

**2012
FIFTH ANNUAL
NATIONAL PRETRIAL COMPETITION
Problem**



STETSON LAW

The Competition will be held on October 11–14, 2012
at Stetson University College of Law,
Gulfport, Florida,
in cooperation
with

 *The Center for Excellence in*
ADVOCACY
STETSON UNIVERSITY COLLEGE OF LAW

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PROCEDURAL STIPULATIONS

(Not filed with the Court)

1. All conditions precedent to the filing of this suit have been met or waived.
2. A hearing, properly noticed by both parties and any relevant objection thereto waived, on certain motions will be held on or about October 12, 2012, in Gulfport, Florida.
3. The Federal Rules of Civil Procedure and the Federal Rules of Evidence will apply at the hearing.
4. Any Local Rules requirements for the Central District of Stetson may be met by complying with the Local Rules of the Middle District of Florida.
5. The motions the Court has agreed to hear are Defense's Motion to Dismiss (attached) and Plaintiff's Motion to Compel Discovery (attached).
6. The Court has agreed to consider Memos of Law filed by both parties that may be in support of, or in opposition to, both motions provided those memos are in compliance with Local Rules and are filed with the Court no later than September 7, 2012.
7. Following the filing of the Memos of Law, four deposition transcripts will be provided—two of which will be aligned with each party.
8. If a direct question by the Court during the Motion Argument phase requires a reference to one or more of the depositions, then and only then may the advocate being questioned refer to a deposition. The reference should be in the following manner: *"If called to testify here today, I anticipate that the testimony would be . . ."*
9. If, after hearing the arguments of counsel, the Court requests additional evidence be presented, the parties will call each of the two witnesses associated with that party's interest—and for whom the depositions have been provided.
10. Assuming the Court asks for the live testimony, each witness will be examined on direct and cross examined. Re-direct is permitted, but limited to the scope of cross. **Re-cross will be permitted only if necessary to impeach a witness's re-direct testimony.**
11. Closing arguments, including rebuttal, will follow the testimony of the last witness.
12. For closing arguments, defense will go first and last.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF STETSON
GULFPORT DIVISION**

ADRIANNA Q. WILSON,
Plaintiff,

v.

CASE NO.: 0:10-cv-007LC-BVD

LIGHT UP MY LIFE UNIVERSALIST
ACADEMY, a Foreign Corporation,
Defendant.

STIPULATIONS OF FACT

COMES NOW Plaintiff, ADRIANNA Q. WILSON and Defendant, LIGHT UP MY LIFE UNIVERSALIST ACADEMY, by and through their undersigned counsel and say: We agree and stipulate the following:

1. The Defendant, Light Up My Life Universalist Academy, is a religious organization at which some, but not all, persons are employed by Defendant in ministerial positions as defined by the U.S. Supreme Court in *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission et.al.*, 132 S. Ct. 694 (2012).
2. The position of Administrator at Light Up My Life Universalist Academy became vacant on or about April 30, 2011.
3. The position of Administrator at Light Up My Life Universalist Academy is not a ministerial position.
4. Previous Administrators at Light Up My Life Universalist Academy have been women as well as men and have expressed no particular religious beliefs—including those held by the Defendant.

5. Among the personnel supervised by the Administrator of Light Up My Life Universalist Academy is the Chaplin, which is a ministerial position.
6. Light Up My Life Universalist Academy actively sought applicants to fill the opening for Administrator at its school beginning in May of 2011.
7. Plaintiff applied for the position of Administrator at Light Up My Life Universalist Academy on or about June 1, 2011.
8. A conversation between the Plaintiff and the Chairperson of Light Up My Life Universalist Academy took place at a local Wal-Mart on or about June 10, 2011.
9. Plaintiff interviewed with the Light Up My Life Universalist Academy Hiring Committee for the Administrator's position on or about June 25, 2011.
10. It has been the long-standing policy of Light Up My Life Universalist Academy to require a unanimous recommendation of the Hiring Committee before an applicant is offered a position.
11. One of the members of the Hiring Committee, was Light Up My Life Universalist Academy's Chaplin (see #5 above), a Mr. Allan Bowersox.
12. Mr. Bowersox refused to support Plaintiff Wilson's application stating publicly that he has a firmly held belief that a man should not be under subjection to a woman in a religious setting.
13. The Plaintiff was not offered the position of Administrator at Light Up My Life Universalist Academy, but rather a male individual was offered and accepted that position on or about July 31, 2011.
14. Conditions precedent to filing a federal suit were satisfied or waived on or about December 27, 2011.

15. Plaintiff filed her Complaint on or about January 30, 2012.
16. Defendant, Light Up My Life Universalist Academy, timely filed its Answer on or about February 17, 2012.
17. Defendant, Light Up My Life Universalist Academy, filed its Motion to Dismiss on or about May 22, 2012.
18. Plaintiff served Defendant, Light Up My Life Universalist Academy, with her Request to Produce on or about June 13, 2012.
19. Defendant, Light Up My Life Universalist Academy, filed its Motion to Quash on or about July 10, 2012.
20. Plaintiff filed her Motion to Compel Production on or about July 25, 2012.
21. A Notice of Hearing on Defendant's Motion to Dismiss with Prejudice and Plaintiff's Motion to Compel Production will be heard on or about October 12, 2012.

Respectfully submitted this 10th day of August, 2012.

Brandon Blake

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF STETSON
GULFPORT DIVISION**

ADRIANNA Q. WILSON,
Plaintiff,

v.

CASE NO.: 0:10-cv-007LC-BVD

LIGHT UP MY LIFE UNIVERSALIST
ACADEMY, a Foreign Corporation,
Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, ADRIANNA Q. WILSON (hereinafter "Plaintiff"), by and through her undersigned counsel, and hereby sues Defendant, LIGHT UP MY LIFE UNIVERSALIST ACADEMY, a Foreign Corporation (hereinafter "Academy"), and alleges the following:

Jurisdiction and Venue

1. This is an action by Plaintiff against the Academy, for violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., as amended by the Civil Rights Act of 1991, for sex discrimination. Plaintiff also alleges a state law claim under the State of Stetson Civil Rights Act for sex discrimination. This Court has jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) and (4), and supplemental jurisdiction pursuant to 28 U.S.C. § 1367. Venue is proper in this Court under 1.02(c) of the Local Rules of the Central District of Stetson.

Parties and Factual Allegations

2. Plaintiff is a female who is an individual *sui juris*, and a resident of Pinellas County, Stetson.
3. The Academy is a Delaware Corporation authorized to do business in Stetson and to operate a middle school at 2007 Market Street, in Gulfport, Stetson.
4. In mid 2011, it became common knowledge in the Gulfport, Stetson, community that the position of Administrator at said school became vacant as of or on or about April 1, 2011.
5. Plaintiff learned of this job opening at the Academy on or about May 25, 2011.
6. Plaintiff applied for the position of Administrator at the Academy on or about June 1, 2011.
7. At all relevant times, Plaintiff met or exceeded the employment requirements of Defendant for the Administrator's position at its middle school.
8. On or about June 10, 2011, Plaintiff had opportunity to converse with the Chairperson of the Academy.
9. After hearing of Plaintiff's qualifications and interest in the Administrator's position at the Academy, the Chairperson indicated that the position would be Plaintiff's subject to a reference and background check as well as an interview with the Academy's Hiring Committee.
10. On or about June 25, 2011, Plaintiff met with two members of the Academy's Hiring Committee, Messrs. Joseph Winslow and Allan Bowersox.
11. At said interview, Mr. Allan Bowersox demonstrated a clear bias against women as indicated by his questions and responses to Plaintiff's answers to questions.

12. Upon information and belief, on or about July 21, 2011, the position of Administrator of the Academy was filled by a man with credentials inferior to those of Plaintiff.
13. Plaintiff was discriminated against by the Academy based solely upon her status as a female.
14. Plaintiff has exhausted her administrative remedies and has met all administrative prerequisites for bringing this action.
15. Plaintiff has retained The Law Offices of Bowman, Coppock & Associates, PA, to represent her in this matter and has agreed to pay said firm a reasonable attorney's fee for its services.

COUNT I
VIOLATION OF TITLE VII
SEX DISCRIMINATION

16. Plaintiff hereby re-alleges and incorporates by reference paragraphs 1–15 as set forth herein.
17. The Academy violated 42 U.S.C. § 2000e-2(a)(1) by intentionally discriminating against Plaintiff on the basis of her sex (female). Sex discrimination is precluded under 42 U.S.C. § 2000e-(k) and 42 U.S.C. § 2000e-2(a)(1).
18. Plaintiff possessed all of the qualifications necessary for employment by the Academy.
19. Neither a legitimate non-discriminatory reason nor a bona fide occupational qualification or lack of same, prevented the Academy from hiring Plaintiff.
20. Plaintiff's application for employment was rejected solely on the basis of her sex.
21. As a direct and proximate and foreseeable result of the Academy's actions, Plaintiff has suffered past and future pecuniary losses, emotional pain, and inconvenience.

WHEREFORE, Plaintiff demands judgment against the Academy for the following:

- A. Compensatory damages;
- B. Prejudgment and post-judgment interest;
- C. Punitive damages;
- D. Reasonable attorneys' fees and costs of this action; and,
- E. Such other relief as this Court deems just and proper.

COUNT II
VIOLATION OF CHAPTER 760, STETSON STATUTES
SEX DISCRIMINATION

- 22. Plaintiff hereby re-alleges and incorporates by reference paragraphs 1–15 as set forth herein.
- 23. Plaintiff was subjected to unlawful discrimination by the Academy on the basis of her sex.
- 24. Plaintiff was treated differently than a similarly situated male and was denied employment solely on the basis of her sex.
- 25. As a direct and proximate and foreseeable result of the agents of the Academy's actions, Plaintiff has past and future pecuniary losses, emotional pain, suffering, and inconvenience.

WHEREFORE, Plaintiff demands judgment against the Academy for the following:

- A. Compensatory damages;
- B. Pre-judgment and post-judgment interest;
- C. Punitive damages;
- D. Reasonable attorneys' fees and costs of this action; and,
- E. Such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted this 30th day of January, 2012

Brandon Blake _____

Brandon Blake, Esq.
Counsel for the Plaintiff
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF STETSON
GULFPORT DIVISION**

ADRIANNA Q. WILSON,
Plaintiff,

v.

CASE NO.: 0:10-cv-007LC-BVD

LIGHT UP MY LIFE UNIVERSALIST
ACADEMY, a Foreign Corporation,
Defendant.

**DEFENDANT LIGHT UP MY LIFE UNIVERSALIST ACADEMY'S
ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT AND
DEMAND FOR A JURY TRIAL**

I. ANSWER

Defendant responds to allegations in Plaintiff's Complaint and Demand for a Jury Trial (hereinafter, "Complaint") as follows:

Jurisdiction and Venue

1. Defendant admits that this Court has subject matter jurisdiction and that the venue is proper. However, Defendant denies all factual allegations, inferences and legal conclusions contained in Paragraph 1 of Complaint.

Parties and Factual Allegations

2. Admitted that Plaintiff is a female who is an individual *sui juris* but Defendant is without knowledge with any and all other assertions in paragraph #2 of Plaintiff's Complaint, therefore denies the remaining portions of said paragraph.
3. Admitted.
4. Admitted.

5. Without knowledge, therefore denied.
6. Admitted.
7. Defendant denies all assertions, inferences and any legal conclusions contained in paragraph #7.
8. Admitted.
9. Defendant denies all assertions, inferences and any legal conclusions contained in paragraph #9.
10. Admitted.
11. Defendant denies all assertions, inferences and any legal conclusions contained in paragraph #11.
12. Defendant denies all assertions, inferences and any legal conclusions contained in paragraph #12.
13. Defendant denies all assertions, inferences and any legal conclusions contained in paragraph #13.
14. Defendant is without knowledge as to the assertions in paragraph #14 of Plaintiff's Complaint, therefore denies all said assertions, inferences and any legal conclusions.
15. Defendant is without knowledge as to the assertions in paragraph #15 of Plaintiff's Complaint, therefore denies all said assertions, inferences and any legal conclusions.

**COUNT I
VIOLATION OF TITLE VII
SEX DISCRIMINATION**

16. No response is required.

17. Defendant denies all assertions, inferences and any legal conclusions contained in paragraph #17.
18. Defendant denies all assertions, inferences and any legal conclusions contained in paragraph #18.
19. Defendant denies all assertions, inferences and any legal conclusions contained in paragraph #19.
20. Defendant denies all assertions, inferences and any legal conclusions contained in paragraph #20.
21. Defendant denies all assertions, inferences and any legal conclusions contained in paragraph #21.

COUNT II
VIOLATION OF CHAPTER 760, STETSON STATUTES
SEX DISCRIMINATION

22. No response is required.
23. Defendant denies all assertions, inferences and any legal conclusions contained in paragraph #23.
24. Defendant denies all assertions, inferences and any legal conclusions contained in paragraph #24.
25. Defendant denies all assertions, inferences and any legal conclusions contained in paragraph #26.

NOTICE OF INTENT TO SEEK PUNITIVE DAMAGES

26. Defendant denies that Plaintiff is entitled to punitive damages under any set of circumstances—including those alleged.

DEMAND FOR JURY TRIAL

27. Defendant acknowledges that Plaintiff is entitled to a jury trial on all issues so triable.

WHEREFORE, having fully responded to the allegations in Plaintiff's Complaint, Defendant respectfully requests that:

- a. Plaintiff's Complaint be dismissed with prejudice in its entirety;
- b. Judgment be entered in Defendant's favor;
- c. Each and every prayer for relief in Plaintiff's Complaint be denied;
- d. All costs incurred by Defendant in defense of these claims be awarded Defendant as the prevailing party;
- e. All reasonable attorney's fees incurred in this action by Defendant be awarded to Defendant; and,
- f. The Court grant Defendant such other relief as it deems appropriate and proper.

II. AFFIRMATIVE DEFENSES

First Affirmative Defense

29. If any of the actions taken by Defendant and/or its agents were, even in part, based on the sex of the Plaintiff, Defendant's and/or its agent's actions were fully protected by the First Amendment of the United States Constitution.

Second Affirmative Defense

30. To the extent that Plaintiff fails to make reasonable attempts to mitigate her damages, Defendant is entitled to a set-off if Plaintiff should prevail.

Respectfully submitted this 17th day of February, 2012

Anna L. Wireman

Anna L. Wireman, Esq.
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF STETSON
GULFPORT DIVISION**

ADRIANNA Q. WILSON
Plaintiff,

v.

CASE NO.: 0:10-cv-007LC-BVD

LIGHT UP MY LIFE UNIVERSALIST
ACADEMY, a Foreign Corporation
Defendant.

MOTION TO DISMISS PLAINTIFF'S COMPLAINT
WITH PREJUDICE

COMES NOW Defendant, Light Up My Life Universalist Academy, by and through its undersigned counsel and pursuant to Rule 12(b)(6) Federal Rules of Civil Procedure, moves to dismiss with prejudice Counts I and II of Plaintiff Adrianna Q. Wilson's Complaint for failure to state a cause for which relief can be granted. The legal and factual grounds for this Motion are set forth herein.

1. On or about January 20, 2012, Plaintiff Adrianna Q. Wilson (Plaintiff) filed a complaint against Light Up My Life Universalist Academy (Defendant) alleging sex discrimination in Defendant's hiring practices.
2. On or about February 18, 2012, Defendant timely answered Plaintiff's Complaint denying said allegations and raising the Affirmative Defense of Ministerial Exception when hiring.
3. The Ministerial Exception bars an employment discrimination suit challenging a religious organization's hiring decisions. *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission et.al.*, 132 S. Ct. 694 (2012).

WHEREFORE, Defendant requests this Court dismiss Plaintiff's Complaint with prejudice.

Respectfully submitted this 22nd day of May, 2012

Anna L. Wireman

Anna L. Wireman, Esq.
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF STETSON
GULFPORT DIVISION**

ADRIANNA Q. WILSON,
Plaintiff,

v.

CASE NO.: 0:10-cv-007LC-BVD

LIGHT UP MY LIFE UNIVERSALIST
ACADEMY, a Foreign Corporation,
Defendant.

**PLAINTIFF’S REQUEST TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

COMES NOW Plaintiff, Adrianna Q. Wilson (Plaintiff), by and through her undersigned counsel, and avers the following:

1. Plaintiff brought suit against Light Up My Life Universalist Academy (Defendant) on or about January 30, 2012, alleging sex discrimination in hiring.
2. Defendant submitted its Answer on or about February 18, 2012.
3. Defendant’s Answer included a certain Affirmative Defense claiming *inter alia*, “Defendant’s actions were fully protected by the Ministerial Exception guaranteed by the First Amendment of the United States Constitution.”

WHEREFORE, Plaintiff demands that Defendant produce the following documents or electronically stored information, and permit their inspection or copying:

- a. Any and every organizational chart for the Defendant, Light Up My Life Universalist Academy, located at 2007 Market Street, in Gulfport, Stetson, for the last 10 (ten) years;

- b. Any and every iteration in any and every document detailing or alluding to the Defendant's hiring practices, located at 2007 Market Street, in Gulfport, Stetson;
- c. The job description for each and every person listed on the organizational charts demanded in (a) above; and,
- d. Any and every iteration in any and every document detailing or alluding to the religious beliefs of Light Up My Life Universalist Academy, concerning the role of either gender in hiring or supervising at Light Up My Life Universalist Academy located at 2007 Market Street, in Gulfport, Stetson.

Said documents are to be produced no later than 30 days from the date of this Request to Produce.

Respectfully submitted this 13th day of June, 2012

Brandon Blake

Brandon Blake, Esq.
Counsel for the Plaintiff
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Bowman, Coppock & Assoc., PA
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Gulfport, Stetson 99999

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF STETSON
GULFPORT DIVISION**

ADRIANNA Q. WILSON,
Plaintiff,

v.

CASE NO.: 0:10-cv-007LC-BVD

LIGHT UP MY LIFE UNIVERSALIST
ACADEMY, a Foreign Corporation,
Defendant.

**DEFENDANT’S MOTION TO QUASH PLAINTIFF’S REQUEST TO PRODUCE
DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

COMES NOW Defendant, LIGHT UP MY LIFE UNIVERSALIST ACADEMY, by and through its undersigned counsel, and says:

1. On or about January 30, 2012, Plaintiff Adrianna Q. Wilson (Plaintiff) filed a complaint against Light Up My Life Universalist Academy Corporation (Defendant) alleging sex discrimination in Defendant’s hiring practices.
2. On or about February 18, 2012, Defendant timely answered Plaintiff’s Complaint denying said allegations and raising the Affirmative Defense of Ministerial Exception when hiring.
3. On or about June 13, 2012, Plaintiff served Defendant with a Request to Produce demanding that Defendant produce the following documents or electronically stored information, and permit their inspection or copying:
 - a. Any and every organizational chart for the Defendant, Light Up My Life Universalist Academy, located at 2007 Market Street, in Gulfport, Stetson, for the last 10 (ten) years;

- b. Any and every iteration in any and every document detailing or alluding to Defendant's hiring practices at Light Up My Life Universalist Academy located at 2007 Market Street, in Gulfport, Stetson;
 - c. The job description for each and every person listed on the organizational charts demanded in (a.) above; and,
 - d. Any and every iteration in any and every document detailing or alluding to the religious beliefs at religious beliefs of Light Up My Life Universalist Academy, concerning the role of either gender in hiring or supervising at Light Up My Life Universalist Academy located at 2007 Market Street, in Gulfport, Stetson.
4. Without admitting or denying that any such documents even exist, the demand for them clearly violates Defendant's First Amendment Rights under the United States Constitution, which bars inquiry into the bona fides of a religious group. *See, e.g. Rankin v. Howard*, 527 F. Supp. 976, 977 (D. Ariz. 1981).

WHEREFORE, Defendant requests this Court quash Plaintiff's Request to Produce detailed in paragraph #3 above.

Respectfully submitted this 10th day of July, 2012

Anna L. Wireman

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF STETSON
GULFPORT DIVISION**

ADRIANNA Q. WILSON,
Plaintiff,

v.

CASE NO.: 0:10-cv-007LC-BVD

LIGHT UP MY LIFE UNIVERSALIST
ACADEMY, a Foreign Corporation,
Defendant.

**MOTION TO COMPEL PRODUCTION OF DOCUMENTS FROM
DEFENDANT LIGHT UP MY LIFE UNIVERSALIST ACADEMY**

COMES NOW Plaintiff, Adrianna Q. Wilson, (Plaintiff), by and through her undersigned counsel, and avers the following:

1. Plaintiff brought suit against Light Up My Life Universalist Academy (Defendant) on or about January 30, 2012, alleging sex discrimination in hiring.
2. Defendant submitted its Answer on or about February 18, 2012.
3. On or about June 13, 2011, Plaintiff served Defendant with a Request to Produce document demanding production of:
 - a. Any and every organizational chart for the Defendant, Light Up My Life Universalist Academy, located at 2007 Market Street, in Gulfport, Stetson, for the last 10 (ten) years;
 - b. Any and every iteration in any and every document detailing or alluding to Defendant's hiring practices at Light Up My Life Universalist Academy, located at 2007 Market Street, in Gulfport, Stetson;

- c. The job description for each and every person listed on the organizational charts demanded in (a.) above; and,
 - d. Any and every iteration in any and every document detailing or alluding to the religious beliefs at religious beliefs of Light Up My Life Universalist Academy, concerning the role of either gender in hiring or supervising at Light Up My Life Universalist Academy located at 2007 Market Street, in Gulfport, Stetson.
4. On or about July 10, 2012, Defendant responded with a Motion to Quash Plaintiff's Request to Produce for said documents.
5. Defendant's Motion to Quash should be denied for the following reasons:
- a. Plaintiff's Request to Produce was in response to Defendant's Answer to Plaintiff's Complaint that included an Affirmative Defense claiming, "Defendant's actions were fully protected by the Ministerial Exception guaranteed by the First Amendment of the United States Constitution."
 - b. As Defendant claims the Ministerial Exception applies, it has waived any possible privilege protecting it from discovery that may prove that the basis of that claim is pretextual.

WHEREFORE, Plaintiff requests this Court grant Plaintiff's Motion to Compel Production of Documents and order Defendant to comply within 10 days to Plaintiff's Request to Produce dated June 13, 2012.

Respectfully submitted this 25th day of July, 2012.

Brandon Blake

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF STETSON
GULFPORT DIVISION**

ADRIANNA Q. WILSON,
Plaintiff,

v.

CASE NO.: 0:10-cv-007LC-BVD

LIGHT UP MY LIFE UNIVERSALIST
ACADEMY, a Foreign Corporation,
Defendant.

_____ /

NOTICE OF HEARING

PLEASE TAKE NOTICE that on October 12, 2012 or as soon thereafter as counsel may be heard, Defendant, LIGHT UP MY LIFE UNIVERSALIST ACADEMY will bring up for hearing its Motion to Dismiss with Prejudice and Plaintiff, ADRIANNA Q. WILSON, will bring up for hearing her Motion to Compel Production of Documents.

Respectfully submitted,

Brandon Blake

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