

# LOUIS H. WATSON, JR., P.A.

ATTORNEYS AT LAW

628 N. State STREET  
JACKSON, MISSISSIPPI 39202

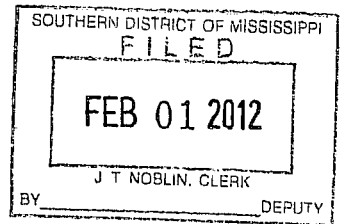
TELEPHONE: 601.968.0000  
FACSIMILE: 601.968.0010

February 1, 2012

**RE: Press Release Regarding Lawsuit Alleging Sexual Harassment By Mayor of Vicksburg.**

The law firm of Louis H. Watson, Jr., P.A. confirms that it has filed a sexual harassment lawsuit against the city of Vicksburg, Mississippi. The complaint that was filed on February 1, 2012, alleges that Kenya Burks, who was employed as the Chief of Staff with the city of Vicksburg, initially had a consensual sexual relationship with Mayor Paul Winfield. Ms. Burks alleges in her complaint that during her employment that she attempted to end the consensual sexual relationship with Mayor Winfield after he became physically abusive; however, Mayor Winfield continued his sexual advances toward Ms. Winfield even though she had informed him that they were unwanted on numerous occasions. Finally, the complaint alleges that Mayor Winfield terminated Ms. Burks and threatened frivolous criminal charges against her in retaliation for her refusing to continue the sexual relationship with Mayor Winfield. Plaintiff's counsel Nick Norris stated, "From the evidence we have seen so far, it appears Mayor Winfield is going to try everything he can to intimidate and retaliate against Ms. Burks for refusing to have a sexual relationship with Mayor Winfield."

The case is currently pending in the United States District Court for the Southern District Of Mississippi. The case is Kenya Burks v. City of Vicksburg, Mississippi, Civil Action No: 5:12-CV-19-DCB-JMR.



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

KENYA BURKS

PLAINTIFF

VS.

CIVIL ACTION NO. 5:12 cv. 19 DCB-Jm

CITY OF VICKSBURG, MISSISSIPPI

DEFENDANT

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**COMPLAINT**  
**JURY TRIAL DEMANDED**

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COMES NOW Plaintiff, Kenya Burks, and brings this action against Defendant, the City of Vicksburg, Mississippi. Plaintiff is seeking compensatory damages, punitive damages, costs, and attorney fees. As more specifically set forth below, Plaintiff has been subjected to unlawful sexual harassment, sex discrimination, sexually hostile environment in the workplace, and retaliation. The actions of the Defendant described herein constitute violations of Title VII of the Civil Rights Act of 1964, the Fourteenth Amendment and other provisions of the United States Constitution, 42 U.S.C. §1983.

**THE PARTIES**

1. Plaintiff Kenya Burks is an adult female resident citizen of Warren County, Mississippi who resides at 717 Clay Street, Vicksburg, MS 39180.
2. The Defendant, City of Vicksburg, Mississippi (“Defendant”) is a municipality in the State of Mississippi and may be served with process through its registered agent, Walter Osborne, Jr., City Clerk, City of Vicksburg, 1401 Walnut St., Vicksburg, MS 39180.

### JURISDICTION

3. This action arises under Title VII, 42 U.S.C. § 2000e, *et seq.*, the United States Constitution, and 42 U.S.C. §1983, .

4. This Court has federal question jurisdiction and venue is proper pursuant to 42 U.S.C. § 2000e-5(f)(3). A true and correct copy of Plaintiff's EEOC charge is attached hereto as Exhibit "A," and a true and correct copy of the EEOC's Dismissal and Notice of Rights is attached hereto as Exhibit "B."

### STATEMENT OF FACTS

5. Plaintiff began employment with the Defendant in July of 2009.

6. Prior to her termination, Plaintiff was engaged in a consensual sexual relationship with Paul Winfield, who is the mayor of the City of Vicksburg, Mississippi.

7. Toward the end of Plaintiff's employment she decided to end the consensual sexual relationship as Mayor Winfield became physically abusive.

8. Plaintiff continually tried to end her relationship with Mayor Winfield, but Mayor Winfield continued his sexually advances toward the Plaintiff even though she had repeatedly complained to Mayor Winfield that they were unwanted.

9. Due to Mayor Winfield's desire to continue the relationship, he attempted to pay Plaintiff overtime funds that were not due to her.

10. After numerous altercations that repeatedly resulted in Plaintiff not taking the money, Mayor Winfield retaliated by trying to have Plaintiff's position eliminated.

11. On April 18, 2011, Plaintiff received a call from Mr. Walterine Langford, the Human

Resources Director. Mr. Langford informed Plaintiff that the position she held as Chief of Staff had been eliminated.

12. Defendant retaliated against Plaintiff by eliminating her position as chief of staff.

13. Defendant's actions were willful, intentional, and in complete disregard for her rights protected by federal law.

14. After Plaintiff filed her charge of discrimination with the EEOC, the Defendant again retaliated against the Plaintiff by threatening her with criminal prosecution for baseless charges. *See* Letter from Travis Vance, attached hereto as Exhibit "C."

#### CAUSES OF ACTION

##### I. COUNT ONE - VIOLATIONS OF TITLE VII and 42 U.S.C. § 1983: SEXUAL HARASSMENT/SEXUALLY HOSTILE WORK ENVIRONMENT

15. Plaintiff incorporates paragraphs 1 through 14 above as though specifically set forth herein.

16. After repeated and continuous attempts by the Plaintiff to end the relationship, her supervisor, acting in his official capacity for the Defendant, refused these requests of the Plaintiff by continued advances and offers of money.

17. These actions of the supervisor, acting in his official capacity for the Defendant, constitute sexual harassment and created a sexually hostile work environment for the Plaintiff.

18. The acts of the Defendant constitute a willful and intentional violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) et seq., the Fourteenth Amendment of the United States Constitution through 42 U.S.C. § 1983, and entitle Plaintiff to recovery of damages, both compensatory and punitive in nature.

**II. COUNT TWO: VIOLATIONS OF TITLE VII and 42 U.S.C. § 1983**  
**- SEX DISCRIMINATION**

17. Plaintiff incorporates paragraphs 1 through 16 above as though fully incorporated herein.

18. Plaintiff has been discriminated against in the terms and conditions of her employment on the basis of her gender.

19. Plaintiff has suffered adverse employment action as a result of the Defendant's discriminatory treatment of Plaintiff.

20. Plaintiff has been harmed as a result of this discrimination, and the Defendant is liable to Plaintiff for the same.

21. The acts of the Defendant constitute a willful and intentional violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) *et seq.*, the Fourteenth Amendment of the United States Constitution through 42 U.S.C. § 1983, and entitle Plaintiff to recovery of damages, both compensatory and punitive in nature.

**III. COUNT THREE: VIOLATIONS OF TITLE VII and 42 U.S.C. § 1983 –**  
**RETALIATION**

22. Plaintiff re-alleges and incorporates all averments set forth through Paragraphs 1 through 21 above as though specifically set forth herein

23. Defendant has violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) *et seq.*, by retaliating against the Plaintiff for making complaints regarding sexual harassment. Plaintiff is entitled to protection for making complaints or charges of misconduct in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e) *et seq.*

24. The acts of the Defendant constitute a willful intentional violation of Title VII

of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) *et seq.*, the Fourteenth Amendment of the United States Constitution through 42 U.S.C. § 1983, and other federal laws, and entitle Plaintiff to recovery of damages, both pecuniary and punitive in nature.

**PRAYER FOR RELIEF**

**WHEREFORE, PREMISES CONSIDERED, PLAINTIFF RESPECTFULLY PRAYS** that the Court cause service to issue in this cause upon the Defendant and that this matter be set for trial. Upon trial by jury thereon, Plaintiff prays that the following relief be granted:

1. Reinstatement or future wages in lieu of reinstatement;
2. Back pay;
3. Compensatory damages;
4. Punitive damages;
5. Attorney's fees;
6. Costs and expenses; and,
4. Such further relief as is deemed just and proper.

THIS the 1<sup>st</sup> day of February, 2012.

Respectfully submitted,  
Kenya Burks, PLAINTIFF

By:  \_\_\_\_\_

Louis H. Watson, Jr. (MB# 9053)

Nick Norris (MB# 101574)

Attorneys for Plaintiff

OF COUNSEL:

LOUIS H. WATSON, JR., P.A.  
628 N. State Street  
Jackson, Mississippi 39202  
(601) 968-0000  
Fax: (601) 968-0010

# CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

FEPA  
 EEOC

423-2011-01159

\_\_\_\_\_ and EEOC  
 State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Kenya M. Burks

Home Phone (Incl. Area Code)

(601) 530-3357

Date of Birth

08-14-1973

Street Address

717 Clay Street, Vicksburg, MS 39180

City, State and ZIP Code

RECEIVED  
 APR 22 2011

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

CITY OF VICKSBURG

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(601) 636-3411

Street Address

Post Office Box 150, Vicksburg, MS 39180

City, State and ZIP Code

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE  COLOR  SEX  RELIGION  NATIONAL ORIGIN  
 RETALIATION  AGE  DISABILITY  GENETIC INFORMATION  
 OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest Latest

04-18-2011

04-18-2011

CONTINUING ACTION

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

I began employment with the above-named company in July 2009. On April 18, 2011, I received a phone call from Walterine Langford, Human Resources Director, informing me that my position of Chief of Staff was being eliminated.

Ms. Langford did not give me a reason as to why my position was being eliminated.

I believe that I have been discriminated because of my sex (female) and retaliated against after I attempted to break off a consensual relationship with my supervisor, in violation of Title VII of the Civil Rights Act of 1964, as amended.

Though I had a consensual relationship with my supervisor, several attempts to break off the relationship were made by me. At this time, my supervisor became angry and retaliated against me professionally. For instance, he attempted to pay me off by giving me overtime funds that were not due to me. After a couple of altercations and me not accepting the money, he moved to have my position eliminated. To my knowledge my position was the only position eliminated during this time by the City of Vicksburg.

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 phone 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 Agency Requirements

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

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.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_  
 (month, day, year)

Apr 22, 2011

Date

Charging Party Signature

EXHIBIT



U.S. Department of Justice  
Civil Rights Division  
NOTICE OF RIGHT TO SUE  
WITHIN 90 DAYS

CERTIFIED MAIL  
2011 7471

950 Pennsylvania Avenue, N.W.  
Karen Ferguson, EMP, PHB, Room 4239  
Washington, DC 20530

January 26, 2012

Ms. Kenya M. Burks  
c/o Louis H. Watson, Jr., Esquire  
Law Office of Louis H. Watson, Jr.  
Attorney at Law  
628 N. State St.  
Jackson, MS 39202

Re: EEOC Charge Against City of Vicksburg  
No. 423201101159

Dear Ms. Burks:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Jackson Area Office, Jackson, MS.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Thomas E. Perez  
Assistant Attorney General  
Civil Rights Division

by

*Karen L. Ferguson*

Karen L. Ferguson  
Supervisory Civil Rights Analyst  
Employment Litigation Section

cc: Jackson Area Office, EEOC  
City of Vicksburg

EXHIBIT

TRAVIS T. VANCE, JR.  
ATTORNEY AT LAW



914 GROVE STREET  
VICKSBURG, MISSISSIPPI 39183  
1601 638-0046  
FAX: 1601 638-1643  
E-mail: vancelaw@attolaw.net

May 2, 2011

Hon. Bobby R. Manning  
Attorney at Law  
702 Jackson Street  
Monroe, Louisiana 71201

*Via Facsimile 318-323-5360*

RE: Kenya M. Burks v. City of Vicksburg

Dear Mr. Manning:

On Friday of last week I attempted to reach you by telephone, however, I was unable to do so. I left my number with your office but have not received a return call from you. I would certainly appreciate your kind courtesies in calling me back so that I might discuss with you certain issues involving the Mayor of the City of Vicksburg, Mayor Paul Winfield.

Please be advised that I am Mayor Paul Winfield's personal attorney and have been advised by Mr. Winfield, as well as, other citizens in this community that Kenya M. Burks relies on you as her personal attorney and personal friend and, as such, she is seeking representation from you in actions concerning her being relieved of her duties with the City of Vicksburg.

It is my understanding that Ms. Burks is represented by Louis H. Watson, Jr., of Jackson, Mississippi, in a EEOC complaint against the City of Vicksburg, however, Ms. Burks has stated to everyone, including the HR Director at the City of Vicksburg that you are her personal attorney and friend and that she will be seeking advice from you.

Ms. Kenya Burks, upon being relieved of her duty with the City of Vicksburg, immediately contacted an attorney in Jackson, Mr. Watson, and stated that she was contacting you in Monroe to facilitate her claims against the City of Vicksburg for damages as a result of her being relieved of her duties at the City of Vicksburg.

Please also be advised that I am personally looking into the issue of whether or not Ms. Burks committed fraud in her position with the City of Vicksburg wherein Ms. Burks signed and approved all of her overtime without proper knowledge and approval of the Mayor and Board of Alderman. If in fact Ms. Burk did sign off and approve her overtime, she did not have the authority to do so. If this is proven to be true then I will have no alternative but to contact the District Attorney in our district for an investigation of such acts on the part of Ms. Burks.

Ms. Burks has also taken it upon herself to defame the character of our Mayor and made





defamatory remarks about Mr. Winfield regarding certain issues involving her duties as an employee of the City of Vicksburg. She has called, texted or emailed numerous people and these people have ultimately contacted our Mayor and advised him of the statements and threats made by your client, Kenya M. Burks. Mr. Winfield has saved numerous texts, emails and recordings regarding threats made to him by Ms. Burks. Ms. Burks has made statements in violation of Federal law and if same continues I will contact the FBI with such information. Please be advised that on behalf of Mayor Paul Winfield I will take all of the necessary actions to protect the reputation of Honorable Paul Winfield as he is a very honorable person and the statements made by Ms. Burks are a total fabrication and lies about Mr. Winfield. Mr. Winfield can, without question, prove these allegations if your client continues to make such statements about him then rest assured that I will take the appropriate legal action to protect the reputation of our Mayor.

Ms. Burks comes from a reputable family in the Tallulah/Lake Providence area and in the past has been very active in civil rights activities in the Tallulah/Lake Providence area. Ms. Burks has hired Louis H. Watson, an attorney in Jackson, Mississippi, who is a Republican and it is my opinion that the Republican party would love to unseat Mayor Winfield as he is a young and upcoming Mayor of the City of Vicksburg and a Southern University law graduate. It would be cruel of Ms. Burks to destroy the career of such a wonderful family man and loyal steward of the City of Vicksburg. Mr. Winfield has done great things for our City and we are all proud of him and to allow Kenya Burks to destroy him with one stroke of the pen would be almost unconscionable.

Based on the actions of Ms. Burks it is apparent to me that Ms. Kenya Burks is destroying her own career by her actions in attempting to defame and destroy the reputation of the Mayor of the City of Vicksburg. As a Southern University graduate and fellow trial lawyer, Paul Winfield does not need the input of Ms. Kenya Burks about activities that she is falsifying in making statements about Mr. Winfield to lawyers and friends of Mr. Winfield. Ms. Burks had a promising career with the City of Vicksburg and it simply did not work out based on her work with the City of Vicksburg. She does have other opportunities for herself in other fields and if she needed a reference then certainly Mayor Winfield would be willing to give her a reference, if needed, based on her past work performance with the City.

Please also note that Mayor Winfield did not relieve her of her duty, it was the action of two (2) of the Aldermen that were dissatisfied with her work performance and based upon that work performance and statements made to the Aldermen, they relieved Ms. Burks of her duty because of her actions in working with such Aldermens. Mayor Winfield did not vote one way or the other to fire Ms. Burks, but in the past has given Ms. Burks a pay raise and other amenities to help keep her as an employee of the City of Vicksburg. Ms. Burks caused her own demise with the City of Vicksburg.

