

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Melissa Cole,)
)
 Plaintiff,) **COMPLAINT**
) **(Jury Trial Demanded)**
 vs.)
)
 Lexington-Richland)
 School District 5,)
)
 Defendant.)
 _____)

The plaintiff, complaining of the defendant herein, would respectfully allege as follows:

1. The plaintiff is a citizen and resident of Lexington County, South Carolina and has served as an employee of Lexington-Richland County School District Five since 1999, most recently as Principal of River Springs Elementary School.

2. The defendant, Lexington-Richland County School District (“the District”), is a political subdivision of the State of South Carolina with its principal place of business in Lexington-Richland Counties, South Carolina where it maintains and operates the public schools within Lexington and Richland Counties.

3. This action arises under Title VII of the 1991 Civil Rights Act and amendments thereto.

4. The plaintiff has exhausted her claims at the administrative level and has received the appropriate Notice of Right to Sue from the United States Equal Employment Opportunity Commission and this action is timely brought.

5. Jurisdiction exists pursuant to 28 U.S.C. 1331 which gives the District Court original jurisdiction over any civil action authorized by law to be commenced by any person to recover

damages under any Act of Congress providing for the protection of civil rights.

6. Venue lies within the Columbia Division pursuant to 28 U.S.C. Section 1391 because the defendant's principal office is located in this judicial division and most of the events giving rise to this claim occurred in Lexington-Richland Counties, within the Columbia Division.

7. The plaintiff is a female who worked for the District, most recently as a principal with an exceptional record of performance and service

8. Prior to August 18, 2008, plaintiff was employed by District, having been an employee since 1999. She served for several years as a special education teacher and received promotions throughout her years of employment. She was eventually promoted to Principal of River Springs Elementary School. On or about July 31, 2008, plaintiff was placed on administrative leave. Subsequently, on August 18, 2008, plaintiff resigned her position as principal under duress proximately caused by defendant District and was constructively discharged therefrom.

9. On or about July 31, 2008, the District allowed the male superintendent to resign his employment with an effective date of or about August 1, 2008, and provided the male superintendent with a severance package.

10. Throughout the summer of 2008, the District repeatedly assured plaintiff that her position as Principal of River Springs Elementary School was not in jeopardy and that the District was only interested in the male superintendent and his conduct.

11. On August 18, 2008, the District gave the plaintiff the option to resign from her position or be terminated. Plaintiff tendered her letter of resignation under duress on August 18, 2008, to prevent a termination from appearing on her employment record.

12. The plaintiff was treated differently by the District from the treatment given a male

counterpart. The terms and conditions of her employment were much stricter.

13. A male superintendent was allowed to resign and given a severance package while the plaintiff was forced to resign or face termination and was not given nor offered a severance package.

14. Such actions on the part of the District, through the actions of its employees, violate the plaintiff's rights under Title VII of the 1991 Civil Rights Act and amendments thereto and amount to unlawful gender discrimination.

15. As a direct and proximate result of such unlawful gender discrimination, the plaintiff has sustained a loss of earnings, a loss of earning capacity, and a loss of promotional opportunities within the District. The plaintiff has further sustained embarrassment and humiliation, as well as extreme mental and emotional anguish and is entitled to an award of attorney's fees and costs.

WHEREFORE, the plaintiff prays for judgment against the defendant District for an appropriate amount of compensatory and actual damages, as well as an appropriate award of punitive damages and for the costs of this action. The plaintiff also prays for equitable relief, including reinstatement with full back pay and benefits.

CROMER & MABRY

BY: s/J. Lewis Cromer
J. Lewis Cromer (FID # 362)
Tandi D. Ross (FID # 10370)
1522 Lady Street
Post Office Box 11675
Columbia, South Carolina 29211
Phone 803-799-9530

Fax 803-799-9533
Attorneys for Plaintiff

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