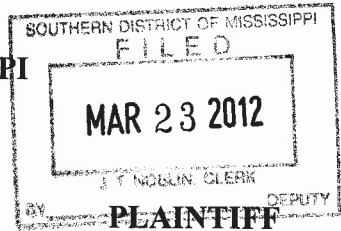


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION



FELICIA ALLEN

VS.

CIVIL ACTION NO. 3:12CV206WHB-LRA

HOBBY LOBBY STORES, INC.

DEFENDANT

**NOTICE OF REMOVAL OF HOBBY LOBBY STORES, INC.**

COMES NOW, Hobby Lobby Stores, Inc. ("Hobby Lobby"), and files this Notice of Removal pursuant to 28 U.S.C. § 1446, and in support thereof, would respectfully show unto the Court the following:

**A. Procedural Background**

1. On or about the 17<sup>th</sup> day of February, 2012, plaintiff Felicia Allen filed a Complaint in the Circuit Court of Hinds County, Mississippi, the same bearing civil action number 251-2-121CIV ("state court action"), alleging violations of Title VII of the Civil Rights Act of 1964.

2. Defendant Hobby Lobby was served with the Complaint on February 22, 2012. This Notice of Removal is being filed within the thirty (30) day period required by 28 U.S.C. §1446(b).

3. The time period for filing a responsive pleading to the state court action has not expired as of the filing of this Notice of Removal. No orders have been entered in the state court action as of the filing of this Notice of Removal.

**B. Grounds for Removal**

4. The present suit is an action over which this Court has original jurisdiction pursuant to 28 U.S.C. §1331 and may be removed to this Court by defendant, pursuant to the provisions of 28 U.S.C. §1441(b) as it is a civil action founded on a claim of rights arising under the laws of the United States. Removal is thus proper because plaintiff's claims present a federal question (28 U.S.C. §1441(b)). Specifically, in the Complaint, plaintiff seeks damages for alleged violations of Title VII of the Civil Rights Act of 1964.

**C. Compliance with Procedural Requirements.**

5. Pursuant to 28 U.S.C. §1446(b), this Notice is being filed with the Court within thirty (30) days after this defendant was served with the Complaint.

6. Pursuant to 28 U.S.C. §1441(a), venue of the removal action is proper in this Court because it is the district and division embracing the place where the state court action is pending.

7. Promptly after filing of this Notice of Removal, this defendant shall give written notice of the removal to the plaintiff and will file a copy of this Notice of Removal with the Circuit Court of Hinds County, Mississippi as required by 28 U.S.C. § 1446(d).

8. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 5(b), a certified copy of all process, pleadings and orders filed in the state court action are attached hereto.

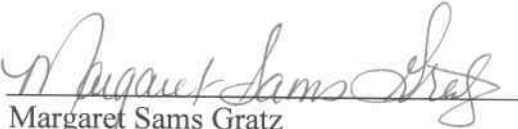
9. Trial has not commenced in the civil action pending in the Circuit Court of Hinds County, Mississippi.

Wherefore, defendant Hobby Lobby Stores, Inc. respectfully prays that this action be removed to this Court and that this Court assume full jurisdiction as if it had been originally filed here.

This the 22<sup>nd</sup> day of March, 2012.

RESPECTFULLY SUBMITTED,

HOBBY LOBBY STORES, INC., Defendant

BY:   
Margaret Sams Gratz  
Mississippi Bar No. 99231

OF COUNSEL:

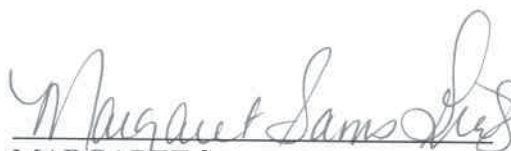
MITCHELL, McNUTT & SAMS  
ATTORNEYS AT LAW  
105 SOUTH FRONT STREET  
POST OFFICE BOX 7120  
TUPELO, MISSISSIPPI 38802-7120  
662-842-3871

CERTIFICATE OF SERVICE

I, Margaret Sams Gratz, attorney for the defendant, do hereby certify that I have this day served a true and correct copy of the above and foregoing NOTICE OF REMOVAL OF HOBBY LOBBY STORES, INC. on counsel for the plaintiff by placing said copy in the United States Mail, postage prepaid, addressed as follows:

Louis H. Watson, Jr., Esq.  
628 North State Street  
Jackson, Mississippi 39202

DATED, this, the 22<sup>nd</sup> day of March, 2012.

  
MARGARET SAMS GRATZ

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT  
OF HINDS, COUNTY, MISSISSIPPI

ALLEN FELICIA

PLAINTIFF

VS.

NO. 251-12-000121-CIV

HOBBY LOBBY STORES INC

DEFENDANT

I, BARBARA DUNN, CIRCUIT CLERK, OF THE CIRCUIT COURT  
IN AND FOR THE SAID STATE AND COUNTY DO HEREBY CERTIFY THAT  
THE ATTACHED ARE TRUE AND CORRECT COPIES OF ALL THE PAPERS  
FILED IN THIS OFFICE IN THE ABOVE STYLED AND NUMBERED CAUSE,  
AS OF THIS DATE THE SAME IS OF RECORD IN THIS OFFICE IN DOCKET  
BOOK NO. 12 PAGE NO. 121 TO WIT:

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 16TH  
DAY OF MARCH, 2012.

BARBARA DUNN, CIRCUIT CLERK  
HINDS COUNTY, MISSISSIPPI

BY  D.C.

**FILED**

FEB 17 2012

BARBARA DUTCH, CIRCUIT CLERK  
BY  D.C.

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

**FELICIA ALLEN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.** 251-12-121 CIV

**HOBBY LOBBY STORES, INC.**

**DEFENDANT**

**COMPLAINT**

**JURY TRIAL DEMANDED**

**COMES NOW** the Plaintiff, Felicia Allen, by and through her counsel, Louis H. Watson, Jr., and files this action to recover damages for violations of her rights under Title VII of the Civil Rights Act of 1964, as amended, against the Defendant, Hobby Lobby Stores, Inc. In support of this cause, the Plaintiff would show unto the Court the following facts to-wit:

**THE PARTIES**

1. Plaintiff Felicia Allen is an adult female resident citizen of Hinds County, Mississippi residing at: 343 East Mayes Street, Jackson, MS 39206.
2. Defendant, Hobby Lobby Stores, Inc., is an Oklahoma corporation, operating and doing business in Mississippi, and may be served with process in Hinds County through its registered agent, Corporation Service Company, at: 506 S President Street, Jackson, MS 39201.

**JURISDICTION**

3. This court has concurrent jurisdiction for a cause of action arising under Title VII of the Civil Rights Act of 1964.

4. This Court has personal and subject matter jurisdiction over the Defendant and venue is proper in this Court.

5. Plaintiff timely filed a Charge of Discrimination with the EEOC, a true and correct copy of which is attached as Exhibit "A." The EEOC issued a Notice of Right to Sue on November 22, 2011, a true and correct copy of which is attached as Exhibit "B." Plaintiff timely files this cause of action within ninety (90) days of receipt of her Notice of Right to Sue.

#### **STATEMENT OF FACTS**

6. Plaintiff was hired by Defendant in August of 2010, as a Cashier at the Flowood, Mississippi location.

7. On January 15, 2011, Plaintiff filed her medical leave paperwork with the store manager, Tammy.

8. Plaintiff filed for medical leave due to her pregnancy.

9. Plaintiff was informed that since she was not eligible for medical leave, she was terminated.

10. Some time later, Defendant's Corporate office informed Plaintiff that Tammy was instructed to allow Plaintiff to take personal leave instead of FMLA leave.

11. Tammy never informed Plaintiff of Corporate's instructions and instead told Plaintiff that she was terminated and could re-apply at a later date.

12. Defendant's actions constitute willful acts of sex and pregnancy discrimination, as well as violations of Mississippi law.

**CAUSES OF ACTION**

**COUNT ONE: VIOLATIONS OF TITLE VII  
SEX AND PREGNANCY DISCRIMINATION**

13. Plaintiff re-alleges and incorporates all averments set forth in paragraphs 1 through 12 above as if fully incorporated herein.

14. Defendant's actions constitute unlawful sex and pregnancy discrimination based on Plaintiff's pregnancy, in violation of Title VII.

15. As a direct and proximate result of Defendant's unlawful, discriminatory conduct toward Plaintiff, Plaintiff has lost wages and benefits and has sustained other pecuniary loss.

16. The unlawful actions of the Defendant complained of above were intentional, malicious, and taken in reckless disregard of the statutory rights of Plaintiff.

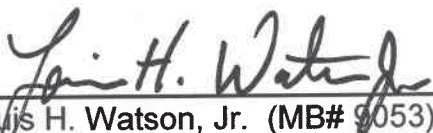
**WHEREFORE PREMISES CONSIDERED**, Plaintiff respectfully prays that upon hearing of this matter by a jury, the Plaintiff be granted the following relief in an amount to be determined by the jury:

1. Reinstatement;
2. Back pay;
3. Compensatory damages;
4. Punitive damages;
5. Attorney's fees;
6. Costs and expenses; and
7. Any other relief to which she may be properly entitled

THIS the 17th day of February, 2012.

Respectfully submitted,

Felicia Allen, PLAINTIFF

By:   
Louis H. Watson, Jr. (MB# 9053)  
Nick Norris (MB# 101574)  
Attorneys for Plaintiff

OF COUNSEL:

LOUIS H. WATSON, JR., P.A.  
628 North State Street  
Jackson, Mississippi 39202  
Telephone: (601) 968-0000  
Facsimile: (601) 968-0010  
Email: [louis@louiswatson.com](mailto:louis@louiswatson.com)  
Web: [www.louiswatson.com](http://www.louiswatson.com)  
[www.msemploymentlaw.com](http://www.msemploymentlaw.com)



**FILED**

FEB 23 2012

BARBARA DUNN, CIRCUIT CLERK  
BY \_\_\_\_\_ D.C.

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

**FELICIA ALLEN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 2512-121 CIV**

**HOBBY LOBBY STORES, INC.**

**DEFENDANT**

**SUMMONS**

TO: Hobby Lobby Stores, Inc.  
C/O Corporation Service Company  
506 S. President St.  
Jackson, Mississippi 39201

**NOTICE TO DEFENDANT**

**The Complaint which is attached to this summons is important and you must take immediate action to protect your rights.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Louis H. Watson, Jr., Louis H. Watson, Jr., P.A., 628 North State Street, Jackson, Mississippi 39202-3303, the attorney for the Plaintiff. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

ISSUED under my hand and the seal of said Court, this the 21 day of February, 2012.

Honorable Barbara Dunn  
Circuit Clerk of Hinds County, MS

By: \_\_\_\_\_  
Deputy Clerk

**ATTEST A TRUE COPY**

FEB 21 2012

BARBARA DUNN, CIRCUIT CLERK  
BY \_\_\_\_\_ D.C.

RETURN OF PROCESS SERVER

**FILED**

FEB 23 2012

BARBARA DUNN, CIRCUIT CLERK

BY [Signature] D.C.

STATE OF MISSISSIPPI

COUNTY OF Hinds

() I personally delivered copies of the summons on the 22nd day of February, 2011, to: Danny L. Perry, Corporation Service Company, Registered Agent for Hobby Lobby Stores, Inc.

( ) After exercising reasonable diligence I was unable to deliver copies of the summons to \_\_\_\_\_ within \_\_\_\_\_ County, \_\_\_\_\_. I served the summons on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the usual place of abode of said \_\_\_\_\_ by leaving a true copy of the summons with \_\_\_\_\_, who is the \_\_\_\_\_ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served, above the age of sixteen years and, unwilling to receive the summons, and thereafter on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

( ) I was unable to serve the summons.

This the 22 day of February, 2012

[Signature]  
PROCESS SERVER

RETURN TO:  
  
Louis H. Watson, Jr.  
LOUIS H. WATSON, JR., P.A.  
628 North State Street  
Jackson, MS 39202-3303

JS 44 (Rev. 09/11)

CIVIL COVER SHEET

3:12 CV 206 WHB-LRA

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Felicia Allen

DEFENDANTS

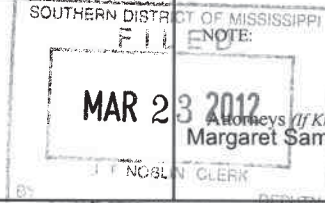
Hobby Lobby Stores, Inc.

(b) County of Residence of First Listed Plaintiff **Hinds**  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant **n/a**  
(IN U.S. PLAINTIFF CASES ONLY)

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Louis H. Watson, Jr., Esq.



Attorneys (If Known)  
Margaret Sams Gratz, Esq.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                            |   |                            |                                       |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. §1981

Brief description of cause:  
Plaintiff alleges gender discrimination against her employer

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMANDS CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE **n/a** DOCKET NUMBER **n/a**

DATE: 03/22/2012 SIGNATURE OF ATTORNEY OF RECORD: Margaret Sams Gratz

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

#346430/4879