines *not* to extend Dr. Hamlett's position as Director of Schools.

29. Mr. McNeal's tie-breaking vote on Dr. Hamlett's contract was clearly racial and retaliatory. But for Dr. Hamlett's refusal to fire qualified whites and conform to McNeal's view that only blacks can educate black children, her contract *would* have been renewed. And but for Dr. Hamlett's race, McNeal simply would not have made these demands.

30. After the meeting, Mr. McNeal publicly boasted he would "clean house." In contrast, a dissenting member of the City's own Board addressed the racism. In a writing provided to Dr. Hamlett, the Board member

described Dr. Hamlett as a “great treasure” and McNeal represented “racism, pure and simple.”

31. This board member documented and provided to Dr. Hamlett “behind-the-scenes decision making” on Dr. Hamlett’s contract renewal, a “hit list” that Mr. McNeal created, a “puppet” to accomplish it, and how he planned “to fill every position in Humboldt with people of color.” These were the same types of statements Dr. Hamlett already had endured. But this was proof Defendants had notice of the pattern of unconstitutional demands, a pattern of recurring misconduct, and a Board with no policies, training, or means for dealing with it.

32. After the non-renewal meeting, Mr. McNeal took steps to remove Dr. Hamlett early. On February 3, 2020, Dr. Hamlett wrote to Mr. McNeal on Humboldt City Schools’ letterhead that she would do her best for the students, that she cares deeply about them, and that “*I disagree with your sentiments that white personnel must be removed in order for our school system to succeed.*” Mr. McNeal, for his part, continued stating publicly that he would remove whites for blacks.

DAMAGES AND COMMUNITY SUPPORT

33. Dr. Hamlett has continued to perform her job during the remaining months. She has continued with her community obligations, even receiving a standing ovation at the Rotary Club after her non-renewal. She remains committed to these students, to this City, and to ending the divisiveness of racism.

34. Due to the discrimination, she has, however, suffered damages that include emotional distress and pain and suffering. Effective June 2020, absent injunctive relief, she also will suffer substantial loss of income and benefits from the loss of the Director of Schools' position.

IV. LEGAL CLAIMS

35. The foregoing facts are incorporated.

36. **Section 1981** prohibits racial discrimination in the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms and conditions of the contractual relationship. 42 U.S.C. §1981. Section 1981 extends to retaliation based on race. *CBOCS West, Inc. v. Humphries*, 533 U.S. 442 (2008).

37. **First Amendment and 42 U.S.C. §1983.** The First Amendment and §1983 protect constitutionally protected conduct—here, speech, and Dr. Hamlett's opposition to racial discrimination.

38. **The THRA** declares that it is a "discriminatory practice" for an employer to "discriminate against an individual with respect to compensation, terms, conditions or privileges of employment because of such individual's race, creed, color, religion, sex, age or national origin." Tenn. Code Ann. § 4-21-401(a)(1). Similarly, the THRA prohibits retaliation "*because* such person has opposed a practice declared discriminatory by this chapter or *because* such person has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing under this chapter."

COUNT I: RETALIATION

39. The Defendants engaged in retaliation under 42 U.S.C. §1981 and the Tennessee Human Rights Act. But for her refusal to fire whites and replace them with blacks, Dr. Hamlett's contract would have been renewed.

COUNT II: RACE DISCRIMINATION

40. The Defendants engaged in race discrimination under 42 U.S.C. §1981 and the Tennessee Human Rights Act. But for Dr. Hamlett's race, these demands would not have even been made, and her contract would have been renewed.

COUNT III. FIRST AMENDMENT (42 U.S.C. §1983)

41. Under the First Amendment and 42 U.S.C. §1983, the Defendants, through persons acting under color of state law with final decision-making authority, engaged in retaliation for Plaintiffs' speech in refusing to replace whites with blacks. Defendants were deliberately indifferent in their actions. But for her speech and opposition, including the refusal to fire whites and replace them with blacks, Dr. Hamlett's contract would have been renewed.

COUNT IV. RACIAL HARASSMENT (HOSTILE ENVIRONMENT)

42. Additionally, the Defendants created a racially discriminatory and hostile workplace—post-contract racial harassment—under 42 U.S.C. §1981 and the THRA.

43. As set forth below, Dr. Hamlett first seeks injunctive and declaratory relief, along with her attorneys' fees and costs; second, she seeks economic and compensatory damages for harm caused or to be caused.

V. REQUEST FOR RELIEF

44. Wherefore, Plaintiff requests the following relief:
- A. That proper process issue along with a copy of this Complaint requiring Defendant to appear and answer;
 - B. A declaration that Defendant has violated federal laws, for the reasons outlined above;
 - C. Injunctive relief to prevent discrimination in the making and renewal of contracts, and the right to refuse illegal hiring practices, enjoining Defendant from hiring a permanent replacement, such action being necessary to prevent irreparable injury;
 - D. Alternatively, reinstatement and monetary damages sustained by the Plaintiff, including for humiliation and embarrassment and emotional harm;
 - E. Reasonable attorneys' fees and costs; and
 - F. Any other legal or equitable relief to which Plaintiff is entitled.
 - G. Plaintiff demands a jury.

Respectfully submitted,

s/ Justin S. Gilbert
GILBERT LAW, PLC
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731.424.0562 (F)

Attorneys for Plaintiff

VERIFICATION

I, Dr. Versie Hamlett, declare as follows:

1. I am the Plaintiff in the present case, a citizen of the United States of America, and a resident of the State of Tennessee.
2. I have personal knowledge of the facts set forth in this Verified Complaint and, if called on to testify, I would competently testify as to the matters stated herein.
3. I verify under penalty of perjury under the laws of the United States of America that the factual statements in this Complaint are true and correct to the best of my knowledge and belief. 28 U.S.C. § 1746.

Versie Hamlett

Versie Hamlett

Date: March 25, 2020

JS 44 (Rev. 11/15)

CIVIL COVER SHEET

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
VERSIE HAMLETT**DEFENDANTS**

CITY OF HUMBOLDT, and THE CITY OF HUMBOLDT BOARD OF EDUCATION

(b) County of Residence of First Listed Plaintiff Madison
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Gibson
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Gilbert Law, PLLC
100 W. Martin Luther King Blvd., Suite 501 Chattanooga, TN 37402
423-756-8203

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. §1981Brief description of cause:
Racial Discrimination and Retaliation and First Amendment Retaliation**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
11/14/2019SIGNATURE OF ATTORNEY OF RECORD
s/Justin S. Gilbert**FOR OFFICE USE ONLY**

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. **Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Western District of Tennessee

Civil Action No.

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

for the

Versie Hamlett

Plaintiff(s)

Y.

CITY OF HUMBOLDT, and THE CITY OF
HUMBOLDT BOARD OF EDUCATION

Defendant(s)

Civil Action No.

To: *(Defendant's name and address)* The City of Humboldt Board of Education
c/o Registered Agent
Goodrum, Tommy
1200 E Main St.
Humboldt, TN 38343-3339 USA

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Justin S. Gilbert

Justin S. Gilbert
Gilbert McWherter Scott & Bobbitt PLC
100 W. Martin Luther King Blvd., Suite 501
Chattanooga, TN 37402

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: