

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

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J. TODD MASTRY,

Plaintiff,

v.

Case No. 3:25-cv-36-MPM-RP

DESOTO COUNTY BOARD OF SUPERVISORS  
and DESOTO COUNTY CONVENTION  
AND VISITORS BUREAU,

**JURY DEMANDED**

Defendants.

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**FIRST AMENDED COMPLAINT**

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COMES NOW Plaintiff J. Todd Mastry (“Mr. Mastry”) and files this First Amended Complaint against his former employers Defendant DeSoto County Board of Supervisors (“Board of Supervisors”) and Defendant DeSoto County Convention and Visitors Bureau (“CVB”) for retaliation in violation of the Civil Rights Act of 1866, 42 U.S.C. § 1981, brought pursuant to 42 U.S.C. § 1983. In support, Plaintiff would state as follows:

**I. INTRODUCTION**

For more than ten years, Mark Gardner, District 2 Supervisor on the DeSoto County Board of Supervisors, has repeatedly stated that he did not want “Black acts” performing at the Landers Center. Supervisor Gardner made it clear that he did not want “those people” performing and “those people” coming down from Memphis to see the performances in DeSoto County. Memphis, TN, the nearest major metropolitan city of DeSoto County, has a majority Black population. These racist views were shared and advocated for by District 4 Supervisor Lee Caldwell and other members of the Boards of Supervisors and the CVB.

J. Todd Mastry, the Executive Director of the Landers Center, repeatedly told Supervisors Gardner and Caldwell that he could not and would not discriminate based on race in contracting with artists who performed at the Landers Center. Mr. Mastry explained that selectively contracting with artists based on race and style of music would be illegal under federal law (Civil Rights Act) and a violation of the artists' First Amendment rights. Mr. Mastry filed a complaint alleging retaliation for his protected activity with the CVB on August 26, 2024.

After falling short of the votes needed to terminate Mr. Mastry in September 2024 for his having engaged in protected activity, Gardner conspired with members of the Board of Supervisors and the CVB to replace two additional CVB Board members who would support his racist agenda in October 2024, who then terminated Mr. Mastry's employment on January 6, 2025.

## **II. JURISDICTION**

1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(4).

## **III. STATEMENT OF FACTS**

### **A. Parties**

2. Plaintiff J. Todd Mastry is an adult white male resident of DeSoto County, Mississippi.

3. Defendant DeSoto County Board of Supervisors is an elected county body responsible for, among other things, adopting an annual county budget, appointing the board members of the DeSoto County Convention and Visitors Bureau, enacting policies and ordinances to direct the county's development and general welfare. DeSoto County Board of Supervisors may be served by delivering a summons and complaint to the President of the Board,

Mark Gardner, at 365 Losher Street, Suite 300, Hernando, MS 38652.

4. Defendant DeSoto County Convention and Visitors Bureau (“CVB”) was created on May 6, 1996 by the DeSoto County Board of Supervisor pursuant to Mississippi Senate Bill 3173. The CVB Board consists of seven (7) members, five (5) appointed by the Board of Supervisors and two (2) at-large members appointed by the Board of Supervisors and who also are members of the DeSoto County Economic Development Council. The CVB may be served by delivering a summons and complaint to the President of the CVB, Amelia Lovorn, at 4560 Venture Drive, Southaven, Mississippi 38671.

5. The Board of Supervisors, in addition to appointing all members of the CVB Board, sets amount of the “convention tourist promotion tax” at an amount not to exceed 2% that is used for the construction and maintenance of the Landers Center as well as the operation of the CVB. The Board of Supervisors also has the power to call the CVB employees before it to answer questions regarding CVB business.

6. More than 30% of the population of DeSoto County, Mississippi identifies as Black/African-American, which is the fastest growing demographic in DeSoto County. All members of the Board of Supervisors and the Board of the CVB are white.

### **B. Factual Allegations**

7. The CVB is a seven (7) member board tasked with promoting the attractions of DeSoto County and tourism to the County. The CVB Board members are appointed pursuant to Senate Bill 3153 by the DeSoto County Board of Supervisors.

8. The CVB, at all relevant times, employed an Executive Director to run the day-to-day operations of the CVB.

9. The Landers Centers, an event center and arena located at 4560 Venture Drive, Southaven, Mississippi 38671, and the BankPlus Amphitheater, a concert venue located at 6285 Snowden Lane, Southaven, MS 38672, are run and acts are booked by the Executive Director of the CVB.

10. In October 2008, the CVB hired Mr. Mastry as Assistant General Manager and then promoted him in 2011 to Executive Director.

11. During Mr. Mastry's tenure, the Landers Center had remarkable success and growth. It was ranked by Pollstar from 2012 through 2023 as a top-200 arena. For example, in 2021, Landers Center ranked 52<sup>nd</sup> in ticket sales and in 2022, it ranked 49<sup>th</sup>. Mr. Mastry also led the BankPlus Amphitheater to a position on the top-100 amphitheater list.

12. During Mr. Mastry's tenure, revenues—not including monies gained from the tourism tax—rose from \$2.6 million in 2008 to \$11.5 million in 2022. In fact, in 2008 DeSoto County had to subsidize the Landers Center as for the previous 8 years it had not done enough business to cover expenses. By January 2025, CVB's bank balance had grown to \$41 million.

13. Among other accomplishments, Mr. Mastry in his tenure recruited and moved all Feld Entertainment shows, including Ringling Brothers Barnum Bailey Circus, Disney on Ice, Marvel Universe Live, Jurassic Park Live, and Monster Jam, from FedEx Forum to the Landers Center. In 2009, Mr. Mastry contracted to move the Mid-South Fair to the Landers Center. In 2017, he negotiated and acquired the management, marketing, and operational rights to the Mid-South Fair. Since that time, the Fair has seen overall 500% growth. Mr. Mastry twice negotiated and sold venue naming rights to Landers Auto. Mr. Mastry negotiated and contracted with the Memphis Grizzlies to bring the G-League Memphis Hustle to the Landers Center.

14. In late 2014, Supervisor Mark Gardner learned that the rapper, Lil Wayne, a Black musical artist, was booked to play at the Landers Center on January 28, 2016.

15. Supervisor Gardner approached several CVB Board members and Mr. Mastry to express his concerns about Lil Wayne performing in DeSoto County.

16. Supervisor Gardner stated that he had complaints from community members about the Lil Wayne concert. In the discussions, Supervisor Gardner admitted that none of the individuals complaining listened to Lil Wayne's music or had previously attended one of his concerts, but he stated that they had heard things and did not think he should play in DeSoto County.

17. Supervisor Gardner later complained that he did not want "those people" playing in the community. He complained that these acts brought "those people" down from Memphis. It was clear to those who heard Supervisor Gardner that he was referring to Black artists who performed and Black Memphians who attended the concerts.

18. Mr. Mastry, some CVB Board members, and other staff of CVB explained to Supervisor Gardner that it would be a First Amendment violation to discriminate against certain artists and a civil rights violation if they discriminated in contracting based on race. Mr. Mastry refused to cancel the contract or limit future performances by Black artists.

19. In or around 2015, Supervisor Gardner had a meeting with the President of the CVB, Charles Tackett, and expressed his concerns again about the performances of Black artists at the Landers Center. He stated that Mr. Mastry, despite his success in his position, was "not the right man for the job." It was clear to the CVB President that Supervisor Gardner's concerns about Mr. Mastry stemmed from his booking what the industry referred to as "urban acts" and

what Supervisor Gardner called “black acts” or “those people.”

20. In 2015, Mandi Abernathy was appointed to the Board of the CVB. Before her appointment, Supervisor Gardner met with her at her house.

21. Supervisor Gardner told Ms. Abernathy that he was going to appoint her and that they were going to fire Mr. Mastry and stop the “Black acts.”

22. Ms. Abernathy agreed to serve but promised only to report back to Supervisor Gardner what she learned in her work on the CVB Board.

23. After each CVB Board meeting, Ms. Abernathy would report back to Supervisor Gardner. Supervisor Gardner grew frustrated when Ms. Abernathy told him that she had grown to respect Mr. Mastry. She explained that he developed relationships and deals that more than justified his salary. She also observed that Mr. Mastry’s staff truly respected him and enjoyed working for him.

24. Supervisor Gardner had Ms. Abernathy replaced from the CVB Board after only one term.

25. Supervisor Gardner continued to advocate for the CVB Board terminating Mr. Mastry. He repeatedly objected to the acts booked at the Landers Center, which he referred to “rap acts,” “Black acts,” and “Memphis acts.”

26. Supervisor Gardner was joined in these efforts by Supervisor Lee Caldwell, who also openly advocated for the end of acts featuring Black artists.

27. Between 2015 and 2024, Supervisors Gardner and Caldwell attempted to persuade CVB Board members to terminate Mr. Mastry in an effort to end “Black acts” from performing at the Landers Center.

28. Upon information and belief, before their appointment to the CVB Board by the Board of Supervisors, Supervisor Gardner would instruct prospective board members that they would be appointed and that their job was to terminate Mr. Mastry and end “Black acts.”

29. On August 19, 2024, at the Board of Supervisors meeting, Supervisors Gardner and Caldwell berated Mr. Mastry about the “content” of the shows at the Landers Center stating they did not want “those shows and those people.” Former Supervisor and newly appointed CVB Member, Michael Lee, slammed his hand on the table multiple time while yelling, “we don’t need those people coming down her coming to those shows.” He added, “The place should be simply shut down and we get rid of everyone [referring to the employees].”

30. Supervisor Robert Foster stated that the CVB Board members needed to take over booking and not allow “those shows” to take place. CVB Board member, Amy Lovorn, stated that the Board would be taking over and “there will be changes.” Supervisor Gardner added that the attorneys had gotten involved previously when the Boards had wished to discriminate in which shows performed at the Landers Center but that those attorneys were not there now.

31. Supervisor Foster celebrated the changes that Ms. Lovorn’s comments and added in response to Supervisor Gardner’s comment about the attorney, that they had removed the previous attorney, who was Tony Nowak, and replaced him with a “‘yes’ attorney like we have now.”

32. It was clear to Mr. Mastry that “those shows” and “those people” respectively referred to Black artists and largely Black crowds from Memphis.

33. In response, Mr. Mastry asked them for the names of specific shows and acts that they found objectionable.

34. Supervisor Caldwell claimed she could not remember. Supervisor Gardner threw his hands up in disgust and told Supervisor Caldwell not to answer.

35. On August 26, 2024, Mr. Mastry sent a letter to Matt Hatch, Landers Center/DeSoto County CVB Human Resources Director, complaining that the complaints of Gardner, Caldwell, and Lee were racially discriminatory and that he feared retaliation for refusing to discriminate against Black acts. Mr. Mastry specifically alleged in his complaint letter that there appeared to be a conspiracy between the CVB Board and the DeSoto County Board of Supervisors to retaliate against Mr. Mastry and his staff for booking Black acts and for their refusal to discriminate against Black artists and concert-goers.

36. This letter was forwarded to Michael Hatcher, who was the then-CVB Board President, and Jody Neyman, CVB Board attorney.

37. To Mr. Mastry's knowledge, no investigation ever occurred into his allegations.

38. On August 28, 2024, Mr. Mastry sent an email to all members of the Board of Supervisors as well as to the members of the CVB Board asking for those who had complained to identify the acts about which they were complaining. In the email, Mr. Mastry attached the list of all acts who had been booked during his time as Executive Director.

39. No one ever responded to the email.

40. Instead, on September 3, 2024, the CVB Board, at the encouragement of Supervisors Gardner and Caldwell, attempted to terminate Mr. Mastry's employment.

41. This attempt was unsuccessful as they did not have the votes.

42. On October 7, 2024, the Board of Supervisors led by Supervisor Gardner appointed two new members, Bill Sexton and Lee Ellinburg, to the CVB Board. Mr. Sexton is



the owner and managing broker of Bill Sexton Realty and Appraisals, LLC, where Supervisor Gardner works. On October 17, 2024, Amelia Lovorn was installed as the President of the CVB Board in place of Mr. Hatcher. Additionally, on

43. The installation of these new board members meant that 5 new board members had been installed in 2024 by the Board of Supervisors (Dr. Jason Coleman, appointed 5/20/2024; Michael Lee, appointed 5/20/2024; Amelia Lovorn, appointed 5/20/2024; Bill Sexton, appointed 10/7/2024; and Lee Ellinburg, appointed 10/7/2024).

44. On January 6, 2025, with this newly appointed majority, handpicked and controlled by Supervisor Gardner and the Board of Supervisors, the CVB Board voted to terminate Mr. Mastry's employment.

45. Defendants conspired together to terminate Mr. Mastry's employment in retaliation for his refusal to discriminate against black artists and in an effort to limit the booking of Black artists and performers at the Landers Center.

46. As a result of Defendants' actions, Mr. Mastry has suffered significant financial damages in the form of lost income and benefits.

47. Mr. Mastry was also humiliated and embarrassed by his treatment at the hands of Defendants and has suffered emotional distress and damage to his national reputation (professional and personal).

#### **IV. CAUSES OF ACTION**

##### **COUNT 1: 42 U.S.C. § 1981 Retaliation pursuant to 42 U.S.C. § 1983**

48. Plaintiff incorporates the foregoing paragraphs of this Complaint as if fully set forth herein and would state:

49. In refusing to discriminate against race in contracting at the CVB facilities and for his complaints about Defendants' attempts to discriminate based on race in contracting at CVB facilities, Plaintiff has engaged in actions protected by 42 U.S.C. § 1981.

50. The actions of Defendants DeSoto County Board of Supervisors and DeSoto County Convention and Visitors Bureau, performed under the color of state law, constitute unlawful retaliation in violation of 42 U.S.C. § 1981 brought pursuant to 42 U.S.C. § 1983. *See CBOCS West, Inc. v. Humphries*, 553 U.S. 442 (2008).

51. Specifically, Defendants Board of Supervisors and DeSoto County CVB through its members conspired to retaliate against Plaintiff and did in fact retaliate against Plaintiff for his protected activity.

52. As a result of Defendants' conduct, Plaintiff suffered actual economic damages and suffered other injuries damages and losses, including emotional distress and damage to his national professional and personal reputation and an amount to be proved at trial.

#### **V. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays:

53. That this Court assumes jurisdiction in this matter and sets this case promptly for trial by jury;

54. That this Court enter a declaratory judgment declaring the actions of Defendants to be in violation of 42 U.S.C. § 1981 brought pursuant to 42 U.S.C. § 1983.

55. That Plaintiff be awarded money damages in an amount equivalent to his loss of wages (front pay and back pay), salary, employment benefits, and other compensation, with interest;

56. That the Court order reinstatement of Plaintiff (or front pay if reinstatement is found to be infeasible);

57. That Plaintiff be awarded compensatory damages for emotional distress including embarrassment, humiliation, and damage to his personal and national professional reputation;

58. That this Court award Plaintiff reasonable attorney's fees, reimbursement for costs and expenses, and any expert witness fees, as provided by 42 U.S.C. § 1988 and any other applicable statute;

59. That Plaintiff be awarded pre-judgment interest and post-judgment interest on all damages awarded to Plaintiff; and

60. That Plaintiff be awarded any and all other general, equitable, and/or monetary relief as deemed just by the Court.

Respectfully submitted,

/s/ Bryce W. Ashby

/s/ William B. Ryan

William B. Ryan – MS #99667

Donald A. Donati – TN #8633 (admitted  
*pro hac vice*)

Bryce W. Ashby - TN #26179 (admitted  
*pro hac vice*)

DONATI LAW, PLLC

1545 Union Avenue

Memphis, TN 38104

901/278-1004 (phone)

901/278-3111 (fax)

[billy@donatilaw.com](mailto:billy@donatilaw.com)

[don@donatilaw.com](mailto:don@donatilaw.com)

[bryce@donatilaw.com](mailto:bryce@donatilaw.com)

Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon the following counsel for Defendants via email on this the 20<sup>th</sup> day of February, 2025:

**Defendant Desoto County Board of Supervisors**

Adam B. Emerson  
Bridgforth, Buntin & Emerson, PLLC  
5293 Getwell Rd.  
Southaven, MS 38672  
[adam@bbelawyers.com](mailto:adam@bbelawyers.com)

**Defendant Desoto County CVB**

Robert R. Morris III  
Bridgforth, Buntin & Emerson, PLLC  
5293 Getwell Rd.  
Southaven, MS 38672  
[bob@bbelawyers.com](mailto:bob@bbelawyers.com)

/s/ Bryce W. Ashby

/s/ William B. Ryan