

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
CASE NO: 2:12-CV-00016-F

Mary E. Lyons-Felton,

Plaintiff,

v.

Edenton-Chowan Board of Education,
alternatively named as “Edenton-Chowan
County Board of Education” and “Edenton-
Chowan Schools”

Defendant.

**SECOND AMENDED COMPLAINT
(JURY TRIAL DEMANDED)**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, the Complaint in this action is hereby amended with the written consent of counsel for the Defendant, which is attached hereto and marked as “Exhibit 7.”

NATURE OF THE CASE

1. This action is based on unlawful employment practices, including illegal discrimination on the basis of race, and seeks to provide appropriate relief to Plaintiff Mary E. Lyons Felton (hereinafter “Plaintiff”), who was adversely affected by these practices. Defendant Edenton-Chowan Board of Education, alternatively named as “Edenton-Chowan County Board of Education” and “Edenton-Chowan Schools,” (hereinafter “Edenton-Chowan Schools”) violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.* (hereinafter “Title VII”) through its systematic discrimination against Plaintiff and other black employees because of their race and its retaliation against the Plaintiff because she opposed such unlawful discriminatory treatment.

2. Plaintiff is a black woman who holds a Master's Degree in Secondary Education and an Advanced Degree in Educational Leadership. She is a licensed principal, curriculum instructional specialist, and superintendent. Also, Plaintiff has substantially completed a PhD Program in Education in which she maintains a 3.83 GPA. The discrimination that is the subject of this lawsuit began when the Plaintiff, who was once an Assistant Principal with outstanding reviews in Edenton-Chowan Schools, was repeatedly demoted and otherwise discriminated against by school administrators for seeking to hold the position of Principal in a school system that had never allowed a black female to hold an instructional leadership position higher than Assistant Principal in any school in its entire history. As described below, Edenton-Chowan Schools engaged in a systematic practice, over many decades, of refusing to allow black persons to be promoted and/or hired upon their merits, and engaged in a systematic employment policy and/or custom, of favoring less and equally qualified whites over their more qualified and equally qualified black counterparts.

3. Plaintiff made three charges to the EEOC regarding the Defendant's discriminatory employment practices: EEOC Charge No. 430-2010-03097, EEOC Charge No. 437-2010-00178, and EEOC Charge No. 437-2009-00992.

4. A right-to-sue letter was received on or about January 10, 2012 for EEOC Charge No. 437-2010-00178, and, in hopes of receiving right-to-sue letters upon EEOC Charge No. 430-2010-03097 and EEOC Charge No. 437-2009-00992, where all claims could be brought in a single action, the Plaintiff waited until the end of her ninety (90) day period to file this lawsuit. As right-to-sue letters were not issued upon EEOC Charge No. 430-2010-03097 and EEOC Charge No. 437-2009-00992 before the expiration of the ninety (90) day period to bring suit upon EEOC Charge No. 437-2010-00178, Plaintiff was forced to file this action to preserve her

claims and prevent them from becoming time-barred; however, Plaintiff delayed service upon the Defendant and retaining legal counsel until just before the expiration of her summons. She again did so in hope of receiving the additional right-to-sue letters where her Complaint could be amended upon their receipt and all claims could be brought together.

5. On or about the first week of October 2012, the Plaintiff discovered that the United States Department of Justice's Employment Litigation Section had elected to allow her to bring suit upon all EEOC charges in a single, privately prosecuted action. At said time, she was issued a right-to-sue letter upon EEOC Charge No. 430-2010-03097 and EEOC Charge No. 437-2009-00992. Plaintiff's counsel then contacted counsel for Defendant and obtained written permission to amend this Complaint to bring claims upon all EEOC charges in this lawsuit. The EEOC's investigation of EEOC Charge No. 430-2010-03097 and EEOC Charge No. 437-2009-00992 resulted in findings of cause for illegal race discrimination and retaliation.

JURISDICTION AND VENUE

6. Plaintiff repeats and re-alleges the allegations above as if fully restated herein.

7. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343, and 1345 to redress the unlawful deprivation of Plaintiff's rights secured, guaranteed, and protected by federal law.

8. This action is authorized and instituted pursuant to Sections 703 and 704 of Title VII.

9. Venue is proper in this District under 28 U.S.C. § 1391 and 29 U.S.C. §1132(e).

10. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of North Carolina.

PARTIES

11. Plaintiff repeats and re-alleges the allegations above as if fully restated herein.

12. Plaintiff is a citizen and resident of Pasquotank County, North Carolina.

13. At all times relevant to this Complaint, Edenton-Chowan Schools was a public school entity that continuously had more than two-hundred (200) regular employees. Upon information and belief, Edenton-Chowan Schools currently has approximately 2,400 students under its instruction and over two-hundred (200) teachers, including counselors and instructional staff, and more than fifty (50) maintenance and administrative staff. There were no black persons occupying the position of principal or any higher instructional leadership position within Edenton-Chowan Schools at any time relevant to this Complaint.

14. North Carolina statutory law authorizes Edenton-Chowan Schools (as named above as “Edenton-Chowan Board of Education” and “Edenton-Chowan County Board of Education”) as a legal entity capable of bringing suit and being sued.

15. More than one-hundred and eighty (180) days prior to the institution of this lawsuit, Plaintiff filed three charges of discrimination against Edenton-Chowan Schools with the EEOC. Claims were instituted upon said charges within ninety (90) days of each respective right-to-sue letter’s receipt. All applicable right-to-sue letters are hereby attached, marked as Exhibits 4 and 5,¹ and incorporated by reference.

FACTUAL ALLEGATIONS

16. Plaintiff repeats and re-alleges the allegations above as if fully restated herein.

17. The Plaintiff worked hard for what she has achieved. Her mother passed away and her father was incarcerated when she was two years old. She was raised by a grandmother

¹ Exhibit 4 is a single right-to-sue letter issued by the United States Department of Justice’s Employment Litigation Section upon EEOC Charge Nos. 437-2009-00992 & 430-2010-03097, while Exhibit 5 is a right-to-sue letter issued by the EEOC upon Charge No. 437-2010-00178.

who could not read or write and signed her name with an “X.” The Plaintiff lived in public housing until the age of seventeen when she left a low performing northeastern North Carolina high school and entered into the Job Corps in Georgia to earn a GED.

18. After returning to North Carolina as a single mother, the Plaintiff enrolled at the College of the Albemarle and Elizabeth City State University. She put herself through college by working full-time at a Hardee’s restaurant. Through her astonishing drive and dedication, she obtained a degree from both schools and became a teacher.

19. After graduating college, the Plaintiff taught in the Elizabeth City-Pasquotank School System. While teaching at Perquimans County High School in 2000, she realized that she wanted to ‘break the glass ceiling’ by becoming a school administrator.

20. At said time, the Plaintiff enrolled in Cambridge College and Old Dominion University and drove to Virginia to attend classes on the weekends. She completed both a Master’s Degree in Secondary Education and an Advanced Degree in Educational Leadership by 2004. After obtaining these degrees, Plaintiff began working upon a PhD in Education, and said doctorate was substantially completed at all times relevant to this Complaint.

21. In 2005, Plaintiff took and passed a six-hour test required to earn her certification as Superintendent, Principal and Curriculum Instructional Specialist in the State of North Carolina. She scored a 185 out of 200 on the School Leaders Licensure Assessment and was told by many colleagues that her score was one of the best that they had seen.

22. After obtaining these advanced degrees and certifications, on or about July 1, 2005, the Plaintiff obtained employment as Assistant Principal at John A. Holmes High School in Edenton-Chowan Schools, where she worked for four years and received high praises. Administrators and teachers recognized her demonstrated abilities as Assistant Principal and

wrote excellent reviews. For example, Dr. Allan T. Smith, Superintendent of Edenton-Chowan Schools, wrote on May 12, 2009, “[The Plaintiff] is a highly supportive administrator, loyal and a team player. While working with her, I have been continually impressed with her driving commitment to excellence.” Rob Boyce, Assistant Superintendent of Edenton-Chowan Schools, also wrote on May 12, 2009, “[The Plaintiff] carries out her duties as assistant principal in a responsible manner. She is prompt in meeting deadlines and in handling her assigned tasks. [The Plaintiff] is an honest person.... She believes in giving a honest day’s work for a honest day’s pay.” Shirley Powell, Math Department Chairperson at John A. Holmes High School wrote on January 14, 2010, “[The Plaintiff] immediately impressed me with her professional dress and attitude. [The Plaintiff] was always positive and always had a kind word to say. She insisted that teachers take a hands-on approach to teaching and that students participate in activities to help them succeed in their goals.” Mr. Koonce, Director of Testing and Accountability at Edenton-Chowan Schools, wrote on February 10, 2010, “[The Plaintiff] has excellent interpersonal skills, a good communicator, and possesses skills to motivate and encourage others to do their best. She was loved and respected by the students, staff, and the parents at John A. Holmes High School.” Mrs. Lassiter, English Department Chair at John A. Holmes High School wrote on January 19, 2010, “ I have had the opportunity to work with [the Plaintiff] for the past four years in various capacities and have come to respect her for her professionalism and concern for students. I have found [the Plaintiff] to be supportive and fair, handling sometimes difficult situations with the utmost diplomacy.” Mrs. Rahals, a math teacher at John A. Homes High School simultaneously wrote, “During my 40 years in education I’ve had a lot of administrators and I would definitely rate [the Plaintiff] in the top ten.”

23. In 2008, the Principal position became vacant at White Oak School, which is a part of Edenton-Chowan Schools. The Plaintiff applied for the position and was told by Dr. Allan T. Smith, the Superintendent, that she was qualified but not the right fit for the school. He asked the Plaintiff “not to give up on [him]” and assured her that when a principal position became available at another school, in which the Plaintiff was a “good fit,” that she would be promoted.

24. In 2009, the Principal position became vacant at John A. Holmes High School. The Plaintiff applied to fill this position. Given her excellent reviews, the fact that she had substantially completed a PhD in Education, her past academic achievements, her licensures, Dr. Allan T. Smith’s prior statements, and the fact that she had previously served as an outstanding Assistant Principal for four years prior at the same school, the Plaintiff thought she would be a very strong candidate. However, the Plaintiff was denied the opportunity to even interview for the position.

25. In May of 2009, the Plaintiff met with Dr. Allan T. Smith and asked him, “What am I lacking for a principal interview?” Dr. Allan T. Smith indicated that the Plaintiff was fully qualified but that she simply was not a proper fit for the demographics of the school system. He simultaneously gave the Plaintiff a letter of reference saying: “It is my pleasure to recommend [the Plaintiff] for the position of school principal. [The Plaintiff] is a strong candidate for such a position at any level.” The letter went on to expound upon the Plaintiff’s performance and qualifications. Dr. Allan T. Smith then encouraged the Plaintiff to apply for principal positions at more metropolitan schools, outside of Chowan County.

26. At the time of the Plaintiff’s submission of the applications for the Principal positions, John A. Holmes High School, White Oak School and the entire Edenton-Chowan

School System had never had a black female principal in their entire history. Upon the information available to the Plaintiff, Edenton-Chowan Schools had only hired two black principals since the decision of *Brown v. Board of Education* in 1954, both of whom were males, only served single, short-term trial contracts, worked for Edenton-Chowan Schools in the distant past, and were disfavored by faculty and administrators at the time of their employment due to their race. The Plaintiff was not even allowed to interview for the Principal position at John A. Holmes High School because she is black.

27. According to the 2008-2009 Public School Personnel Summary published by The North Carolina Department of Public Instructions (data therefrom now available online at The North Carolina Department of Public Instruction's EDUCATION STATISTICS ACCESS SYSTEM (ESAS)), during the times relevant to this Complaint, 100% of the Principals in Edenton-Chowan Schools were white and 0% were black; 100% of the Counselors in Edenton-Chowan Schools were white and 0% were black; and approximately 85% of Teachers and Career Professionals in Edenton-Chowan Schools were white and approximately 15% were black (184 white teachers and career professionals versus 39 black teachers and career professionals). However, 93% of School Maintenance Workers in Edenton-Chowan Schools were black while 7% were white (52 black maintenance workers versus 4 white maintenance workers), and the student population was approximately 55% white (including Hispanic and Asian) and 45% black (1,097 black students out of 2,394 total students). According to U.S. Census Data, upon information and belief, at the times relevant to this Complaint, Chowan County was approximately 60% white and 40% black.

28. Upon information and belief, racist attitudes pervade and infect various institutions in Chowan County and are condoned by Edenton-Chowan Schools. For instance,

Edenton-Chowan Schools' athletic events are segregated. Black people have their own section in the bleachers and are not welcome in the whites' section. In addition, the voting districts for the Edenton-Chowan Board of Education have been gerrymandered to keep black people from serving on the school board and to ensure a completely all white or a substantially all white school board. Six out of seven of Chowan County's current school board members are white.

29. Under the direction of Dr. Allan T. Smith, Edenton-Chowan Schools engaged in a systematic practice of excluding black people from positions of authority by failing to promote qualified black people to positions that they deserved and generally favoring less qualified whites over more qualified black persons in its employment practices.

30. After failing to receive a principal promotion, the Plaintiff remained as Assistant Principal at John A. Holmes High School but was outspoken about Edenton-Chowan Schools' employment practices and the above described racism that pervades Chowan County. On June 18, 2009, the Plaintiff received a letter from Dr. Allan T. Smith, on behalf of Edenton-Chowan Schools, informing her that she was being transferred from Assistant Principal at the high school to a new position at the middle school. The position was "Career Development Coordinator." At this time, Dr. Allan T. Smith told the Plaintiff that she would not have to take any classes or obtain further educational qualifications to serve in the new position because of her vocational license.

31. On July 8, 2009, Plaintiff informed the school board that she did not desire to work as "Career Development Coordinator" and did not believe this position was fitting for her qualifications. Immediately thereafter, the Edenton-Chowan Board of Education made the decision that the Plaintiff's new position at the middle school was to be that of "Director of Student Advancement and Career Development," not "Career Development Coordinator," and

was to carry supervisory responsibilities. However, immediately after the Plaintiff made EEOC Charge No. 437-2009-00992 on August 3, 2009, the position became again referred to as that of “Career Development Coordinator” and the Plaintiff was required to primarily perform basic chores and errands for other school employees. The position’s title was reported differently on several documents during the 2009-2010 school year. It was reported as “Director of Student Advancement” in a letter dated July 15, 2009 sent from the Chairperson of the Edenton-Chowan Board of Education prior to the making of the initial EEOC charge, but it was reported on the Continuing Education Employee History as “Career Development Coordinator/Teacher” on a document dated September 28, 2009 that the Plaintiff received from the Human Resources Department after she made the EEOC charge.

32. The Edenton-Chowan Board of Education officially retitled the position from “Director of Student Advancement and Career Development” to “Career Development Coordinator” in October 2009, approximately one month after Plaintiff made EEOC Charge No. 437-2009-00992, and insisted it was still an “administrative position” that was fitting for the Plaintiff’s qualifications without returning any administrative authority or duties to the Plaintiff. However, with the new title, the position required a professional license that the school board knew the Plaintiff did not hold and had no desire to obtain. Mrs. Ruiz, Director of Licensure at the Department of Public Instruction, informed the Plaintiff in an email dated July 12, 2010 that the position was officially reported, after the making of EEOC Charge No. 437-2009-00992, by Edenton-Chowan Schools as a “Career-Technical (grades 6-12) Teaching Position,” which required a license that the Plaintiff did not hold. On or about September 14, 2009, Plaintiff sent an e-mail to Dr. Allan T. Smith that asked him to clarify whether or not she was in an administrative or teaching position. On or about September 16, 2009, Dr. Allan T. Smith

responded, but he did not answer the question, and stated that he would be happy to review and consider the job duties associated with the Plaintiff's position. The Plaintiff was essentially demoted from an administrator to an "assistant" who ran errands for less qualified white school administrators in retaliation for making EEOC Charge No. 437-2009-00992. On November 30, 2009 Edenton-Chowan Schools, by and through its agents, including but not limited to Michele Maddox and Dr. Allan T. Smith, began harassing the Plaintiff to obtain the lower-level licensure that they knew she had no desire to obtain or hold. Said harassment was continuous and did not end until August of 2010. Edenton-Chowan Schools created said licensure issue to both harass the Plaintiff into resigning and to manufacture grounds for her termination.

33. On or about the same time as the Plaintiff's demotion, Edenton-Chowan Schools approved the hiring of a less qualified white candidate from Wisconsin to fill the Principal vacancy at John A. Holmes High School. Edenton-Chowan Schools' agents said to the press, "In regard to the selection of the principal, following a fair selection procedure, the school system hired the best qualified candidate to fill the vacant principal position at John A. Holmes High School. Ms. Felton was not the best qualified."

34. This new principal at John A. Holmes High School, who was purportedly the "best qualified candidate," did not have the required North Carolina license before being hired on June 1, 2009. According to a human resources department document maintained by Edenton-Chowan Schools, "principals must hold a N.C. Principal Licensure." However, the new principal's North Carolina license was not issued until February 22, 2010, seven months after being hired.

35. EEOC Charge No. 437-2009-00992 was officially made on August 3, 2009, and it was subsequently amended on December 4, 2009. This charge and its amendment are attached

hereto, marked as “Exhibit 1,” and are hereby incorporated by reference. Said charge alleged race discrimination on the part of Edenton-Chowan Schools for its failure to promote Plaintiff to the vacant Principal position at John A. Holmes High School. Said charge also alleged race discrimination on the part of Edenton-Chowan Schools for its subsequent demotion of the Plaintiff to the position of “Career Development Coordinator.” The charge’s amendment additionally alleged retaliation on the part of Edenton-Chowan Schools against the Plaintiff for stripping her of all administrative duties and renaming her position immediately after EEOC Charge No. 437-2009-00992 was originally made, in addition to requiring the new licensure. Suit is hereby brought upon said EEOC Charge No. 437-2009-00992, including its amended contents.

36. On or about August 30, 2009, immediately after filing EEOC Charge No. 437-2009-00992, the Plaintiff notified Edenton-Chowan Schools’ Human Resources that she was applying for the vacant Director of Secondary and Career Technical Education position in hopes of again becoming a school administrator. On or about September 25, 2009, after offering the position to a less qualified white candidate who did not have comparable administrative experience or the same advanced degrees and who did not accept the job, Edenton-Chowan Schools sent Plaintiff a letter indicating that the position was not going to be filled and the job listing was going to be removed. However, on or about November 13, 2009, another less qualified white candidate, who also lacked comparable administrative experience and the same advanced degrees, began working in Edenton-Chowan Schools as Director of Secondary and Career Technical Education. The Plaintiff was not only deceived but denied the promotion, and again, the position was filled with a less qualified white candidate.

37. After being denied the promotion to the vacant Director of Secondary Education and Career Technical Education position and being deceived regarding its availability, on November 30, 2009, the Plaintiff filed EEOC Charge No. 437-2010-00178. This charge is attached hereto, marked as "Exhibit 2," and is hereby incorporated by reference. Said charge alleged race discrimination on the part of Edenton-Chowan Schools for its failure to promote Plaintiff to the vacant Director of Secondary Education and Career Technical Education position and misleading the Plaintiff regarding the job's availability. Said charge also alleged retaliation on the part of Edenton-Chowan Schools against the Plaintiff for making EEOC Charge No. 437-2009-00992, as Edenton-Chowan Schools misled the Plaintiff regarding the position's availability and filled it with a less qualified white person immediately after the initial EEOC charge was filed. Suit is hereby brought upon EEOC Charge No. 437-2010-00178.

38. Simultaneously with the Plaintiff filing EEOC Charge No. 437-2010-00178, Leslie Michele Maddox, who worked as Edenton-Chowan Schools' Director of Human Resources, and Dr. Allan T. Smith began chastising the Plaintiff regarding her desires to professionally advance, failure to obtain the licensure the school system retroactively required for the position that it demoted the Plaintiff to in retaliation for making EEOC Charges, and insinuating that she should leave Edenton-Chowan Schools. Edenton-Chowan Schools, by and through its administrative staff, and with the support, knowledge and direction of Richard A. Browder, Jr. began to threaten, bully, harass and intimidate the Plaintiff. For example, at this time, immediately after the Plaintiff was in a serious car accident in Elizabeth City, North Carolina, transported to a hospital in Norfolk, Virginia and recovering at home, Edenton-Chowan Schools' agents sent repeated letters and emails to the Plaintiff to harass her for her inability to leave her bed and come to work. In addition, Dr. Allan T. Smith and Leslie Michele

Maddox falsely created charts and documents indicating that the Plaintiff suffered from a psychological disease, “adjustment disorder,” in an attempt to explain away her prior complaints of racism and retaliation. Dr. Allan T. Smith even attempted to bully the Plaintiff into signing documents that stated she was mentally ill. Also, Edenton-Chowan Schools intentionally miscalculated and wrongfully applied FMLA leave in violation of federal and state law as a pretext for attempting to dismiss and silence the Plaintiff. Upon information and belief, Dr. Allan T. Smith misled federal investigators regarding the application and calculation of the Plaintiff’s FMLA leave. Edenton-Chowan Schools’ actions tormented the Plaintiff mentally and physically.

39. The Plaintiff endured frequent retaliatory acts for over nine months after filing EEOC Charge No. 437-2010-00178. During this time, she repeatedly wrote letters and emails to the Edenton-Chowan Board of Education requesting that she be allowed to address the body to request relief from the proper public officials regarding the illegal race discrimination and retaliation that occurred when she was refused promotions, subsequently demoted and otherwise harassed. These requests were repeatedly denied. Meanwhile, Edenton-Chowan Schools continued to seek the Plaintiff’s resignation through ongoing refusals to promote her back to a position fitting for her qualifications, making false allegations regarding her mental health, giving her demeaning work, illegally altering her FMLA leave records, harassing her regarding the licensure issue that it created through a retaliatory demotion, and falsely alleging that she was missing work for unauthorized reasons. At times, the Plaintiff used her accrued leave and did not report to work in an effort to remove herself from the hostile work environment. When Edenton-Chowan Schools saw that the hostile work-environment would not obtain the Plaintiff’s resignation, Edenton-Chowan Schools committed its final act of retaliation by formally

terminating the Plaintiff's employment in August of 2010 upon numerous false pretexts arising from and created by the licensure issue that it had created through the retaliatory demotion to "Career Development Coordinator" and formal altering of the official title and requirements of the Plaintiff's position directly after the making of EEOC Charge No. 437-2009-00992.

40. Immediately after being terminated in August of 2010, Plaintiff filed EEOC Charge No. 430-2010-03097. This charge is attached hereto, marked as "Exhibit 3" and is hereby incorporated by reference. Said charge alleged retaliatory discharge on the part of Edenton-Chowan Schools against the Plaintiff for making EEOC Charge No. 437-2009-00992 and EEOC Charge No. 437-2010-00178. Suit is hereby brought upon EEOC Charge No. 430-2010-03097.

41. Due to her retaliatory termination and false allegations and statements made by Dr. Allan T. Smith and other officers and agents of Edenton-Chowan Schools, the Plaintiff has been unable to obtain alternate employment since August of 2010. Despite her outstanding qualifications, most school systems now do not even respond after the Plaintiff submits an application. Further, as a direct and natural result of Edenton-Chowan Schools' actions, the Plaintiff has lost significant income and her employment benefits, her credit has been damaged, her reputation and career have been destroyed, and professional relationships have been lost.

FIRST CLAIM FOR RELIEF
RETALIATION IN VIOLATION OF TITLE VII
EEOC CHARGE NO. 437-2010-00178, EEOC CHARGE NO. 430-2010-0397
AND EEOC CHARGE NO. 437-2009-00992 (as amended)

42. Plaintiff repeats and re-alleges the allegations above as if fully stated herein.

43. In complaining about the above described discriminatory and retaliatory acts of the Defendant to the EEOC and otherwise, Plaintiff engaged in protected activity under Title VII.

44. A causal link exists between Plaintiff's above described protected activity and Edenton-Chowan Schools' adverse employment actions.

45. Edenton-Chowan Schools willfully, intentionally, and unlawfully violated Title VII by retaliating against the Plaintiff for complaining about the above described discriminatory and retaliatory acts, as complained of in EEOC Charge No. 430-2010-03097, EEOC Charge No. 437-2010-00178, and EEOC Charge No. 437-2009-00992 (as amended), when Edenton-Chowan Schools harassed the Plaintiff, refused to promote her to a position fitting for her qualifications, demoted the Plaintiff, stripped the Plaintiff of all administrative duties, gave the Plaintiff demeaning work, and when it could not obtain her resignation through the hostile work environment it created, formally terminated the Plaintiff upon manufactured and false pretexts.

46. Edenton-Chowan Schools' actions were done with malice or with reckless indifference to Plaintiff's federally protected rights.

47. As a result of said retaliation, Plaintiff is entitled to recover compensatory and punitive damages against Edenton-Chowan Schools as well as any other relief available to her as provided by federal law, including attorney fees and costs incurred in prosecuting this claim.

SECOND CLAIM FOR RELIEF
RACE DISCRIMINATION IN VIOLATION OF TITLE VII
EEOC CHARGE NO. 437-2009-00992 AND EEOC CHARGE NO. 437-2010-00178

48. Plaintiff repeats and re-alleges the above allegations as if fully stated herein.

49. Edenton-Chowan Schools willfully, intentionally, and unlawfully discriminated against Plaintiff on the basis of her race in violation of Title VII in that she was subjected to, inter alia, the denial of equal opportunity in the work place, specifically Edenton-Chowan Schools failed to promote the Plaintiff to the position of Principal and to the position of Director of Secondary and Career Technical Education. Moreover, Edenton-Chowan Schools did not

even allow the Plaintiff and other black applicants to interview for said positions. Edenton-Chowan Schools also deprived Plaintiff of equal opportunity in the work place by its demotion of the Plaintiff to the position of Career Development Coordinator and creating licensure issues in an attempt to obtain her resignation or create a pretext for firing.

50. Edenton-Chowan Schools' actions were done with malice or with reckless indifference to Plaintiff's federally protected rights.

51. As a result of said discrimination, Plaintiff is entitled to recover compensatory and punitive damages against Edenton-Chowan Schools as well as any other relief available to her as provided by federal law, including attorney fees and costs incurred in prosecuting this claim.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands a trial by jury and judgment against the Defendant, to the extent permitted by law, for back pay, front pay, lost employment benefits, damage to professional and personal reputation, pain and suffering, compensatory damages, punitive damages, attorneys' fees and costs and other such relief as this Court deems just and proper.

This the 23rd day of October, 2012.

HOWARD, STALLINGS, FROM & HUTSON, P.A.

By: /s/ Robert H. Jessup IV
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