

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

| | | |
|-------------------------------|---|------------------------------|
| YVETTE GILKEY-SHUFORD, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action File No: |
| v. |) | |
| |) | JURY TRIAL DEMANDED |
| HYUNDAI MOTOR |) | |
| MANUFACTURING of |) | |
| ALABAMA LLC, |) | |
| |) | |
| Defendant. |) | |

COMPLAINT

1. Plaintiff Yvette Gilkey-Shuford (“Ms. Shuford” or “Plaintiff”) brings this employment action for relief and damages against Defendant Hyundai Motor Manufacturing of Alabama LLC (“HMMA” or “Defendant”) based on the following allegations and causes of action:

NATURE OF THE ACTION

2. This civil rights lawsuit to correct unlawful employment discrimination and retaliation by Defendant arises under 42 U.S.C.A. § 1981 and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.A. §§ 2000e-3(a); 2000e-2(m).

3. HMMA, located in Montgomery, Alabama, is one of the largest foreign-owned automobile manufacturers in North America. Ms. Shuford, an African American female, worked and excelled at HMMA for approximately nineteen (19) years, climbing the ranks from lower management to Director of Administration, one of the senior leadership positions at the plant, by 2018.

4. In her role as Director of Administration, Ms. Shuford was the highest ranking black and female employee at HMMA. But she was marginalized for four years: as soon as she ascended to the position, its duties were instantly diminished, and many of the core functions were reassigned. Ms. Shuford, despite being one of two executive-level directors to hold a terminal advanced degree (a Master in Business Administration [MBA]), was the lowest-paid director out of five. Her peer directors were all white men.

5. Ms. Shuford was systematically shut out of a variety of vital business management responsibilities that had been exercised by her white male predecessor, whose Bachelor of Arts and public relations background did not come close to Ms. Shuford's educational and industrial production credentials.

6. To cite another example discussed below, the Director of Administration historically exercised ultimate authority over the team relations and human resources functions that control compensation, benefits, and discipline as

well as the investigation of employees accused of misconduct. When a black woman took the reins, those powers were stripped away.

7. Despite her conspicuously diminished status on the executive team—a white executive thought it amusing to “joke” that her primary role during team sessions was to ensure the coffee was high quality—Ms. Shuford enjoyed enormous prestige among employees at HMMA. In summer 2022, a group of staffers who were drafting an internal memorandum on an emerging social issue, inclusionary policies for LGBT employees, sought out Ms. Shuford for guidance and counsel regarding the composition of the memo.

8. When the memo was leaked to senior Hyundai officials in the North American headquarters in California, and corporate scrutiny suddenly intensified on personnel practices at the Montgomery plant, senior officials at HMMA searched for a figure to blame and targeted Ms. Shuford. She was abruptly fired on the ostensible grounds that her position was “no longer needed.”

9. HMMA has struggled to justify the out-of-nowhere termination of its only black and only woman in a top executive role. During the investigative process at the Equal Employment Opportunity Commission (“EEOC”), the company even argued that Ms. Shuford’s elevation to the executive team had been nothing more than a tactic to counter union organizing at the plant, and that since the union threat had abated, she was expendable. But given that the Director of

Administration has no functional involvement in anti-union strategy at HMMA, the inference is that the promotion was meant to provide an optical value for HMMA's manufacturing workforce, which is over eighty percent (80%) African American. If HMMA's excuse is credited, it is a concession that racial considerations were a factor in the termination decision.

10. Ms. Shuford brings this action to recover economic compensatory damages, including back pay, front pay, and lost benefits; noneconomic compensatory damages and punitive damages; and attorneys' fees and costs of litigation.

THE PARTIES

11. Plaintiff Shuford is a citizen of the United States and a resident of the state of Alabama during the events alleged in the complaint.

12. Defendant HMMA is a limited liability company located in Montgomery County, Alabama. HMMA is subject to service at its principal business address at 700 Hyundai Blvd., Montgomery, AL 36105, through its registered agent, Christopher N. Smith.

SUBJECT MATTER JURISDICTION AND VENUE

13. Jurisdiction of this Court is invoked pursuant to 28 U.S.C.A. §§ 1331 and 1343.

14. Venue is proper in this district and division under 28 U.S.C.A. § 1391 as HMMA conducts business, and the alleged unlawful acts occurred, in this district and division.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

15. Ms. Shuford filed a charge of sex and race discrimination and retaliation against HMMA with the EEOC, Charge No. 420-2022-02592, on July 5, 2022. A copy of this charge is attached as Exhibit A.

16. Ms. Shuford subsequently received a Right to Sue letter from the EEOC on September 16, 2022. A copy is attached as Exhibit B.

17. This action is timely filed within 90 days of the issuance of the Right-to Sue Letter.

FACTUAL ALLEGATIONS

An Alabama Economic Powerhouse

18. HMMA was incorporated in 2002. The location of central Alabama was the product of an elaborate search and recruitment process by multiple states. Alabama's commitment to Hyundai was the single most comprehensive economic development incentive package in the state's history.

19. Over the past two decades, HMMA has grown into a multibillion-dollar enterprise that is one of the most sophisticated automobile

assembly operations in the industry. It is currently ranked as the most-productive automotive plant in North America and the second-most-productive in the world, churning out approximately 370,000 cars annually. Its output includes some of the best sales generators in the American automotive sector: the Sonata and Elantra sedans, the Santa Fe and Tucson SUVs, and the Santa Cruz Sport Adventure Vehicle. The plant has been selected to be the main base for manufacturing Hyundai's American electric vehicle fleet, the Santa Fe hybrid and the Genesis GV70, during the coming decade.

20. The HMMA plant employs over 3,500 workers at some of the highest manufacturing sector wages in the Southeast. It is one of the strongest instruments of upward mobility in a part of the state that is economically stagnant and plagued by poverty and low wages.

21. HMMA's operations are governed by an executive team consisting in its most recent iteration of the following roles: Chief Executive Officer, Chief Administrative Officer (Vice President); Executive Coordinator; Chief Operations Officer (Senior Vice President); Chief Quality Officer (Vice President); Chief Financial Officer; Director of Administration; Director of Production; Director of Legal; Director of Finance; Director of Engine.

HMMA's Racial and Gender-Based Glass Ceiling

22. From the time HMMA broke ground in 2004 and opened production in 2005, the production and assembly labor force has been overwhelmingly African American, roughly eighty-five percent (85%). The first tiers of supervision have been racially diverse: nearly two-thirds of the two hundred (200) frontline supervisors, called Team Leaders, and nearly forty percent (40%) of the approximately seventy-five (75) Group Leaders, are black.

23. But the path of advancement for black employees starts to narrow at the mid-management level. Out of approximately fifty (50) Assistant Managers at HMMA, only thirty percent (30%) are black. Out of approximately thirty (30) Managers at HMMA, only ten percent (10%) are black. The next tier of leadership, the prestigious Head of Department (“HOD”) role, is where black inclusion falls off the cliff. Inside the group of fifteen (15) to twenty (20), at any given time, the number of black HODs varies between zero (0) and one (1), and has apparently never exceeded two (2) at one time.

24. At the level of Manager and HOD, HMMA’s structure duplicates each position with what the company calls a “Korean counterpart,” meaning that the black percentages are even more anemic than they appear at first glance.

25. The senior-most leadership rank, the elite eleven (11) member Executive Leadership Team, has been HMMA’s ultimate glass ceiling: over nineteen (19) years, only two (2) blacks have ever been elevated to executive team

status, a stunning number given the demographics of the workforce and the Montgomery community, which is majority black.

26. HMMA has a similarly poor record of elevating women despite a workforce that is approximately thirty percent (30%) female. While roughly fifteen percent (15%) of Team Leaders and Group Leaders are female, the ranks thin to ten percent (10%) at the assistant manager level, before plummeting to three percent (3%) at the position of Manager. Not a single woman has ever been employed as a Korean coordinator. In nineteen (19) years, four (4) women have reached the level of HOD, and a mere two (2) have been elevated to the Executive Team.

27. For ambitious employees who aspire to rise at HMMA, the most dramatic consequence of HMMA's exclusionary top leadership structure is this: instead of maintaining a transparent selection process for management, HMMA delegates promotions at the rank of Manager and HOD exclusively to the promotions and succession committee within the Executive Team. The committee does not conduct interviews or typically post positions internally, and it evaluates potential candidates in closed-door sessions. Hyundai's upper ranks of management demographically mirror its executive leadership, not its rank-and-file workforce.

28. HMMA's pattern of dividing upper-management power between white men and Korean men does not align with the corporate culture in Hyundai's

California-based headquarters for American operations. The President and Chief Executive Officer of Hyundai North America is José Muñoz (a native of Spain). Since August 2022, the Chief Executive Officer of Hyundai Motor America has been Randy Parker, an African-American. In sharp contrast with the brand of its Alabama-based version, Hyundai's U.S. corporate office is the most ethnically diverse C-suite in the American automotive industry.

29. HMMA's striking absence of blacks in leadership has attracted scrutiny in the Montgomery community, and for a period of time between 2015 and 2018, union organizers sought to make headway at the plant by courting black political and ministerial leaders who might exercise influence.

30. HMMA's dearth of women in senior roles has not escaped scrutiny from its corporate parent, Hyundai North America. In 2019, during a site visit to the Montgomery plant that included a meeting with the executive leadership and HODs, after noticing that Ms. Shuford was the sole female in the room, CEO Muñoz inquired, "Where are the women?" and stated that "Something needs to be done about this."

Ms. Shuford's Ascension at HMMA

31. Ms. Shuford is a black woman.

32. Ms. Shuford spent thirty-plus (30+) years in the automotive industry, principally as a management-level professional.

33. From 1993 to July 2003, Ms. Shuford worked as an area manager of operations for DaimlerChrysler, based in Fenton, Missouri, where she supervised 1,500 team members and oversaw performance in assembly production.

34. In July 2003, Ms. Shuford was recruited to join HMMA's first management team at the plant as an assistant manager of quality control in the Body and Paint division. Ms. Shuford was tasked with recruiting and training personnel for the division, developing the quality control infrastructure in Body and Paint, and administering a \$3 million budget for the purchasing of protective equipment and inspection tools.

35. In 2007, Ms. Shuford was promoted to the role of Manager in her division. Her responsibilities expanded to include oversight of over twenty-six (26) domestic and global suppliers, leadership of the division's quality inspection teams, and development of quality inspection criteria.

36. Ms. Shuford was promoted in 2010 to the role of Senior Manager of Quality Control, a central position in HMMA's internal inspection audit process that allowed her to build expertise in the general assembly line operations.

37. From 2012 to 2016, Ms. Shuford assumed a new leadership role as Senior Manager in the Paint Department, which put her in charge of six hundred (600) team members and a \$20 million operating budget.

38. In 2016, Ms. Shuford was elevated to upper management, as HOD for General Assembly. Within a year, she was promoted again to Director of Assembly. In this capacity, Ms. Shuford oversaw the largest sector of HMMA's production process.

39. As a precursor of things to come, as HOD for General Assembly, Ms. Shuford did not simultaneously hold the role of Director of Production, as her white male predecessors had done, and as a result was not included within the executive team. But the position marked the highest production-side job a black or a woman had held to date at HMMA. Her job duties included continual engagement with HODs and executive leadership on aligning corporate mission with processes and refining performance capacity.

40. In 2018, Ms. Shuford ascended to the executive leadership team with her appointment as Director of Administration ("DOA"). She was the sole African American and woman on the executive team. Historically, the DOA role oversees two of the highest visibility functions at HMMA: the human resources ("HR") team, which controls benefits, compensation, recruitment, and retention; and the team relations department, which manages internal discipline and enforcement of standards and ethics.

HMMA's Diminution of the DOA Role During Ms. Shuford's Tenure

41. As soon as Ms. Shuford moved into the DOA role, HMMA shifted core responsibilities away from her. HR and team relations were transferred to HMMA's Chief Administrative Officer, Vice President Robert Burns ("Burns"), who was Ms. Shuford's predecessor as DOA. However, when Burns held the DOA job, both functions were under his authority.

42. There is no readily apparent business reason why two of DOA's core, high-visibility functions were removed as soon as a black woman with a MBA and fifteen (15) years of managerial experience at the plant assumed the position of DOA.

43. Burns has a bachelor's degree in communications and rose from the ranks of the company's public relations team. Prior to becoming DOA, he had no track record or specialized credentials in human capital management, and while he had acquired some production-side managerial experience, his overall credentials paled beside Ms. Shuford's.

44. HMMA's reduction of the DOA role continued across numerous other fronts. The plant's long-standing protocol has been that the members of the executive team hold memberships in a set of internal upper-management committees that guide business strategy and policy formulation.

45. When Ms. Shuford became DOA, she was shut out of participating in the following committees: long-term business planning, policies and procedures,

compensation and benefits, and employee relations, which oversees the disciplinary process throughout the company. She was the only executive team member who was not allowed to join the long-range strategy and visioning sessions that Hyundai North America periodically conducts with HMMA's executive leadership.

46. Ms. Shuford was limited to involvement in two committees: labor relations, which focuses on countering union organizing, and the aforementioned promotions and succession committee.

47. Ms. Shuford's principal corporate management role as DOA was leadership of the Environmental Health and Safety Department and oversight of the cafeteria and janitorial services functions. But rather than serving as a broad focal point for shaping internal human capital and personnel management policies, its traditional portfolio, the DOA position under Ms. Shuford was increasingly reimagined as a community outreach job focused more on external relationships. Her principal duties involved oversight of media relations, management of the budget for nonprofit contributions, planning of team member engagement and wellness events, and cultivation of black political leadership in the Montgomery area.

48. HMMA's disparate treatment of Ms. Shuford extended to her level of compensation. Since her departure, sources inside the company have informed Ms.

Shuford that despite being the sole director out of five (5) with an advanced business degree, an MBA, she was paid less than her white male peer directors. She was paid approximately \$15,000 less than the other director with a terminal degree, Chris Smith, the head of the legal department. Prior to Ms. Shuford's ascension to DOA, the job was paid at a level of parity with other directors on the executive team.

49. Ms. Shuford's visibly reduced responsibilities in the DOA role inevitably diminished her standing among her peer directors and among managers in HR and team relations who knew the customary footprint DOA had in their departments. Since it was known that catering and cafeteria services did fall under her jurisdiction, when the coffee ran cold during an executive session, one director found it amusing to comment that Ms. Shuford's most important function on the leadership team was to make sure the coffee stayed hot.

HMMA's Abrupt Termination of Ms. Shuford

50. Ms. Shuford's last two years as DOA coincided with a time of substantial political polarization in our country. In 2021, Congress passed, and the President of the United States signed into law, a national holiday celebrating President Abraham Lincoln's emancipation of black slaves during the Civil War ("Juneteenth"). Ms. Shuford was tasked with forming a company-wide agenda to

commemorate the holiday, an effort that drew pushback from some members of the executive team.

51. During meetings that occasionally turned contentious, several executive team members openly questioned whether HMMA's embrace of Juneteenth would somehow seem "political"—an odd observation given that the endorsement of slavery is absent from every contemporary partisan platform. One executive openly wondered if the company could limit its Juneteenth activity to desserts and treats in the breakrooms during shift changes.

52. In 2021, a small group of younger employees on the communications team also began to voice concerns that HMMA was unwelcoming on issues of LGBT inclusion.

53. A recently transgendered woman named Ariyah Albert ("Albert") met with Ms. Shuford on multiple occasions over the next year to express her frustrations about the cultural climate at HMMA for LGBT individuals. Albert cited issues with HMMA's rule that to obtain a name change on certain company-issued equipment like the caller-ID feature on HMMA cellphones, proof needed to be presented of a legal name change. HMMA does not maintain such a rule for Korean-born employees, who routinely choose to adopt American-style first names to blend in with the workforce but do not obtain judicial recognition of their "new" names.

54. In the late spring and early summer 2022, Albert and two colleagues on the communications team began to craft an internal memorandum proposing a broad outreach effort at HMMA to raise awareness of the legal rights of LGBT employees and to address what they viewed as an inhospitable mindset in some quarters at the plant with respect to LGBT employees. As the memo evolved, its subjects ranged from the symbolic—a proposal for activities around an official recognition of “LGBT Pride Month” in June of the calendar year—to the more substantive, in the form of an alteration of the name-change policies and mandatory training for management personnel on sensitivity to issues of gender identity and sexual orientation.

55. The employees crafting the memorandum sought out Ms. Shuford for guidance as to the contents of the document and how to streamline its approach for presentation to the leadership of the plant. Ms. Shuford supported their objectives and provided editorial advice about the memo, which she ultimately presented to Chief Administrative Officer Burns, who fully understood that Ms. Shuford had reviewed and approved the memo.

56. At some point in late May 2022, one of the writers of the memo elected to circulate one of the earlier drafts to Severin Kameni (“Kameni”), who is a sales management executive at Hyundai Motor North America and the chair of the LGBT employee resources group. To Kameni, the memo raised red flags about

conditions for LGBT employees at HMMA, and in his view, identified potential areas of legal exposure in light of recent judicial rulings by the Supreme Court.

57. Kameni in turn circulated the memo to the legal and human resources team in the California-based corporate headquarters for Hyundai. On or about May 28, 2022, Burns informed Ms. Shuford that the legal and HR teams were making formal inquiries about the status of LGBT conditions at HMMA, and that the basis for their engagement was the dissemination of a draft of the memo that Ms. Shuford had helped shape.

58. On or about June 1, Ms. Shuford and Burns learned that one of the drafters of the memo, Albert, was being interviewed remotely by a team from the legal department about her treatment at HMMA and whether she had experienced discrimination based on her gender identity. Burns appeared agitated and made the observation to Ms. Shuford that “legal is very upset.”

59. On June 6, Kameni happened to make a long scheduled trip to Montgomery to present on behalf of Hyundai a Pride Month check to a local LGBT community group. Ms. Shuford attended the event as the senior official at HMMA responsible for community outreach. The same day, Kameni posted on social media a photo of himself and Shuford presenting the check, a posting that the Hyundai North America CEO Muñoz “liked” with effusive emojis.

60. During his visit, Kameni shared with Ms. Shuford that he viewed her as an ally of LGBT employees and thanked her for her supportive engagement with Albert.

61. Four days later, on June 10, Ms. Shuford was suddenly informed by Burns that HMMA had decided to “restructure” the executive leadership functions and that the DOA position “was no longer needed.” Burns told her that while there was another open Director-level position, the decision had been made that she would not be considered for the job.

62. Ms. Shuford was offered a severance package that she rejected. One of its terms was that she would be ineligible for rehire at HMMA or hire at any member of the company’s supply or distribution network. Such no-hire or rehire provisions are anathema to executives in the auto industry, as they effectively preclude deploying their expertise in the job market where their credentials are strongest. A term of no-rehire is an unmistakably punitive condition.

63. Upon information and belief, Ms. Shuford’s DOA position is the sole component of HMMA’s putative “restructuring.” There is not a shred of evidence that prior to the dissemination to Hyundai North America’s legal and HR department of the aforementioned memo, HMMA contemplated any restructuring.

64. During the EEOC’s investigation of Ms. Shuford’s charge, HMMA’s official position statement justified the elimination partly on the grounds that when

Ms. Shuford was promoted in 2018, “there was concern about the potential for union organizing,” but that by 2022, “the concern about union organizing had diminished.”

65. The DOA role had no functional relationship to anti-union organizing. Ms. Shuford’s sole—and limited—engagement with HMMA’s strategizing about keeping unions out of the plant was limited to attendance at labor relations sessions that other executive team members attended as well.

66. HMMA’s representation to the EEOC has one conceivable context: that the plant’s hierarchy believed elevating Ms. Shuford to executive leadership served a symbolic purpose with the workforce. That admission in turn supports the inference that Ms. Shuford’s status as an African American executive was tokenism meant to tamp down disaffection among black employees, and that once HMMA saw the union threat fade, Ms. Shuford’s usefulness as a token was unnecessary. If HMMA’s version of events is credited, HMMA has admitted that racial considerations were both a but-for cause of the elimination of her job and a motivating factor in her termination.

67. HMMA is strikingly less diverse in its leadership ranks than its parent, Hyundai Motor North America, and Ms. Shuford was a singular HMMA example of a black and a woman rising through the company’s ranks to upper management.

From the moment of her promotion, however, she was marginalized in status and compensation.

68. Her ultimate termination came within close temporal proximity of her known connection to an internal memorandum documenting HMMA's potential legal exposure to claims based on same-sex discrimination and championing anti-discrimination initiatives.

69. HMMA's termination of Ms. Shuford has cost—and will continue to cost—her substantial income, has emotionally devastated her, and has jeopardized her reputation and professional standing. HMMA's prestige in the state she has chosen as home, Alabama, makes it exceedingly unlikely that she can obtain employment comparable in pay and status to that of the senior executive role she held for four (4) years.

COUNT I

(discriminatory treatment based on race in violation of 42 U.S.C.A. § 1981)

70. Plaintiff incorporates the preceding paragraphs as if set forth fully herein.

71. Defendant HMMA has engaged in racially discriminatory practices based on race in violation of 42 U.S.C.A. § 1981, which prohibits racial discrimination in “the making, performance, modification and termination of contracts, and the enjoyment of all benefits, privileges, terms and conditions of the

contractual relationship.” An at-will employment relationship is a contractual relationship within the meaning of § 1981.

72. Ms. Shuford is an African-American.

73. HMMA subjected Ms. Shuford to ongoing discriminatory practices during her tenure as Director of Administration, including, but not limited to, a reduction in the duties and responsibilities normally assigned to her role and disparate pay practices.

74. HMMA did not subject Ms. Shuford’s white coworkers to similar reductions in duties and responsibilities, nor did it pay them less than peers with a similar job title.

75. Ms. Shuford’s race was a but-for cause of HMMA’s discriminatory practices.

76. As a result of HMMA’s pattern of racially discriminatory practices, Ms. Shuford suffered economic losses, including lost wages, as well as compensatory damages related to emotional distress, mental anguish, and humiliation.

COUNT II

(Discriminatory termination based on race in violation of 42 U.S.C.A. § 1981)

77. Plaintiff incorporates the preceding paragraphs as if set forth fully herein.

78. Ms. Shuford's race was a but-for cause of her termination. HMMA asserts that it believed that elevating her to the position of Director of Administration would discourage union organizing activity by an overwhelmingly black workforce. When HMMA perceived the union threat had abated, it viewed Ms. Shuford's role as expendable.

79. HMMA's evaluation of racial factors in a termination decision is a violation of 42 U.S.C.A. § 1981.

80. HMMA's discriminatory termination of Ms. Shuford caused her to suffer lost wages, including back pay and front pay; lost benefits, including retirement contributions and incentives; and compensatory damages related to emotional distress, mental anguish, and humiliation.

COUNT III

(Retaliatory termination in violation of 42 U.S.C.A. § 2000e-3(a))

81. Plaintiff incorporates the preceding paragraphs as if set forth fully herein.

82. Ms. Shuford engaged in protected activity under Title VII's anti-retaliation provision.

83. In May and June 2022, Ms. Shuford engaged in activity opposing unlawful employment practices based on sexual orientation, which is a form of gender-based discrimination under Title VII.

84. HMMA terminated Ms. Shuford for engaging in activity opposing employment discrimination, in violation of 42 U.S.C.A. § 2000e-3(a).

85. HMMA's retaliatory termination of Ms. Shuford caused her to suffer lost wages including back pay and front pay; lost benefits, including retirement contributions and incentives; and compensatory damages related to emotional distress, mental anguish, and humiliation.

COUNT IV

(Mixed-motive discriminatory termination in violation of 42 U.S.C.A. § 2000e-2(m))

86. Plaintiff incorporates the preceding paragraphs as if set forth fully herein.

87. HMMA believed that elevating Ms. Shuford, an African American, to the position of Director of Administration would discourage union organizing activity by an overwhelmingly black workforce. When HMMA perceived the union threat had abated, it viewed Ms. Shuford's role as expendable.

88. Ms. Shuford's race was at least a motivating factor in her termination, in violation of 42 U.S.C.A. § 2000e-2(m).

89. HMMA's racially motivated termination of Ms. Shuford caused her to suffer lost wages, including back pay and front pay; lost benefits, including

retirement contributions and incentives; and compensatory damages related to emotional distress, mental anguish, and humiliation.

COUNT V

(Mixed-motive disparate treatment in violation of 42 U.S.C.A. § 2000e-2(m))

90. Plaintiff incorporates the preceding paragraphs as if set forth fully herein.

91. HMMA subjected Ms. Shuford to ongoing discriminatory practices based on her race and gender during her tenure as Director of Administration, including, but not limited to, a reduction in the duties and responsibilities normally assigned to her role and disparate pay practices.

92. During Ms. Shuford's tenure as Director of Administration, HMMA paid her an annual salary less than that of her peer directors on the executive team, all of whom were white males who exercised comparable oversight of HMMA business functions.

93. Prior to Ms. Shuford's ascension to Director of Administration, the position was paid at a level of parity with other directors on the executive team.

94. When Plaintiff was appointed Director of Administration, HMMA afforded the position significantly fewer duties and responsibilities than when it had been held by her white male predecessor.

95. As a result of HMMA's discriminatory treatment motivated by race and gender, Ms. Shuford is entitled to recover damages, including back pay for the wage differential between herself and white male senior directors at HMMA, as well as compensatory damages related to emotional distress, mental anguish, and humiliation.

COUNT VI
(Punitive damages)

96. Plaintiff incorporates the preceding paragraphs as if set forth fully herein.

97. HMMA has engaged in discriminatory practices, as set forth herein, with malice or with reckless indifference to the federally protected rights of Ms. Shuford under Title VII of the Civil Rights Act of 1964 and 42 U.S.C.A. § 1981. Accordingly, Ms. Shuford is entitled to recover punitive damages from HMMA pursuant to 42 U.S.C.A. § 1981a (b)(1).

PRAYER FOR RELIEF

Wherefore, based on the above-stated claims, Plaintiff demands a trial by jury and that the following relief be granted:

Back pay, front pay, and lost benefits.

Compensatory damages to the extent allowed by law.

Punitive damages.

Attorneys' fees and costs of litigation.

Pre-judgment and post-judgment interest at the highest lawful rate.

Such other equitable and monetary relief as the Court deems just and proper.

Respectfully submitted the 18th day of October, 2022.

HKM Employment Attorneys LLP

s/Artur Davis

Artur Davis

ASB 3672-D56A

2024 3rd Ave. North, Suite 307

Birmingham, AL 35203

adavis@hkm.com

205-881-0935

The Spiggle Law Firm

Ivey Elizabeth Best¹

ASB 3844-N48S

3601 Eisenhower Ave., Suite 425

Alexandria, VA 22304

ibest@spigglelaw.com

571-534-3797

¹ Ms. Best is licensed in Alabama and admitted in the Northern District of Alabama, and will promptly apply for admission to these proceedings pro hac vice.