

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

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.

ANSWER TO PLAINTIFF J. TODD MASTRY'S FIRST AMENDED COMPLAINT

Defendant DeSoto County Convention and Visitors Bureau (“DCCVB” or “Defendant”), by and through the undersigned counsel, answers each paragraph of the First Amended Complaint filed by J. Todd Mastry (“Mastry” or “Plaintiff”) as follows:

I. INTRODUCTION

Defendant admits that on August 26, 2024, Plaintiff submitted a letter to Matt Hatch, Human Resources Director for the DeSoto County Convention and Visitors Bureau, doing business as the Landers Center, expressing concerns that he and his staff were being retaliated against for “booking and producing urban acts.” Defendant further admits that a majority of the members of the DCCVB Board voted to terminate Plaintiff’s employment on January 6, 2025. All remaining allegations in the introductory paragraph of the First Amended Complaint are denied.

II. JURISDICTION

1. Admitted.

III. STATEMENT OF FACTS

A. Parties

2. Upon information and belief, admitted.
3. Upon information and belief, admitted.
4. It is admitted that the DCCVB Board can be served through its President. It is further admitted that the Board of Supervisors appoints all members of the DCCVB Board. The remaining allegations in Paragraph 4 are denied as stated.
5. It is admitted that the Board of Supervisors appoints all members of the DCCVB Board. The remaining allegations in Paragraph 5 are admitted upon information and belief.
6. It is admitted that more than 30% of the population of DeSoto County, Mississippi identifies as Black or African American. It is further admitted that all current members of the Board of Supervisors and the DCCVB Board are white. Defendant lacks sufficient information to admit or deny the remaining allegations in Paragraph 6 and therefore denies them.

B. Factual Allegations

7. It is admitted that the DCCVB Board assists in promoting attractions and tourism in DeSoto County. The remaining allegations in Paragraph 7 are denied as stated.
8. It is admitted that the DCCVB Board employs the Executive Director of the DeSoto County Convention and Visitors Bureau, doing business as the Landers Center, to oversee its daily operations.
9. Admitted.

10. It is admitted that Plaintiff was hired as Assistant General Manager in September of 2008 and promoted to Executive Director in 2011. All remaining allegations in Paragraph 10 are denied as stated.
11. It is admitted that the BankPlus Amphitheater was ranked 98th in a top-100 amphitheater list in 2019. Defendant lacks sufficient information to admit or deny the remaining allegations in Paragraph 11 and therefore denies them.
12. Defendant lacks sufficient information to admit or deny the allegations in Paragraph 12 and therefore denies them.
13. Defendant lacks sufficient information to admit or deny the allegations in Paragraph 13 and therefore denies them.
14. It is admitted that rapper Lil Wayne, a Black musical artist, was booked to perform at the Landers Center on January 28, 2016. Defendant lacks sufficient information to admit or deny the remaining allegations in Paragraph 14 and therefore denies them.
15. It is admitted that Supervisor Gardner expressed concerns regarding Lil Wayne's performance to several members of the DCCVB Board at the time.
16. Defendant lacks sufficient information to admit or deny the allegations in Paragraph 16 and therefore denies them.
17. Denied.
18. Defendant admits that certain members of the DCCVB Board expressed concern about whether restricting performances based on content could violate the First Amendment. The remaining allegations in Paragraph 18 are denied.
19. Defendant lacks sufficient information to admit or deny the allegations in Paragraph 19 and therefore denies them.

20. It is admitted that Mandi Abernathy was appointed to the DCCVB Board in 2015.

Defendant lacks sufficient information to admit or deny the remaining allegations in Paragraph 20 and therefore denies them.

21. Defendant lacks sufficient information to admit or deny the allegations in Paragraph 21 and therefore denies them.

22. Defendant lacks sufficient information to admit or deny the allegations in Paragraph 22 and therefore denies them.

23. Defendant lacks sufficient information to admit or deny the allegations in Paragraph 23 and therefore denies them.

24. Defendant lacks sufficient information to admit or deny the allegations in Paragraph 24 and therefore denies them.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. It is admitted that Mr. Mastry sent a letter to Matt Hatch, the Human Resources Director of the Landers Center, on August 26, 2024, alleging that racially biased and discriminatory

remarks were made during the August 19, 2024, Board of Supervisors meeting. The remaining allegations in Paragraph 35 are denied.

36. Admitted.

37. Defendant denies the allegations in Paragraph 37 as stated, as it is not in a position to confirm or dispute what Mr. Mastry may or may not know.

38. It is admitted that on August 28, 2024, Plaintiff sent an email requesting that the recipients identify bookings in response to alleged prior inquires and attached a list of bookings made since the beginning of his tenure at the Landers Center. The remaining allegations in Paragraph 38 are denied as stated.

39. Defendant lacks sufficient information to admit or deny the allegations in Paragraph 39 and therefore denies them.

40. Denied.

41. Denied.

42. It is admitted that Bill Sexton and Lee Ellingburg was appointed to the DCCVB Board on October 7, 2024. It is admitted, upon information and belief, that Bill Sexton is the owner and managing broker of Bill Sexton Realty and Appraisals, LLC, and that Supervisor Mark Gardner is employed there. It is further admitted that Amelia Lovorn was elected President of the DCCVB Board at its October 17, 2024, meeting.

43. It is admitted that in 2024, the Board of Supervisors approved the appointments of Dr. Jason Coleman, Michael Lee, Amelia Lovorn, Bill Sexton, and Lee Ellingburg. The remaining allegations in Paragraph 43 are denied as stated.

44. It is admitted that a majority of the DCCVB Board voted to terminate Plaintiff's employment on January 6, 2025. The remaining allegations in Paragraph 44 are denied.

45. Denied.

46. Denied.

47. Denied.

IV. CAUSES OF ACTION

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

48. Defendant incorporates by reference its responses to Paragraphs 1 through 47 of the First Amended Complaint as if fully stated herein.

49. Denied.

50. The allegations in Paragraph 50 contain legal conclusions to which no response is required.

To the extent a response is required, denied. Defendant explicitly denies any allegations of retaliation against Plaintiff.

51. Denied.

52. Denied.

V. PRAYER FOR RELIEF

Defendant denies that Plaintiff is entitled to any of the relief requested in Paragraphs 53 through 60 of the Prayer for Relief, including but not limited to, declaratory or injunctive relief, monetary damages, reinstatement and back pay, front pay in lieu of reinstatement, compensatory damages, attorneys' fees, costs, interest, or any other relief whatsoever. Defendant further denies that it engaged in any unlawful or wrongful conduct as alleged.

AFFIRMATIVE DEFENSES

And now, having answered Plaintiff's First Amended Complaint, paragraph by paragraph, Defendant pleads the following additional defenses:

FIRST DEFENSE

Plaintiff's causes of action fail to state a claim against the DCCVB upon which relief can be granted, and therefore these allegations should be dismissed with prejudice pursuant to Fed. R. Civ. P. 12(b)(6).

SECOND DEFENSE

The DCCVB includes, alleges, and incorporates each and every defense available to it as set forth in Fed. R. Civ. P. 12(b)(1)-(7), and on account thereof, demands that the action herein against it be dismissed.

THIRD DEFENSE

Plaintiff's damages, if any, resulted from his own conduct or from an unreasonable failure to avoid the complained of harm.

FOURTH DEFENSE

Plaintiff's claims are barred because the alleged damages, if any, are speculative.

FIFTH DEFENSE

Plaintiff's claim for compensatory damages is barred in whole or in part to the extent that he failed to exercise reasonable diligence to mitigate his damages.

SIXTH DEFENSE

Any claim for punitive damages is limited by and subject to the applicable provisions of the Constitution of the United States and the Mississippi Constitution.

SEVENTH DEFENSE

Any claim for punitive damages is limited by and subject to the applicable provisions of any limiting state or federal statutes.

EIGHTH DEFENSE

Any claim for punitive damages is barred to the extent that the lack of clear standards makes the imposition of punitive damages against the DCCVB unconstitutionally vague and/or overbroad.

NINTH DEFENSE

Any claim for punitive damages is barred to the extent that the DCCVB did not act with actual malice and/or with reckless indifference to the Plaintiff's rights when it took the employment actions about which the Plaintiff has complained.

TENTH DEFENSE

The DCCVB's policies prohibit unlawful discrimination and retaliation, and it has a procedure for the resolution of complaints alleging discrimination and retaliation. Plaintiff did not properly avail himself of the DCCVB's reporting and resolution procedures.

ELEVENTH DEFENSE

Plaintiff is barred from relief by reason of equitable doctrines, including estoppel, laches, and unclean hands.

TWELFTH DEFENSE

Plaintiff's claims are barred to the extent that there was no causal connection between the events alleged in the First Amended Complaint and any damages which he allegedly has sustained.

THIRTEENTH DEFENSE

Plaintiff fails to state a claim under 42 U.S.C. §1981 because he fails to allege any factual basis to establish the DCCVB acted in violation of 42 U.S.C. §1981.

FOURTEENTH DEFENSE

To the extent that Plaintiff did not in good faith engage in protected activities, his retaliation claim fails as a matter of law.

FIFTEENTH DEFENSE

To the extent Plaintiff has any damages, which Defendant denies, he is under an affirmative duty to mitigate such damages. To the extent he has failed to do so, any relief should be barred or reduced to account for failure to mitigate.

SIXTEENTH DEFENSE

All decisions, if any, attributable to Defendant or its agents that Plaintiff challenges in this action were made in good faith. If any violation occurred, it was not willful, and as a result, liquidated damages are not available to Plaintiff.

SEVENTEENTH DEFENSE

All decisions that the Plaintiff challenges in this lawsuit were legitimate business judgments made on the basis of information available to the decision-makers and made for legitimate, non-retaliatory reasons. Additionally, all challenged decisions were made in good faith and in conformity with applicable policies.

EIGHTEENTH DEFENSE

Defendant reserves the right to assert such additional defenses and additional affirmative defenses as may be revealed by discovery in this matter.

NINETEENTH DEFENSE

There is no causal link between Plaintiff's alleged protected activity and any alleged adverse employment action.

TWENTIETH DEFENSE

To the extent Plaintiff previously signed any agreements waiving claims against Defendant, his claims are barred.

TWENTY-FIRST DEFENSE

To the extent Plaintiff's claims are based on alleged conduct occurring outside the applicable statute of limitations under Section 1981, those claims are time-barred.

TWENTY-SECOND DEFENSE

Plaintiff's claim is barred to the extent it is based on hearsay, speculation, or conjecture rather than admissible evidence.

TWENTY-THIRD DEFENSE

Plaintiff did not engage in protected activity.

TWENTY-FOURTH DEFENSE

To the extent Plaintiff's claims seek relief that is barred by the doctrines of sovereign or governmental immunity under Mississippi law, including but not limited to the Mississippi Tort Claims Act, Miss. Code Ann. §§ 11-46-1 et seq., Defendant is immune from liability. Defendant further asserts that any claims arising from discretionary functions, acts outside the course and scope of employment, or acts falling within statutory exemptions to liability under the Mississippi Tort Claims Act are barred by sovereign immunity.

RESPECTFULLY SUBMITTED, this the 4th day of April, 2025.

/s/ Whitney J. Jackson
J. William Manuel (MBN 9891)
Whitney J. Jackson (MBN 106120)
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*Attorneys for Desoto County Convention and
Visitors Bureau*

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2025, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

/s/ Whitney J. Jackson
Whitney J. Jackson