



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

CHERYL MATORY

PLAINTIFF

VS.

CIVIL ACTION NO. 3:16cv989 LG-  
RHW

HINDS COUNTY SHERIFF'S VICTOR MASON,  
IN HIS INDIVIDUAL CAPACITY, AND  
HINDS COUNTY, MISSISSIPPI

DEFENDANTS

COMPLAINT  
(Jury Trial Demanded)

COME NOW, Plaintiff Cheryl Matory, by and through their attorney, Lisa M. Ross,  
and files this her Complaint against the Defendants, as follows:

JURISDICTION AND VENUE

1. This suit is authorized and instituted pursuant to Title VII of the Civil Right Act of 1964, as amended, 42 U.S.C. §§ 2000 et seq.; Civil Rights Act of 1866, 42 U.S.C. § 1981, 42 U.S.C. § 1983, and the First and Fourteenth Amendments of the United States Constitution. Jurisdiction of the Court is invoked pursuant to 42 U.S.C. § 2000E-5(f), 28 U.S.C. § 1343(a)(3) & (4), and 28 U.S.C. § 1331.
2. Venue is proper pursuant to 28 U.S.C. § 1391(b). A substantial part of the events or omissions giving rise to these claims acts complained of by Plaintiffs occurred in Jackson, Mississippi.

### **PARTIES**

3. Plaintiff Cheryl Matory (hereinafter “Matory”) is an adult African American female resident citizen of Hinds County, Mississippi.

4. Defendant Victor Mason (hereinafter “Mason”) is the Sheriff of Hinds County, Mississippi. At all times material herein, Mason was acting within the course and scope of his employment as Sheriff of Hinds County, Mississippi. Mason may be served with process of this Court by service on him at his business address of Hinds County Sheriff's Office, 407 East Pascagoula Street, Jackson, Mississippi.

5. Defendant Hinds County, Mississippi was and still is a county organized and existing under and by virtue of the laws of the State of Mississippi. This defendant may be served with process of this Court in care of its agent for service, Darrel McQuirter, President, Hinds County Board of Supervisors, Hinds County Chancery Court Building, 316 South President Street, Jackson, Mississippi.

### **STATEMENT OF FACTS**

6. Mason asked Matory, then a Jackson Police Department corporal and crime scene investigator, to assist him in recruiting employees to work for him in anticipation of his election as the Sheriff of Hinds County, Mississippi in 2015. Mason directed Matory to invite Tomeca Barnes, then a Jackson Police Department corporal, to work to elect Mason as sheriff. Mason promised Cheryl Matory that he would select her as his undersheriff and Tomeca Barnes as the head supervisor of Internal Affairs Division if he won the sheriff's election.

7. During the campaign season, Mason began frequently texting Matory about Tomeca Barnes. On June 16, 2015, Mason texted Matory and asked “Where Temeca Barnes?” Matory replied that Tomeca Barnes was working. On July 8, 2015 at 2:20 p.m., Mason

texted Matory and asked “Where’s Temeca Barnes?” Matory, who also worked part-time at the Hilton on County Line Road, replied “Not @ the Hilton Bossman.” Mason replied: “she and I need to be at the Hilton.” Matory responded: “-“. Mason texted again and said “where is she?” Matory replied “somewhere praying.” Tomeca Barnes is a minister and a law enforcement officer. In response, Mason texted, “hopefully to get me.” Matory texted Mason and asked “are you serious?” Mason did not respond.

8. On July 15, 2015 at 6:12 a.m., Mason sent Matory a video of a male Jackson Police Officer performing sexual acts on another male. On July 26, 2015 at 7:37 a.m., Mason texted Matory and said “Temeca Barns.” Matory responded “what’s going on Bossman, Barnes.” Mason responded “where is she?” Matory told Mason she didn’t know. On July 28, 2015, Mason sent Matory a photograph at 2:27 a.m. of Tomeca Barnes in her Honor Guard uniform. At 5:28 p.m., Mason texted Matory and asked “have you talked with Temeca Barnes this evening?”

8. On August 4, 2015, Mason was elected sheriff of Hinds County, Mississippi.

9. Four days after his election, Mason texted Matory and asked “where’s Officer Barnes?” Matory told Mason, Tomeca Barnes was out on leave. In addition to working as a corporal at JPD, Tomeca Barnes is a member of the military. On August 18, 2015, Mason texted Matory and said “Hey.” Matory responded: “what doing.” Mason stated “thinking about Barnes.” Matory responded “Lol!!!!Not time.” Mason responded “ok.” On August 19, 2015, Victor Mason texted Cheryl Matory and stated “Barnes.” On August 31, 2015, Mason texted Matory: “TB.” Matory did not respond.

10. On September 9, 2015, Mason texted Matory and asked “Where’s TB?” Matory responded: “What up Bossman!!!!” Mason responded “Temeca Barnes.” Matory told Mason, Barnes was busy and Mason asked “Will she give me some?” Matory responded

“Ahhhhhhh I don’t know, What Doing?” Mason then stated **“If she doesn’t you won’t get hired. Take a guess.”** Matory texted Mason and said, **“Well that’s not my fault can’t tell grown folks what to do with personal life.”** Mason texted back and said **“Ok I’ll show you.”** Matory responded and said “If you are a charmer you know what to do, OK 10/4.” Mason stated **“Oh I am trust me.”**

11. On November 9, 2015, Mason texted Tomeca Barnes and stated: “Lt. Tomeca Barnes Office of Special Incestigations (SIC) Hinds County Sheriff’s Dept.” On November 12, 2015, Mason texted Tomeca Barnes and said “Goodmorning Lt. Barnes.” She replied “Good Morning Sheriff.” Mason replied “You like that don’t you?” Tomeca Barnes responded and said “You’re the Sheriff.” Mason replied “And you’re the lieutenant.” Tomeca Barnes replied “Yes Sheriff.”

12. On November 26, 2015 at 5:05 p.m., Mason texted Tomeca Barnes and said “Happy Thanksgiving.” Mason texted Tomeca Barnes again and stated “You need to send me a selfie so I’ll know you’re in Tunica.” Tomeca Barnes texted Mason back and said “Just know that I’m here...” Mason replied “Ok I trust you.” At 8:23 p.m. the same night, Mason texted “Hello Lt. Barnes?”

13. On Thursday, December 31, 2015, Mason was sworn in as sheriff of Hinds County, Mississippi. On January 4, 2016, Matory was hired as the undersheriff of Hinds County and Tomeca Barnes was hired as the head supervisor of the Internal Affairs Division of the Hinds County Sheriff’s Department. Immediately after joining the Hinds County Sheriff’s Department, Mason began to direct you to have Tomeca Barnes to come to his office. After Matory placed calls to Tomeca Barnes asking her to come to Mason’s office, Mason would direct Matory to leave.

13. Upon information and belief, Tomeca Barnes asked Mason if Matory could stay in his office when he directed Matory to call her to his office. After approximately one month on the job, Mason asked Matory what would she do if she came to his office and it smelled like "ass." Matory asked Mason "are we still dealing with that, we have work to do." Matory asked Mason not to involve her in his plans for Tomeca Barnes and to stop directing her to tell Tomeca Barnes that Mason was interested in having sex with her.

14. On several occasions, Mason told Matory that she better make sure that Tomeca Barnes came to his office "or else." When Matory asked Mason what he meant by "or else," he told her "you think I'm playing. I'll show you." Matory told Mason that she was not going to arrange for him to have sex with Tomeca Barnes. Mason became angry and began to distant himself from Matory. Mason refused to pay Matory the salary he told her she would be making as the undersheriff and that was subsequently approved by the Hinds County Board of Supervisors.

15. In the Spring of 2016, Mason repeatedly told Matory he was going to make her kiss an employee he nicknamed "Lips." Mason began saying in his office "everyone loves dick." When Matory asked Mason why he was using derogatory language, he said he was referring to Captain Richard Brown. Matory asked Mason to stop but Mason said it was not unprofessional and it is true that "everybody loves dick."

16. On July 5, 2016, Mason demoted Matory and Tomeca Barnes. Pete Luke, a white male, was selected to replace Matory as the undersheriff. Keith Barnett, an African-American male, was selected to replace Tomeca Barnes as the head supervisor of IAD.

17. After Matory's demotion, she was given a position as a crime scene investigator and told that she would be on call 24 hours seven days a week with no schedule to let her know when she would be on call. From July 5, 2016, Matory worked eight hours every weekday

and was on call after she left work and all day on weekends. Upon information and belief, Matory was not placed in a rotation with other investigators to work crime scenes.

18. On December 27, 2016, Matory was directed to appear at the office of Clara Barker, counsel for the Hinds County Sheriff's Department. During the meeting in Clara Barker's office, Barker told Matory that "we" are all concerned about "you." Barker told Matory that she knew that Matory was angry about something. Barker told Matory she knew she was angry about her demotion as undersheriff and asked what they could do to help. Barker told Matory she needed a note from her physician that she could continue to carry her service weapon. After the meeting ended, Matory asked if she had permission to leave. Barker told her yes and she left.

19. Matory worked to her vehicle. As she was pulling out of her parking space, she was approached at her vehicle by Captain Richard Brown and Sgt. Trey Brister. Sgt. Trey Brister demanded Matory's service weapon as well as the truck she was driving. Matory cleared her service weapon and placed it on the seat of the truck. Matory exited her car and asked the deputy sheriff how was she supposed to get home. Sgt. Brister said he didn't know as he looked at Captain Brown. Matory began walking home.

20. Before Matory reached her home, she received a telephone call from Sgt. Garcia, who told her that he had an important letter for her. Garcia delivered Matory's termination letter from Mason, who knew that Matory had filed a charge of discrimination against him, received a right to sue letter and had less than a month to file a lawsuit against him. The reasons Mason gave for terminating Matory are pretexts to cover up his race and sex discrimination and an attempt by Mason to avoid Justice.

**CAUSE OF ACTIONS**

**SEXUALLY HOSTILE WORK ENVIRONMENT**

21. Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.
22. Plaintiff contends that Victor Mason's repeated unwanted and unwelcomed demands for her to arrange sexual liaisons with her co-worker had the effect of unreasonably interfering with the Plaintiffs' work performance and creating an intimidating, hostile and offensive working environment.
23. Plaintiff contends that Victor Mason conditioned the terms and conditions of her continued employment on her acquiescence to arrange sexual liaisons with Tomeca Barnes.
24. As a proximate consequence of the actions of Victor Mason, Matory suffered emotional harm.

**SEX DISCRIMINATION**

25. Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.
26. Plaintiff contends that Victor Mason's subjected her to discrimination on account of her sex by engaging her in conversations about whether Tomeca Barnes would have sex with him and coercing her to convince Tomeca Barnes to have sex with him in exchange for employment and continued employment with the Hinds County Sheriff's Department.
27. Plaintiff contends that Victor Mason conditioned the terms and conditions of her continued employment on her acquiescence to arrange sexual liaisons with Tomeca Barnes.
28. As a proximate consequence of the actions of Victor Mason, Matory suffered emotional harm.

**RACE DISCRIMINATION**

29. Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.

30. Plaintiff contends that Victor Mason's subjected her to race discrimination when he demoted her and replaced her with a white male at a time when she was qualified to perform her duties as undersheriff.

31. As a proximate consequence of the actions of Victor Mason, Matory suffered emotional harm.

**RETALIATION – FRIST AMENDMENT AND TITLE VII**

32. Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.

33. Plaintiff contend retaliated against her first by demoting her and then terminating her when she told him that she would not assist him in his efforts to have sex with an employee under his supervision and chastised him about other sexually derogatory conduct in the workplace. Mason terminated Matory's employment but retained employees who were aware of his indiscretions as well as other deputies who engaged in sexual misconduct under Mason's supervision. This had the effect of unreasonably interfering with Matory's interest in continual employment with the Hinds County Sheriff's Department.

34. Upon information and belief, Mason was the official policy maker for the Hinds County Sheriff's Department and any reasonable sheriff would have known in 2016 that he could not conditioned an employee's job on her willingness to arrange sexual encounters for the sheriff. In addition, any reasonable sheriff would have known in 2016 that Matory had a right to speak out against sexual harassment in the workplace especially sexual harassment perpetrated by the county's chief law enforcement office.

35. As a proximate consequence of the actions of the Defendant, Matory suffered damages.



### **BREACH OF CONTRACT**

36. Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.
37. Plaintiff contends Mason used his apparent authority to cause her at-will employment contract to be terminated because Matory refused to engage in unlawful conduct of soliciting Tomeca Barnes for sexual favors for Mason.
38. Upon information and belief, Defendant knew or should have known that he was breaching Matory's contract and that he could not fire Matory because she refused to arrange sexual encounters between Mason and Tomeca Barnes.
39. As a proximate consequence of the actions of Defendant, Matory suffered damages. economic harm.

### **DAMAGES**

40. As a consequence of the foregoing misconduct of the defendant, Plaintiff Cheryl Matory sustained pain and suffering, physical injury, great mental distress, depression, insomnia, shock, fright and humiliation.
41. As a consequence of the foregoing misconduct of the Defendant, Plaintiff Cheryl Matory has been damaged in an amount exceeding the jurisdictional requirements of this Court.

### **RELIEF**

42. Plaintiff requests that the Court issue the following relief:
- a. Enter declaratory relief declaring that the Defendant has engaged in sexually hostile work place harassment, conditioned Cheryl Matory's employment on her willingness to tolerate sexual harassment and breach of contract in violation of public policy against Cheryl Matory, and enjoining the Defendant from in the future engaging in such discrimination and retaliatory practices.

b. Enter temporary and permanent injunctions restraining the Defendant from discriminating, harassing and retaliating against the Plaintiff because she engaged in protected activity;

c. Award Plaintiff Cheryl Matory reinstatement or in the alternative front pay, equitable back pay, economic damages for her lost pay and fringe benefits, together with compensatory and punitive damages for intentional sex discrimination and harassment in the amount to be determined by a jury of their peers.

d. Award Plaintiff attorney fees, costs and expenses of litigation and;

e. Award such other relief to which Plaintiff may be entitled under law.

f. Award Plaintiff punitive damages to punish Mason for his unlawful conduct.

**WHEREFORE PREMISES CONSIDERED**, Plaintiff Cheryl Matory demands judgment against Defendant in an amount exceeding the jurisdictional requirements of this Court, all together with the costs and disbursement action, including attorneys' fees, plus interest, and for any other relief which this Court deems just and proper.

**RESPECTFULLY SUBMITTED** this, the 28th day of December, 2016.

**CHERYL MATORY**

By: Lisa M. Ross

Lisa M. Ross, Esq.

MSB# 9755

P.O. Box 11264

Jackson, MS 39283-1264

(601) 981-7900 (telephone)

(601) 981-7917 (facsimile)

Attorney for Plaintiff