

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

NOV 26 2007

DAVID CHAVIS, CLERK
By *[Signature]*
Deputy

GEORGE DULIN

PLAINTIFF

VERSUS

CIVIL ACTION NO: 4:07CV194-A-B

BOARD OF COMMISSIONERS OF THE
GREENWOOD LEFLORE HOSPITAL,

DEFENDANT

JURY TRIAL DEMANDED

COMPLAINT

This is an action to recover actual damages against the Board of Commissioners of the Greenwood Leflore Hospital. The following facts support the action:

1.

Plaintiff, GEORGE H. DULIN, is an adult white resident citizen of 120 West Market Street, Greenwood, Mississippi 38930.

2.

Defendant, BOARD OF COMMISSIONERS OF GREENWOOD LEFLORE HOSPITAL, is a political subdivision of the State of Mississippi. It may be served with process through its Chancery Clerk, Sam Abraham, Leflore County Courthouse, 306 West Market Street, Greenwood, Mississippi 38930, and through its Mayor, Sheriel Perkins, 101 West Church Street, Greenwood, Mississippi 38905. It is

governed by a Board of Commissioners appointed by the Board of Aldermen of the City of Greenwood and Leflore County, Mississippi. As a political subdivision of the State of Mississippi, it acted under color of state law.

3.

This court has federal question jurisdiction under 28 U.S.C. § 1331 and civil rights jurisdiction under 28 U.S.C. § 1343, for a cause of action arising under the Civil Rights Act of 1866, 42 U.S.C. § 1981, under the Fourteenth Amendment and under the Civil Rights Act of 1964, 42 U.S.C. § 2000, *et. seq.*, as amended by the Civil Rights Act of 1991. This action is authorized by 42 U.S.C. § 1983.

4.

The Plaintiff, a white person, was employed as the attorney for the Greenwood Leflore Hospital since 1984. Throughout this time, there were no complaints about his job performance from members of the Defendant Board.

5.

Defendant's black Board members Parker, Flaggs and Foster desired to replace Plaintiff with a black person. The Board members Malouf and Waldrop, who are white, knew that the motivation for replacing Plaintiff was solely racial but decided to go along with the decision because these Board members desired to please the other Board members, and because they knew the majority of decision makers desired to make a race-based decision.

6.

Accordingly, the Board's members Parker, Flaggs, Foster, Malouf and Waldrop, all

voted to remove the white Plaintiff as Board attorney and to replace him with an inexperienced black person. This vote was based solely on race.

7.

Because the members of the Defendant Board of Commissioners had voted to fire Plaintiff, Plaintiff was given no choice but to resign his employment and to be replaced by a black person.

8.

The reason for Plaintiff's removal from his position as Board attorney was his race, white.

9.

The actions of the Defendant in causing Plaintiff to lose his position because of his race

- A. violate the Civil Rights Act of 1866 (42 U.S.C. § 1981) since Plaintiff was not allowed the same equal opportunity to contract as a black person; and
- B. violate the equal protection clause of the Fourteenth Amendment of the United States Constitution, since Plaintiff lost his position because of his race; and
- C. violate the Civil Rights Act of 1964 because Plaintiff lost his position because of his race.

10.

Plaintiff has filed an EEOC charge, attached hereto as Exhibit "A," and has received the right-to-sue letter, attached hereto as Exhibit "B."

11.

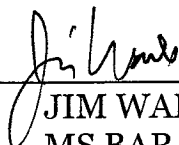
Plaintiff has suffered lost income as the result of his loss of job as Board attorney. Additionally, Plaintiff has suffered anxiety over the loss of his position, which has resulted in a skin condition which has required substantial medical attention and medical bills.

PRAYER

Plaintiff prays for actual damages in an amount to be determined by a jury and for reasonable attorney's fees.

Respectfully submitted,

WAIDE & ASSOCIATES, P.A.

BY: 

JIM WAIDE
MS BAR NO. 6857

WAIDE & ASSOCIATES, P.A.
ATTORNEYS AT LAW
POST OFFICE BOX 1357
TUPELO, MS 38802
TELEPHONE: 662/842-7324
FACSIMILE: 662/842-8056
EMAIL: waide@waidelaw.com

Attorneys for Plaintiff

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

423-2007-0183

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

George H. Dulin

662-254-6313 (Office 662-453-422)

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

120 West Market St., Greenwood, MS 38930

7-30-25

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME Board of Commissioners of Greenwood Leflore Hospital

NUMBER OF EMPLOYEES, MEMBERS 15 plus

TELEPHONE (Include Area Code)

662-459-2604

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

1401 River Road Greenwood, MS 38930

Leflore

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

1 RACE [] COLOR [] SEX [] RELIGION [] AGE [] RETALIATION [] NATIONAL ORIGIN [] DISABILITY [] other []

DATE DISCRIMINATION TOOK PLACE EARLIEST (ADEA/EPA) LATEST (ALL)

8-18-05 1-16-07

[] continuing action

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was employed as the attorney for the Respondent since 1984. I am a white person. In June, 2006, I was advised to resign as the attorney for the Respondent because the Respondent had already voted to terminate me. I was informed that I was being replaced by a black female, who has only been in Greenwood a short period of time. I believe the sole reason for my termination is the desire to have a black lawyer as the board attorney.

I request the EEOC to investigate to determine whether I have been the victim of race discrimination.

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.

NOTARY - (When necessary for State and Local Requirements)

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.

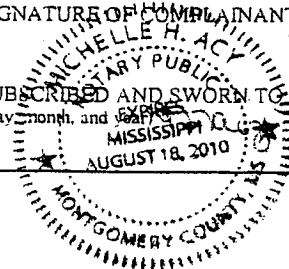
I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

George H. Dulin (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

(Day, month, and year)



Date May 7, 2007

Charging Party (Signature)

EXHIBIT

A

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Mr. George Dulin
120 West Market Street
Greenwood, MS 38930

From: U.S. EEOC (Jackson Area Office)
100 West Capitol Street, Suite 207
Jackson, MS 39269

[] On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
423 2007 01839	Kimberly Knighten, Enforcement Investigator	(601) 948 8400

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- [] The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- [] Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- [] The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- [] We cannot investigate your charge because it was not filed within the time limit required by law.
- [] Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- [] While reasonable efforts were made to locate you, we were not able to do so.
- [] You had 30 days to accept a reasonable settlement offer that afford full relief for the harm you alleged.
- [] The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- [] The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- [X] Other (briefly state) No employer/employee relationship (independent contractor).


- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS from your receipt of this Notice; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission


Willie Schaffer, Acting Area Director

8/28/07

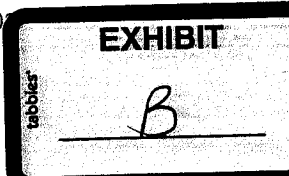
(Date Mailed)

Enclosure(s)

cc: Director of Human Resources
Greenwood Leflore Hospital
Board of Commissioners
1401 River Road
Greenwood, MS 38930

Susan Desmond
Watkins Ludlam Winter & Stennis, P.A.
Attorneys At Law
Post Office Drawer 160
Gulfport, MS 39502

Jennifer Johnson
Waide & Associates, P.A.
P.O. Box 1357
Tupelo, MS 38801



CIVIL COVER SHEET

JS 44 (Rev. 11/04)

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

George Dulin

DEFENDANTS

NDMS: 4:07cv0194-A-B

Board of Commissioners of the Greenwood Leflore Hospital

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

(b) County of Residence of First Listed Plaintiff Leflore
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Jim Waide, Waide & Associates, P.A., P.O. Box 1357, Tupelo, MS 38802
- 662.842.732

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 (Excl. 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 PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL INJURY <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"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<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"/> 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"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<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	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

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
- 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:
This is an action to recover actual damages against.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
11/26/2007

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # 874612 AMOUNT \$350 APPLYING IFP _____ JUDGE AY MAG. JUDGE Boyer