

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

**GAYLE MILLER MCMULLIN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 3:17cv95-HOW-LRA**

**MISSISSIPPI DEPARTMENT OF  
PUBLIC SAFETY;  
MARSHALL FISHER, in his official  
capacity as Commissioner of the  
MISSISSIPPI DEPARTMENT OF  
PUBLIC SAFETY; and  
CHRIS GILLARD, in his official  
capacity as Colonel for the  
MISSISSIPPI DEPARTMENT OF  
PUBLIC SAFETY**

**DEFENDANTS**

**PLAINTIFF'S MOTION FOR LEAVE  
TO FILE A SUPPLEMENTAL COMPLAINT**

COMES NOW Plaintiff Gayle McMullin and, pursuant to Rule 15(d) of the Federal Rules of Civil Procedure, files this her Motion for Leave to File Supplemental Complaint, attached hereto as Exhibit "A," on the ground that the supplemental language in Count V is based upon the common nucleus of operative fact contained in the initial Complaint and the acts which form the basis of the Supplemental Complaint occurred recently and are ongoing.

1.

As set forth in said supplemental Count V, cadets at the Mississippi Highway Safety Patrol Training Academy were ordered by Colonel Chris Gillard to document in writing mistreatment of the cadets by Training Officers (TACs). The cadets were told if they did not document an incident of mistreatment they would be expelled from cadet school.

2.

At a training meeting held prior to ordering the cadets to “document” mistreatment, Colonel Chris Gillard mentioned Gayle McMullin’s lawsuit was pending and said gratuitously “if she fails, I fail.”

3.

As a result of these coerced and bogus claims of mistreatment, a so-called “criminal investigation” was opened and TAC training officers, along with Training Director Plaintiff Gayle McMullin, were suspended with pay pending the criminal “investigation.” The Defendants seized the officers’ Mississippi Highway Patrol vehicles, weapons, cellular telephones, and other equipment. The TAC officers and Plaintiff remain suspended.

4.

There was no mistreatment of cadets by the TAC training officers.

5.

On the day of the suspension, while interviewed on television, the Defendant Commissioner of the Department of Public Safety, Marshall Fisher, stated something to the effect that he had uncovered potential abuse of cadets and that there would be an intense Internal Affairs investigation and that the persons responsible would be dealt with to the full extent of Mississippi law.

6.

The suspended TAC officers are material witnesses with first-hand knowledge of the acts constituting retaliation and a hostile work environment suffered by Plaintiff while she was stationed as Director of Training. These witnesses are important for forming the facts of

Plaintiff's initial complaint; because of their involvement in Plaintiff Gayle McMullin's case, they have been punished.

7.

The suspensions and investigations ordered by the Defendants in concert are all acts of intimidation and are threats to keep the TAC officers from testifying freely and honestly in Gayle McMullin's pending litigation.

8.

Two causes of action in Plaintiff McMullin's underlying lawsuit allege racial discrimination in violation of Title VII of the Civil Rights Act of 1964, 43 U.S.C. § 2000e, *et seq.*, and the equal protection clause of the Fourteenth Amendment to the United States Constitution.

9.

The intimidation and threats by the Defendants have a racially based animus.

Respectfully submitted, this the 16th day of March, 2018.

/s/Dennis L. Horn

Dennis L. Horn, Attorney for Plaintiff

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**NOTICE OF MOTION**

Please take notice that Plaintiff Gayle McMullin will bring on for hearing the above and foregoing *Plaintiff's Motion for Leave to File Her First Supplemental Complaint* before The Honorable Linda R. Anderson, United States Magistrate Judge, Southern District of Mississippi, as soon as counsel may be heard.

Respectfully submitted,

/s/ Dennis L. Horn  
Dennis L. Horn

**CERTIFICATE OF SERVICE**

I, Dennis L. Horn, certify that I have this date served the Clerk of this Court using the ECF system, a true and correct copy of the above and foregoing *Plaintiff's Motion for Leave to File Her First Supplemental Complaint* on the following:

Hon. Thomas E. Whitfield, Jr.  
Whitfield Law Group, PLLC  
660 Lakeland East, Suite 200  
Flowood, MS 39232  
[tommy@whitfieldlaw.org](mailto:tommy@whitfieldlaw.org)

This the 16<sup>th</sup> day of March, 2018.

/s/ Dennis L. Horn  
Dennis L. Horn