



AlaFile E-Notice

01-CV-2023-903028.00

To: reginald DARYL mcdaniel
rdm@reginaldmcdaniel.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JENNIFER LOVE LOTT V. MARK SULLIVAN
01-CV-2023-903028.00

The following complaint was FILED on 8/28/2023 1:37:28 PM

Notice Date: 8/28/2023 1:37:28 PM

JACQUELINE ANDERSON SMITH
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
716 N. RICHARD ARRINGTON BLVD.
BIRMINGHAM, AL, 35203

205-325-5355
jackie.smith@alacourt.gov



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8/28/2023 1:37 PM

01-CV-2023-903028.00

CIRCUIT COURT OF

JEFFERSON COUNTY, ALABAMA

JACQUELINE ANDERSON SMITH, CLERK

Case:

01

Date of Filing:

08/28/2023

Judge Code:

State of Alabama
Unified Judicial System
Form ARCiv-93 Rev. 9/18

COVER SHEET
CIRCUIT COURT - CIVIL CASE
(Not For Domestic Relations Cases)

GENERAL INFORMATION

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
JENNIFER LOVE LOTT v. MARK SULLIVAN

First Plaintiff: ☐ Business ☒ Individual ☐ Government ☐ Other
First Defendant: ☐ Business ☒ Individual ☐ Government ☐ Other

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:

TORTS: PERSONAL INJURY

- ☐ WDEA - Wrongful Death
☐ TONG - Negligence: General
☐ TOMV - Negligence: Motor Vehicle
☐ TOWA - Wantonness
☐ TOPL - Product Liability/AEMLD
☐ TOMM - Malpractice-Medical
☐ TOLM - Malpractice-Legal
☐ TOOM - Malpractice-Other
☐ TBFM - Fraud/Bad Faith/Misrepresentation
☐ TOXX - Other: _____

TORTS: PERSONAL INJURY

- ☐ TOPE - Personal Property
☐ TORE - Real Property

OTHER CIVIL FILINGS

- ☐ ABAN - Abandoned Automobile
☐ ACCT - Account & Nonmortgage
☐ APAA - Administrative Agency Appeal
☐ ADPA - Administrative Procedure Act
☐ ANPS - Adults in Need of Protective Service

OTHER CIVIL FILINGS (cont'd)

- ☐ MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
☐ CVRT - Civil Rights
☐ COND - Condemnation/Eminent Domain/Right-of-Way
☐ CTMP - Contempt of Court
☐ CONT - Contract/Ejectment/Writ of Seizure
☐ TOCN - Conversion
☒ EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
☐ CVUD - Eviction Appeal/Unlawful Detainer
☐ FORJ - Foreign Judgment
☐ FORF - Fruits of Crime Forfeiture
☐ MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
☐ PFAB - Protection From Abuse
☐ EPFA - Elder Protection From Abuse
☐ QTLB - Quiet Title Land Bank
☐ FELA - Railroad/Seaman (FELA)
☐ RPRO - Real Property
☐ WTEG - Will/Trust/Estate/Guardianship/Conservatorship
☐ COMP - Workers' Compensation
☐ CVXX - Miscellaneous Circuit Civil Case

ORIGIN: F ☒ **INITIAL FILING**

A ☐ **APPEAL FROM DISTRICT COURT**

O ☐ **OTHER**

R ☐ **REMANDED**

T ☐ **TRANSFERRED FROM OTHER CIRCUIT COURT**

HAS JURY TRIAL BEEN DEMANDED? ☐ YES ☒ NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)

RELIEF REQUESTED: ☐ **MONETARY AWARD REQUESTED** ☒ **NO MONETARY AWARD REQUESTED**

ATTORNEY CODE:

MCD061

8/28/2023 1:37:23 PM

Date

/s/ reginald DARYL mcdaniel

Signature of Attorney/Party filing this form

MEDIATION REQUESTED: ☐ YES ☒ NO ☐ UNDECIDED

Election to Proceed under the Alabama Rules for Expedited Civil Actions: ☐ YES ☐ NO



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CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
JACQUELINE ANDERSON SMITH, CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JENNIFER LOVE LOTT,

Plaintiff

v.

CASE NUMBER

**Dr. MARK SULLIVAN, Superintendent,
Birmingham City Schools,
In his personal and official capacity**

Defendant.

**VERIFIED COMPLAINT FOR TEMPORARY RESTRAINING ORDER
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

Comes now the Plaintiff, Jennifer Love Lott by and through her attorneys of record, Reginald D. McDaniel and Juandalynn Givan and files this Complaint against the Defendant, Mark Sullivan ("Sullivan") for the relief requested herein, and as grounds for such, would show unto this Honorable Court as follows:

1. The Plaintiff, Jennifer Love Lott is an individual who is over the age of nineteen years, is a bona fide resident citizen of Jefferson County, Alabama and has been such for more than six months next preceding the filing of this Complaint.
2. The Defendant, Dr. Mark Sullivan, is the chief executive officer for the Birmingham City School System, which is organized under the State of Alabama and existing under the laws of the State of Alabama.
3. Plaintiff is a tenured full-time employee of the Birmingham City School System hired through the Birmingham Board of Education. Plaintiff serves as Principal of the Wilkinson Middle School, since 2022, which operates as part of the Birmingham School System. Plaintiff did all things proper and legal in her position as Principal of Wilkerson Middle School since being hired into the position.
4. That in late July 2023, Plaintiff received a phone call from legal counsel for the Birmingham City Schools directed by Dr. Sullivan, that an investigation was being launched regarding testing procedures at Oliver Elementary that occurred while the Plaintiff was principal from 2018 through 2022. The legal counsel only stated that some anonymous teacher was "*dissatisfied*" with the testing scores at Oliver while Plaintiff was the principal as the basis for the investigation.

5. In fact, the attorney representing Sullivan and Birmingham City Schools further stated to Plaintiff, that she was directed by Sullivan to contact the Alabama State Department of Education to further allege testing irregularities against the Plaintiff, even though no investigation had started to even obtain any factual information related to the allegations. This action alone caused severe harm to the name, integrity, professional career and reputation of the Plaintiff. Furthermore, The Defendant violated Plaintiff's due process rights which the Alabama Court of Civil Appeal wrote in the *Taylor v. Huntsville City Bd. of Educ.*, 143 So.3d 219 Ala.Civ.App.2013), that the Tenure Act grants to teachers a property interest which, when perfected, is entitled to constitutional due process protection. These actions alone caused severe harm to the name, integrity, professional career and reputation of the Plaintiff without any due process as required under Section 13 of the Alabama Constitution.

6. On or about August 4, 2023, Plaintiff was placed on administrative leave with pay and told not to return to her job until further notice from Birmingham City Schools legal staff. The suspension from her job was implemented under the direction of Dr. Sullivan, although he and counsel for BCS failed to set out any authority or law that would justify or authorize the suspension. (**Exhibit A-Letter of Suspension**) In blatant disregard for the law, and in an arbitrary and capricious manner, the Defendant's actions to suspend Plaintiff from her position are contrary to law.

7. That all representations by the Defendant in its letter to the Plaintiff are without merit, or any reasonable reliable evidence to justify the suspension and the suspension is due to personal vendettas that former Oliver Elementary staff have against Plaintiff, due to Oliver's test scores falling since Plaintiff was promoted to Principal in her new position at Wilkerson Middle School in 2022. Upon information and belief there exist special relationships between Oliver staff members and those in leadership positions with the Birmingham City Schools that heavily contributed to the hasty and unjustified actions that have caused great harm to the Plaintiff.

8. That the unjustified suspension has placed Jennifer Love Lott, the Plaintiff, in a publicly embarrassing and negative light since this matter has been widely disseminated and commented on by BCS officials to local media that cannot be "undone" and which allegations have not been proved to have any legitimate or evidentiary basis.

9. Plaintiff offers to do equity.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff prays that this Honorable Court will:

A. Name as a party defendant in this cause, Dr. Mark Sullivan and that that he be served with a copy of this Complaint, along with a Summons and that it be required to answer same within the time and in the manner required by law or else suffer a default judgment against it.

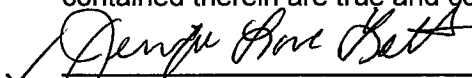
B. After a hearing of this cause, that the Defendant be restrained from suspending the Plaintiff from her position as principal at Wilkerson Middle School immediately and that the Birmingham City Schools be ordered to cease further interference with the Plaintiff and her position until any investigation is fully completed and goes through the administrative process.

C. Plaintiff prays for such other, special, general and further relief to which it may be entitled.

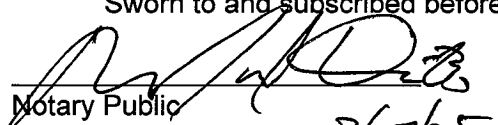

Jennifer Love Lott, Plaintiff

**STATE OF ALABAMA)
JEFFERSON COUNTY)**

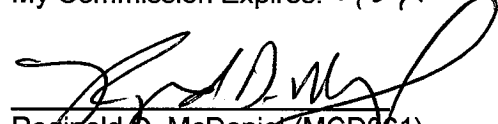
Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared Jennifer Love Lott and being by me first duly sworn, deposes and says on oath that She has read the foregoing Complaint and that the information and allegations contained therein are true and correct.

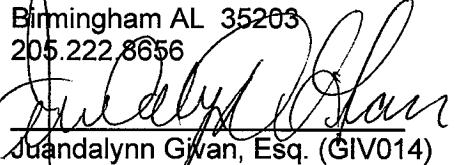

Jennifer Love Lott, Plaintiff

Sworn to and subscribed before me on this the 28th Day of August, 2023.

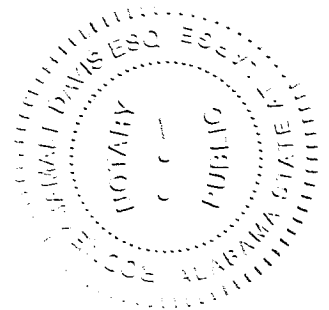

Notary Public

My Commission Expires: 3/27/25


Reginald D. McDaniel (MCD061)
Attorney for the Plaintiff
810 5TH Avenue N., Ste. B.
Birmingham AL 35203
205.222.8656


Juandalynn Gwan, Esq. (GIV014)
Attorney for the Plaintiff
810 5TH Avenue N., Ste. A.
Birmingham AL 35203

RODNEY JAMAE L DAVIS ESQ
Notary Public
Alabama State at Large



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JENNIFER LOVE LOTT,

Plaintiff

v.

CASE NUMBER

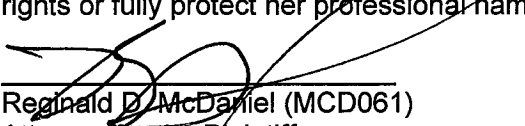
Dr. Mark Sullivan, Superintendent, Birmingham)
City Schools

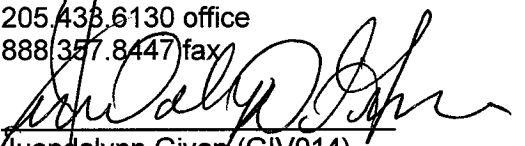
Defendant.

ATTORNEY'S AFFIDAVIT

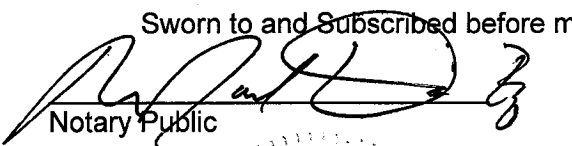
STATE OF ALABAMA)
JEFFERSON COUNTY)

Comes Now, Reginald D. McDaniel, and Juandalynn Givan, the Attorneys of Record for the Plaintiff in the above styled cause, and certifies to the Court that no effort has been made to serve the opposing party nor should notice be required due to the fact that between the time of service and a hearing of this matter, the Plaintiff would suffer immediate and irreparable harm and injury due to the actions of the Defendant in suspending the Plaintiff pending an unjustified investigation, thereby rendering it impossible for the Plaintiff to pursue her livelihood, property rights or fully protect her professional name, image and reputation.


 Reginald D. McDaniel (MCD061)
 Attorney for the Plaintiff
 810 5th Avenue N., Ste. B.
 Birmingham, AL 35203
 205.222.8656 cell
 205.438.6130 office
 888.357.8447 fax


 Juandalynn Givan (GIV014)
 Attorney for the Plaintiff
 810 5th Avenue N., Ste. B.
 Birmingham, AL 35203

Sworn to and Subscribed before me on this the 28th day of August, 2023.


 Notary Public

My Commission Expires 8/27/25

RODNEY JAMAE DAVIS ESQ
 Notary Public
 Alabama State at Large



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CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
JACQUELINE ANDERSON SMITH, CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JENNIFER LOVE LOTT,

Plaintiff

v.

Dr. Mark Sullivan, in his official and individual
Capacity

Defendant.

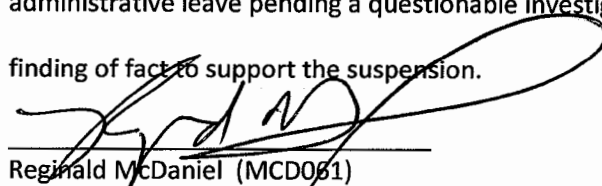
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CASE NUMBER

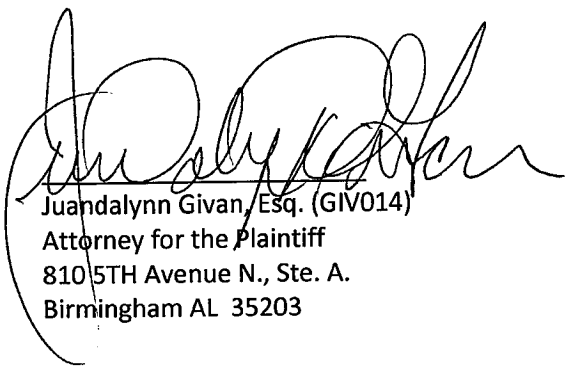
APPLICATION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION

Upon the verified Complaint heretofore filed, and upon the attached affidavit of Jennifer Love Lott, Plaintiff respectfully moves the Court for the following specific relief:

1. That a temporary restraining order be issued by the Court restraining and enjoining the Defendant from suspending Jennifer Love Lott, the Plaintiff and/or denying the Plaintiff entry upon the premises and facility operated by Defendant known as Wilkerson Middle School pending a hearing and determination of Plaintiff's motion for preliminary injunction, on the grounds that immediate and irreparable injury, damage and loss will continue to result to Plaintiff before notice can be given and the Defendant or its attorney can be heard in opposition, as more fully appears from the verified Complaint and from the affidavit of Jennifer Love Lott attached hereto; and,
2. That pending the final hearing and determination if this cause, the Court issue a preliminary injunction restraining and enjoining the Defendant from suspending and/or placing Jennifer Love Lott on administrative leave pending a questionable investigation that more than likely will have not produce a finding of fact to support the suspension.


Reginald McDaniel (MCD061)
Attorney for the Plaintiff
810 5th Avenue N. Ste. B.
Birmingham, AL 35222

8/28/2023



Juandalynn Givan, Esq. (GIV014)
Attorney for the Plaintiff
810 5TH Avenue N., Ste. A.
Birmingham AL 35203

8/28/2023



BIRMINGHAM
CITY SCHOOL
BUILDING LEADERS. IMPACTING THE WORLD.



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JACQUELINE ANDERSON SMITH, CLERK

Plaintiff Exh. A

HAND DELIVERY

MEMORANDUM

To: JENNIFER LOTT
Principal, Wilkerson Middle School

From: Amanda Cross, Esq., Employee Relations/District Investigator

CC: Attorney Afrika Parchman, Office of General Counsel
Dr. Evelyn L. Hines, Instructional Superintendent

Date: August 4, 2023

Re: Administrative Leave w/Pay

Under the administrative authority of the superintendent, you are being placed on administrative leave with pay pending an investigation. Upon receipt of this notice, you are being relieved of your official duties and responsibilities. Additionally, you should not enter onto board property without express permission and should remain available during regular work hours. Please be advised that all communication should be with me. I can be reached at 205-422-1806 or across@bhm.k12.al.us.

If there are personal belongings at your worksite that you wish to recover, please provide me with a written communication and I will work with your supervisor to oblige your request. In addition, please surrender any keys or Board equipment (i.e. iPad, checkbook, etc.) that will need to remain at the worksite in your absence.

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JENNIFER LOVE LOTT,

Plaintiff

V.

Dr. MARK SULLIVAN in his individual and official capacity,

Defendant.

CASE NUMBER

AFFIDAVIT OF JENNIFER LOVE LOTT

STATE OF ALABAMA)
JEFFERSON COUNTY)

Comes Now Jennifer Love Lott, the Plaintiff (hereinafter, the "Plaintiff" or "Ms. Love Lott") in the above styled cause, who being duly sworn, deposes and says on oath, as follows:

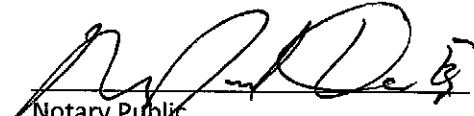
1. Your affiant is employed as principal at Wilkerson Middle School in the Birmingham City School System from the 2022 school year.
2. This is an action for temporary restraining order and permanent injunction enjoining the Dr. Sullivan from taking any actions to suspend and/or place me on administrative leave, nor to further interfere with my personal property rights as an employee of BCS.
3. That unless the Defendants are enjoined from enforcing or carrying out any action that would deny Plaintiff entry upon the said premises and to resume performance of my position with the Birmingham School System, the Plaintiff will continue to suffer immediate and irreparable injury or harm without due process in violation of Section 13 of the Alabama Constitution, stating, *“That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person, or reputation, shall*

have a remedy by due process of law; and right and justice shall be administered without sale, denial, or delay." Additionally, The Student's Frist Act has no provisions governing suspension of employees for more than twenty days as done to the Plaintiff as I have suffered since August 4, 2023.

4. The Plaintiff is suffering and will continue to suffer irreparable damages in that the Defendant, by its arbitrary actions to suspend the Plaintiff without due cause, due process or evidence to support allegations, is contrary to law. Further, the Plaintiff's livelihood has been and will continue to be adversely impacted and suffer immediate and irreparable harm by the actions of the Defendant. Even further, the Defendant's actions of August 4, 2023 of placing the Plaintiff on administrative suspension without due process has caused immediate and irreparable harm in that Jennifer Love Lott's name, professional reputation, mental well-being have suffered and the only remedy to relieve some of the damage done without due process will be to reinstate me to my position so that I can continue to improve the education of those students who are also suffering without the leadership of a proven educator. Although the damage in the public domain and news media cannot be recovered, I pray this honorable court will enter this restraining order until such time as a preliminary hearing and/or final hearing on the matter can be heard in full.


Jennifer Love Lott, Plaintiff

Sworn to and subscribed before me on this the 28th day of August, 2023.


Notary Public

My Commission Expires: 3/27/25

