

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

QUNTELLER GOMILLER

PLAINTIFF

v.

Civil Action No.: 4:23CV75-DMB-JMV

GREENWOOD LEFLORE HOSPITAL,
DIRECTOR OF HUMAN RESOURCES
MARGARET BUCHANAN, and JOHN
DOES 1 – 5

DEFENDANTS

COMPLAINT

(Jury Trial Demanded)

COMES NOW, Plaintiff Qunteller Gomiller (hereinafter “Plaintiff”), by counsel, and files this, her *Complaint* for damages against Defendants Greenwood Leflore Hospital, Director of Human Resources Margaret Buchanan, and John Does 1 – 5 (hereinafter “Defendant GLH,” “Defendant HR Director Buchanan,” “Defendant Does,” or collectively “Defendants”) and for cause would show unto the Court the following:

PARTIES

1. Plaintiff is an adult resident citizen of the State of Mississippi, residing at 907 B Varner Street, Winona, Mississippi 38967.
2. Defendant GLH is a licensed medical facility in Leflore County, Mississippi, with a principal place of business at 1401 River Road, Greenwood, MS 38930. It may be served with process of this Court by and through Gary Marchand, Interim Chief Executive Officer at 1401 River Road, Greenwood, MS 38930.
3. Defendant HR Director Buchanan is an adult resident citizen of the State of Mississippi, employed as Director of Human Resources, and she may be served with

process at her place of employment, located at 1401 River Road, Greenwood, MS 38930.

4. Defendant John Does are persons and/or entities whose identity is currently unknown to Plaintiff. These Defendants include, but are not limited to, those who may be liable to Plaintiff for the actions and/or inactions complained of herein.

JURISDICTION and VENUE

5. This action is being brought pursuant to 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3) and 42 U.S.C. §1981 and includes any and all state law claims pled herein for which jurisdiction and venue attach.
6. Venue is proper in the Northern District of Mississippi, pursuant to 28 U.S.C. §1391 since a substantial part of the events and omissions giving rise to this claim occurred in this judicial district.

FACTS

7. At all times material hereto, Defendants HR Director Buchanan and Does were employees of Greenwood Leflore Hospital, acting within the scope of their employment.
8. On or about September 30, 2021, Plaintiff Gomiller, an African-American female, was hired as Medical Lab Assistant within Defendant GLH. Since the commencement of her employment, Plaintiff had not experienced any negative incidents, nor did she receive any form of infractions.
9. Plaintiff was employed with Defendant GLH for approximately eleven (11) months, before she was terminated on September 15, 2022.
10. Plaintiff was told that the grounds for her termination was due to her "hair color."

11. Around 2:15pm on September 15, 2022, Plaintiff met with Defendant HR Director Buchanan, to discuss the issue with her “red” hair color.
12. While in Defendant HR Director Buchanan’s office, Buchanan rudely stated “we don’t do red hair here. Red hair is not allowed at this hospital.” During this meeting, Defendant HR Buchanan summoned another co-worker, Tamara, into her office to present a current copy of the dress code policy.
13. Defendant HR Director Buchanan highlighted the portion where it states “Extreme hair colors are not permissible,” and instructed Plaintiff not to return to work the next day. Plaintiff asked for written documentation relating to their conversation, but was refused. Instead, Defendant HR Director Buchanan stated, “No, I’m not giving you anything with my handwriting or signature on it and you can get out of my office!”
14. Prior to her termination on September 15, 2022, Plaintiff had the same hair color for three (3) consecutive months, without any issue or disciplinary action from any supervising authority, in relation to the color of her hair.
15. The next day following the wrongful termination, Plaintiff contacted her supervisor to inquire if she could return to work. Supervisor Doe responded, “No, as long as your hair is red, they’re not allowing you back.”
16. No one in a supervisory position has ever spoken to Plaintiff about her work appearance, specifically, the color of her hair. She was never afforded the opportunity or option to remedy the issue with her hair color.
17. As previously stated, Plaintiff was terminated thirteen (13) prior to September 28, 2022.

18. On November 1, 2022, Plaintiff filed her initial EEOC charge of race discrimination as well as retaliation.
19. Plaintiff reached out to human resources and her supervisor concerning her return to work status.
20. As a result of being terminated, Plaintiff filed for unemployment compensation. She was denied because the employer, Defendant GLH, falsely reported that she voluntarily quit as a no call, no show, in retaliation indicating that her last date of employment was September 28, 2022.

ADMINISTRATIVE PROCEDURE

21. On or about November 1, 2022, Plaintiff filed her charge of discrimination, satisfying the requirements of 42 U.S.C. §2000(e) with the EEOC in Jackson, Mississippi. Such charge was filed within one hundred eighty (180) days after the last unlawful employment practice occurred.
22. The EEOC conducted an investigation on the claims. On January 27, 2023, the EEOC issued a determination. According to the determination, “the EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.”
23. The *Complaint* is being filed within ninety (90) days of the Plaintiff’s receipt of the Notice of Right to Sue. Plaintiff has complied with all statutory and administrative prerequisites to filing suit.

CAUSES OF ACTION

COUNT I

TITLE VII – RACIAL DISCRIMINATION

24. Plaintiff re-alleges all prior paragraphs of the *Complaint* as if set out herein in full.

25. Plaintiff is a member of a protected class who has been consistently subjected to actions creating a hostile working environment for Plaintiff because of her race in violation of Title VII of the Civil Rights Act of 1964.

26. The acts and violations of Defendant GLH, HR Director Buchanan, and Does resulted in a knowing, willful, and intentional violation of Plaintiff's rights guaranteed under Title VII of the Civil Rights Act of 1964. Such unlawful employment practices violate 42 U.S.C. §2000e-3.

27. As a direct and proximate result of Defendants GLH, HR Director Buchanan, and Does' unlawful and discriminatory conduct toward Plaintiff, Plaintiff has lost wages and benefits and sustained other pecuniary loss.

28. Defendants discriminatory practices, insults, contempt, and disdain have been demeaning to Plaintiff and have caused her to suffer deep pain, humiliation, anxiety, and emotional distress.

29. The unlawful actions of Defendants complained of above were intentional, malicious, and taken in reckless disregard of the statutory rights of Plaintiff Qunteller Gomiller.

COUNT II

TITLE VII – RETALIATION

30. Plaintiff re-alleges all prior paragraphs of the *Complaint* as if set out herein in full.

31. Defendants retaliated against Plaintiff after she was terminated by deliberately making false reports to the unemployment office to prevent Plaintiff from receiving

unemployment benefits. Defendants specifically reported that “Plaintiff voluntary quit from her employment on September 28, 2022. Plaintiff was retaliated against by unjustly subjecting her to termination.

32. Defendants GLH, HR Director Buchanan, and Does have no legitimate reason for any such acts.

33. Defendants GLH, HR Director Buchanan, and Does’ actions demonstrate a direct and causal connection between Plaintiff invoking her constitutional rights and the resulting termination by Defendants.

34. Such unlawful practices violate 42 U.S.C. §2000e-3.

COUNT III
42 U.S.C. §1981 – INTENTIONAL RACE DISCRIMINATION

35. Plaintiff re-alleges all prior paragraphs of the *Complaint* as if set out herein in full.

36. Plaintiff has been consistently subjected to actions creating a hostile environment for Plaintiff Gomiller because of her race in violation of 42 U.S.C. §1981, violating 42 U.S.C. §1981.

37. As a direct and proximate result of Defendants intentional or reckless discriminatory conduct toward Plaintiff, she has lost wages and benefits and has sustained other pecuniary loss.

38. Defendants GLH, HR Director Buchanan, and Does intentional or reckless discriminatory practices, insults, contempt, and disdain have been demeaning to Plaintiff and have caused her to suffer deep pain, humiliation, anxiety, and emotional distress.

39. The unlawful actions of Defendants complained of above were intentional, malicious, and taken in reckless disregard of the statutory rights to Plaintiff.

COUNT IV
42 U.S.C. §1981 – RETALIATORY DISCHARGE

40. Section 1981 prohibits retaliation as well as race discrimination, and methods for proving a Title VII retaliation claim are applicable to a retaliation claim under §1981 as well.

41. Plaintiff re-alleges all prior paragraphs of the *Complaint* as if set out herein in full.

42. Plaintiff engaged in activity protected under §1981. Defendants GLH, HR Director Buchanan, and Does retaliated against Plaintiff once she was terminated by deliberately making false reports to the unemployment office that Plaintiff voluntarily quit on September 28, 2022. Plaintiff was retaliated against by unjustly subjecting her to unjust scrutiny, exclusions, and termination.

43. Defendants' actions demonstrate a direct and causal connection between Plaintiff invoking her constitutional rights and the resulting false reports to the unemployment agency concerning Plaintiff's separation from employment by Defendants.

DAMAGES

44. As a consequence of the foregoing misconduct of Defendants, Plaintiff sustained economic damages, pain and suffering, great mental stress, depression, shock, and humiliation.

45. As a consequence of the foregoing conduct of Defendants, Plaintiff has damages in an amount exceeding the jurisdictional requirements of the Court.

RELIEF

46. Plaintiff requests that the Court issues the following relief:

- a. Enter declaratory relief declaring that Defendants have engaged in race discrimination, retaliation, and constitutional violations under 42 U.S.C. §1981; Defendants have engaged in race discrimination, retaliation, and constitutional violations under Title VII;
- b. Award Plaintiff compensatory and punitive damages for all the mentioned causes of action in an amount to be determined by a jury of her peers;
- c. Award Plaintiff attorney's fees, costs, and expenses of litigation; and
- d. Award such other relief to which Plaintiff may be entitled to under law.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against Defendants in an amount exceeding the jurisdictional requirements of this Court, all together with Court costs, including attorney's fees, plus pre and post judgment interest, and for any other relief which this Court deems just and proper.

Respectfully submitted, this the 27th day of April, 2023.

QUNTELLER GOMILLER, Plaintiff

By: /s/ Carlos E. Moore
Carlos E. Moore, MSB# 100685

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Hair: Employers can impose neutral hairstyle rules – e.g., that hair be neat, clean, and well-groomed – as long as the rules respect racial differences in hair textures and are applied evenhandedly. For example, Title VII prohibits employers from preventing African American women from wearing their hair in a natural, unpermed

“afro” style that complies with the neutral hairstyle rule. Title VII also prohibits employers from applying neutral hairstyle rules more restrictively to hairstyles worn by African Americans.⁴ - Title VII race discrimination

C. RETALIATION

Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in any manner in an investigation, proceeding, or hearing under Title VII.⁽¹⁵⁶⁾ There are three essential elements of a retaliation claim:

- **Employee Protected Activity** – opposition to discrimination or participation in the statutory complaint process;
- **Employer Adverse Action** – any adverse treatment (beyond a petty slight or a trivial annoyance) that is based on a retaliatory motive and is reasonably likely to deter protected activity; and
- **Causal Connection** – between the protected activity and the adverse action.