

II. PARTIES

3. The plaintiff, Carol Barbour was employed as a principal at Thomas Claggett Elementary School in Prince George's County from August 2003 until June 30, 2005 when she resigned. From July 2005 until June 2008, Ms. Barbour was a principal at Rudolph Elementary School in the District of Columbia. When Rudolph elementary closed in 2008, Ms. Barbour applied for a principal position in PGCPS, but she was not hired. From August 2008 until July 2009 when she resigned, Ms. Barbour was a principal in Charlotte-Mecklenburg Schools ("CMS") in North Carolina. After Ms. Barbour left CMS, she began applying for principals' positions in PGCPS beginning the summer 2009. Ms. Barbour was not and has not been hired by PGCPs. Ms. Barbour is a citizen of the United States and of the State of Maryland.

4. From December 2008 until April 2009, William R. Hite, Jr. served as interim superintendent of Prince George's County Public Schools and as superintendent from April 2008 until July 2012. He is now superintendent of Philadelphia Public Schools. During his tenure at PGCPs, Mr. Hite lived and worked in Prince George's County. Mr. Hite is a citizen of the United States and of Pennsylvania.

5. Peter Gorman served as superintendent of Charlotte Mecklenburg Schools from July 2006 until his resignation in August 2011. Mr. Gorman is now a senior vice president with News Corporation. He maintains residences in North Carolina and New York. Mr. Gorman is a citizen of the United States and of North Carolina or New York.

III. JURISDICTION

6. This Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. There is diversity of citizenship between Plaintiff and Defendants, and the amount in controversy in this action exceeds \$ 75,000.

7. Personal jurisdiction is proper over Defendant Hite because he committed tortious acts within this state.

8. Personal jurisdiction is proper over Defendant Peter Gorman because he committed tortious acts outside this state that have caused injury within the state of Maryland.

IV. VENUE

9. Venue is proper in this Court because the causes of action set forth in this Complaint arose within this District in Prince George's County.

V. FACTS

10. On March 26, 2012, Carol Barbour, a Latina female, filed a pending complaint against Prince George's County Public Schools in the U.S. District Court for the District of Maryland, Southern Division, alleging race, age and retaliation discrimination based on PGCP's failure to hire her for a principal position during the period beginning 2009.

11. In support of PGCP's motion for summary judgment, William R. Hite, Jr., the former superintendent of PGCP, filed an affidavit, dated March 28, 2013 (Exhibit 1 attached hereto).

12. At Paragraph 5 of his Affidavit, Mr. Hite testified that he met with Ms. Barbour in 2010 to discuss her application to be a principal in PGCPs. As superintendent, Mr. Hite was in charge of hiring principals.

13. At Paragraph 6, Mr. Hite states that he contacted Peter Gorman, the then superintendent of CMS where Ms. Barbour had been employed from August 2008 to July 2009.

14. At Paragraphs 9 and 10 of his Affidavit, Mr. Hite states that, during their telephone conversation, Mr. Gorman gave Ms. Barbour a negative reference and told Mr. Hite that Ms. Barbour was "one of the worst principals he had ever been associated with" and that she was "terrible" (emphasis in the original). The conversation between Messrs. Gorman and Hite took place in or about May 2010.

15. As a result of Mr. Gorman's negative reference, Mr. Hite decided not to consider Ms. Barbour for a principal's position and not to hire her (Exhibit 1, at Paragraph 11).

16. As a result of Mr. Hite's decision not to consider Ms. Barbour for any principals' positions and not to hire her, Ms. Barbour was never hired by PGCPs even though she is qualified and even though she has applied for over fifteen principals and other positions between 2009 and July 2012.

VI. STATEMENT OF COUNTS

COUNT I – DEFAMATION

17. Plaintiff incorporates herein by reference all of the averments of paragraphs 1 through 16 with like force and effect as though set forth in full herein.

18. During her tenure as a principal in CMS, Ms. Barbour received good evaluations

(Exhibit 2), was never subjected to disciplinary action, and there was no negative information in her in personnel file.

19. Mr. Gorman had no good faith basis for making negative statements about Ms. Barbour, and his statements made to Mr. Hite had no factual basis.

20. The conduct of the defendants, as described above, constitutes defamation by Mr. Gorman. More specifically, the plaintiff's performance evaluations are proof that the plaintiff performed her duties and responsibilities as a principal well. The Plaintiff was never told or informed by anyone CMS that she was "terrible" or that she was a terrible person or that she was a bad principal or that her performance was poor or unsatisfactory.

21. In fact, the defendants' defamatory statements were made intentionally and without concern whether the statements were true. The false statements have harmed the plaintiff by exposing her to public ridicule and scorn, among other things and damaging her reputation.

22. The defendants' defamatory statements were made intentionally or with reckless disregard to the truth or veracity of the statements. The defendants knew their statements would harm the plaintiff.

23. The defendants' defamatory statements were made publicly to a third person and were intended to be made public and were not privileged.

24. The conduct of the defendants has been sufficiently outrageous as to entitle plaintiff to punitive damages.

25. In the alternative, Gorman negligently made the aforementioned false and defamatory statements about the plaintiff.

26. As a result of the false and defamatory statements published by Gorman, the character and reputation of Plaintiff were harmed, her standing and reputation were impaired, and Plaintiff suffered mental anguish, personal humiliation and loss of income when she was not hired by PGCPs.

27. The plaintiff did not know about Mr. Gorman's defamatory statements to Mr. Hite until plaintiff received Mr. Hite's affidavit on or about April 1, 2013 when the PGCPs filed its motion for summary judgment. Prior to April 1, 2013, the plaintiff did not know and reasonably could not have known that Mr. Gorman had made the defamatory statements about her.

COUNT II- FALSE LIGHT INVASION OF PRIVACY

28. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 27 with the same effect as if herein fully set forth.

29. Defendants published the aforementioned statements in a reckless manner.

30. Defendants improperly publicized statements about Plaintiff, which placed her in a false light by attributing to her conduct which was false.

31. Defendants knew that the publicized statements were false, or made with a reckless disregard for the truth of those statements.

32. The publication of the aforementioned statements was highly offensive to any reasonable person.

COUNT III - TORTIOUS INTERFERENCE WITH PROSPECTIVE ADVANTAGE

33. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 32 with the same effect as if herein fully set forth.

34. With an intent to prevent the Plaintiff from gaining the principal position in PGPCS, Mr. Gorman published to Mr. Hite false and defamatory statements about the plaintiff and about her performance as a principal, so that Mr. Hite would not hire the plaintiff or consider her for a principal position.

35. Mr. Gorman's improper actions and wrongful conduct, which were meant to damage the plaintiff, were not privileged.

36. Mr. Gorman acted purposely and with malice with the intent to injure the plaintiff and to prevent her from gaining a position as a principal in Prince George's County.

37. Mr. Gorman's actions caused Mr. Hite to discontinue his consideration of the plaintiff for a principal position and to not hire the plaintiff. Thus, Mr. Gorman's tortious conduct directly and proximately caused damage to the plaintiff.

38. In addition, the plaintiff has sustained actual damages as a result of Mr. Gorman's actions in an amount that has yet to be determined.

COUNT IV - CONSPIRACY TO TORTIOUSLY INTERFERE WITH PROSPECTIVE BUSINESS ADVANTAGE; CONSPIRACY TO DEFAME; AND CONSPIRACY TO PLACE PLAINTIFF IN A FALSE LIGHT BY INVADING PLAINTIFF'S PRIVACY

39. Plaintiff incorporates herein by reference all of the averments of paragraphs through 38 with like force and effect as though set forth in full herein.

40. Mr. Gorman and Mr. Hite knew each other (Exhibit 1, Hite Affidavit at Paragraph 8). In fact, they were very good friends at the time of the conspiracy.

41. Messrs. Gorman and Hite reached an agreement and conspired to tortiously interfere with the plaintiff's attempt to become a principal again in Prince George's County, to invade the privacy of the plaintiff and to defame the plaintiff.

42. The individual defendants used their telephone conversation in May 2010 to further perpetrate their tortious acts by defaming the plaintiff and causing further harm by tortiously interfering with the plaintiff's attempt to become a principal in Prince George's County and invasion of privacy.

43. As more fully described above, the defendants' actions were and continue to be unlawful.

44. Messrs. Hite and Gorman completed their unlawful act and accomplished their illegal purpose when Mr. Hite decided not to hire or consider the plaintiff for a position in PGCPs even though she was qualified. Messrs. Hite and Gorman knew that the plaintiff was qualified for the position of principal, and Mr. Hite and Mr. Gorman working together agreed that Mr. Gorman would give Mr. Hite a false, negative reference, so that Mr. Hite could say that he denied the plaintiff a position because of Mr. Gorman's negative reference. Both Mr. Hite and Mr. Gorman knew that Mr. Gorman's reference about the plaintiff was false. Nonetheless, they both agreed that Mr. Gorman would give Mr. Hite the false reference about the plaintiff and that Mr. Hite would use the false reference as an excuse to deny the plaintiff a principal position.

45. The plaintiff was not and has not been hired by PGCPs despite the fact that she is qualified.

46. As a co-conspirator, Mr. Hite is liable to the plaintiff for defamation, tortious interference and false light invasion of privacy.

47. The conduct of the defendants was wanton, willful, reckless, malicious and outrageous meriting an award of punitive damages.

**COUNT V-- TORTIOUS INTERFERENCE WITH PROSPECTIVE
ADVANTAGE UNDER NORTH CAROLINA LAW**

48. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 47 with the same effect as if herein fully set forth, and in addition, states that the above-mentioned conduct constitutes tortious interference with prospective business advantage under the laws of North Carolina.

**COUNT VI-- TORTIOUS INTERFERENCE WITH PROSPECTIVE
ADVANTAGE UNDER NORTH CAROLINA LAW**

49. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 48 with the same effect as if herein fully set forth, and in addition, states that the above-mentioned conduct constitutes conspiracy to commit tortious interference with prospective business advantage under the laws of North Carolina.

V. PRAYER FOR RELIEF

50. Wherefore, Plaintiff prays for a judgment in her favor and against the defendant, and that the following relief be awarded to the plaintiff:

- 1) On Count I for defamation compensatory damages in the amount of \$500,000; and punitive damages in the amount of \$500,000;
- 2) On Count II for false light invasion of privacy, compensatory damages in the amount of \$500,000, and punitive damages in the amount of \$500,000.
- 3) On Count III for tortious interference with prospective business advantage, compensatory damages in the amount of \$750,000 and punitive damages in the amount of \$500,000;
- 4) On Count IV for conspiracy compensatory damages in the amount \$1,000,000, and punitive damages in the amount of \$500,000;

5) On Count V for tortious interference with prospective business advantage under North Carolina law, compensatory damages in the amount of \$750,000 and punitive damages in the amount of \$500,000;

6) On Count IV for conspiracy to commit tortious interference with prospective business advantage under North Carolina law, compensatory damages in the amount \$1,000,000, and punitive damages in the amount of \$500,000;

7) Grant plaintiff her attorney's fees and costs;

8) Grant such additional relief as the Court deems just and proper.

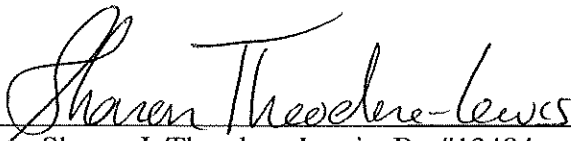
JURY TRIAL

Plaintiff hereby demands a jury trial on each and every count.

Respectfully submitted,

CAROL BARBOUR
By Counsel

LAW OFFICES OF SHARON THEODORE-LEWIS
And ASSOCIATES, PC

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