

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**SUSAN BAILEY**

**PLAINTIFF**

**VERSUS**

**CAUSE NO. 4:26-CV-31-DMB-JMV**

**CITY OF GREENWOOD, MISSISSIPPI AND  
KENDRICK D. COX, IN HIS INDIVIDUAL CAPACITY**

**DEFENDANT**

**JURY TRIAL DEMANDED**

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**COMPLAINT**

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This is an action to recover damages and equitable relief against the City of Greenwood, Mississippi and Kendrick D. Cox, in his individual capacity. The following facts support the action:

1.

Plaintiff SUSAN BAILEY is white person who resides at 706 West Jefferson Avenue, Greenwood, Mississippi 38930.

2.

Defendant CITY OF GREENWOOD, MISSISSIPPI, is a political subdivision of the State of Mississippi. Defendant City of Greenwood may be served with process by service upon Mayor Kendrick D. Cox at Greenwood City Hall, 101 West Church Street, Greenwood, Mississippi 38930. Defendant Kendrick D. Cox can also be served at Greenwood City Hall, 101 West Church Street, Greenwood, Mississippi 38930. At all relevant times, both Defendants acted under color of state law.

3.

This Court has federal question jurisdiction under 28 U.S.C. § 1331 and has civil rights jurisdiction under 28 U.S.C. § 1343 to address claims made actionable by 42 U.S.C. §1981; by the

Equal Protection Clause of the Fourteenth Amendment; and by the right to free speech and free association guaranteed by the First Amendment of the United States Constitution. This action is authorized by 42 U.S.C. § 1983.

4.

Plaintiff is a 66-year-old white female. Plaintiff was employed as Public Works Director for the City of Greenwood for thirteen (13) years. There were never any issues with Plaintiff's job performance.

5.

Defendant Cox, a black person, was elected Mayor during a political campaign which occurred in early 2025. In the May 2025 election, Cox defeated the white incumbent, Mayor Carolyn McAdams. On the same day as he took office, Cox gave Plaintiff notice that she would not be reappointed and gave no reason. Almost immediately thereafter, Cox nominated Darwin Greene as Plaintiff's replacement. Greene had no relevant experience or training and was unqualified for the job. Greene had been an active, outspoken supporter of Cox in the campaign for Mayor. On the other hand, Plaintiff had exercised her First Amendment free speech and associational rights by not supporting, campaigning for, or working for any candidate. Plaintiff believes that a city department head should not be campaigning for any candidate in a campaign which decides the identity of her immediate supervisor. The right to be silent in the campaign is a right protected by the First Amendment to the United States Constitution.

6.

Greene is a black male, who had no previous experience, and who was unqualified for the position of Public Works Director. Accordingly, the city council refused to approve Greene, leaving the city without a Public Works Director.

7.

In addition to non-renewing Plaintiff, Defendant Cox also refused to recommend the reappointment of other department heads who had not supported him in the campaign. He did not recommend for reappointment Terrance Craft, Chief of Police, and Marcus Banks, Fire Chief. Neither Craft nor Banks supported him. He also demoted Linda Osborne from her position as City Clerk. Osborne had also not supported Cox in the campaign. Banks had been an active supporter of Cox's opponent, Carolyn McAdams.

Additionally, Cox refused to recommend the City Attorney, Don Brock, a white male, for reappointment. Instead, Cox recommended an unqualified, inexperienced black attorney. When the city council refused to confirm this unqualified attorney, Cox finally agreed to recommend Brock, but Cox had no choice, since the city had to have an attorney to function.

8.

The City of Greenwood is a mayor/council form of government. The city can only hire a department head if the Mayor recommends the candidate. Thus, the Mayor is an official policy maker for the city with respect to the policy decision of which people to recommend for department head positions. The decision not to recommend Plaintiff was an official policy decision of the city since the Mayor's recommendation was required for Plaintiff to be reappointed.

9.

Defendants City of Greenwood and Cox are jointly liable to Plaintiff for violation of her First Amendment free speech and associational rights; her Fourteenth Amendment Equal Protection right to be free from race discrimination; and by her 42 U.S.C. §1981 right to be free from race discrimination.

10.

Additionally, Defendant Cox, in his individual capacity, is liable to Plaintiff for the state law tort of malicious interference with employment since his bad faith refusal to recommend Plaintiff for continued employment was a proximate cause of Plaintiff's not being retained as Public Works Director.

11.

Plaintiff has suffered mental anxiety and stress and has incurred lost income as a proximate result of Defendants' violation of her constitutional and statutory rights.

**REQUESTS FOR RELIEF**

Plaintiff requests equitable and declaratory relief by order for reinstatement with full back pay.

Plaintiff requests actual damages against Defendant City of Greenwood and Defendant Cox.

Plaintiff also requests punitive damages against Defendant Cox for his willful, intentional, and malicious actions.

RESPECTFULLY SUBMITTED, this the 5th day of March, 2026.

**SUSAN BAILEY, Plaintiff**

By: /s/ Jim Waide

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ATTORNEYS FOR PLAINTIFF

CIVIL COVER SHEET

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

SUSAN BAILEY

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Jim Waide, WAIDE & ASSOCIATES, P.A. 332 North Spring Street, Tupelo, MS 38804-3955 (662) 842-7324

DEFENDANTS

CITY OF GREENWOOD, MISSISSIPPI AND KENDRICK D. COX, IN HIS INDIVIDUAL CAPACITY

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

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

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 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)

- PTF DEF Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

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

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

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, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. §1331; 28 U.S.C. §1343, 42 U.S.C. §1981, 42 U.S.C. § 1983, Fourteenth Amendment and First Amendment of the U.S. Constitution. Brief description of cause: This is an action to recover actual and punitive damages for violation of First Amendment Rights.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 03/05/2026 SIGNATURE OF ATTORNEY OF RECORD /s/ Jim Waide

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE