

DOCKET NO.: NNH-CV-12-6032991-S

SHIRLEY LOVE JOYNER	:	SUPERIOR COURT
	:	
Plaintiff,	:	J.D. OF NEW HAVEN
	:	
v.	:	AT NEW HAVEN
	:	
KERMIT CAROLINA and MICHAEL	:	
JEFFERSON,	:	
	:	
Defendants.	:	November 12, 2012
	:	

AMENDED COMPLAINT

1. Plaintiff Shirley Love Joyner is a resident of New Haven, Connecticut.
2. Defendant Kermit Carolina is a resident of New Haven, Connecticut.
3. Defendant Michael Jefferson is an attorney who maintains a law office in New Haven, Connecticut.
4. Continually since 1978, Mrs. Joyner was employed by the New Haven Board of Education (“the Board”). Her last position was Assistant Principal of Guidance at the James Hillhouse High School (“Hillhouse”).
5. For the school year beginning September 2011, Mr. Carolina served as Principal of Hillhouse, and in this position he was Mrs. Joyner’s supervisor.
6. Mr. Jefferson is an attorney who has represented Mr. Carolina in the matters complained of herein.
7. During her tenure as an employee of the Board, Mrs. Joyner was an outstanding educator. She built and revitalized the guidance program at Hillhouse. She spent substantial time of her own, after school and on weekends, organizing awards and honors programs for her

students, even using her own financial resources. Her reputation as a professional educator and colleague, and as a cooperative, sincere, and reliable person, was well-known and very strong.

8. Mrs. Joyner worked with approximately eleven principals in different capacities, including as a teacher, counselor, and building administrator. Her attendance record was exemplary. She was never insubordinate to any of her supervisors, but instead was a cooperative, loyal, and task-oriented employee.

9. At the beginning of the 2011 school year, Mrs. Joyner as part of her duties supervised the guidance department at Hillhouse, as well as all secretarial staff.

10. Beginning in late September 2011 and continuing through the end of November, Mrs. Joyner in good faith refused to consent to, and required those under her supervision to refuse to engage in, improper grade inflation, manipulation of attendance records, granting of work credits without proper documents, and credit grants issued before the end of the semester. All of these improper and unethical transactions were approved and/or ordered by Mr. Carolina.

11. Mrs. Joyner's refusal to consent to the improper and unethical transactions noted in paragraph 10 above caused Mr. Carolina to retaliate against her in numerous ways, including but not limited to the following: limiting or taking away her authority over the guidance department and secretarial staff; prohibiting her from having regular meetings with her staff; taking away her communication device; eliminating her supervision of her personal secretary; prohibiting her from engaging in recruitment and interview responsibilities of her staff; threatening to take away her assigned parking space; taking away her Guidance Conference Room; micromanaging her work; improperly assigning her to collateral duty that distracted from her major responsibilities; falsely claiming that she engaged in insubordinate and unprofessional conduct; and threatening to transfer her out of Hillhouse.

12. Due to Mr. Carolina's failure and/or refusal to correct or otherwise modify his improper activities described in paragraph 11, Mrs. Joyner in good faith complained about these activities to her employer, the Board. Her complaint was backed up by evidence.

13. Subsequently, both Mr. Carolina and Mr. Jefferson made false statements about Mrs. Joyner.

14. The false statements made by the defendants were given substantial and broad publicity.

15. Mrs. Joyner requested Mr. Carolina and Mr. Jefferson to retract their statements in as public a manner as that in which they were made, but both defendants refused to do so.

16. The Board investigated Mrs. Joyner's complaints. The investigation materially verified that Mrs. Joyner's complaints were accurate and that the statements made against her by the defendants were false.

17. The false statements made by the defendants were calculated to, and did, adversely affect Mrs. Joyner's reputation and standing in the community, and injured her in her profession, resulting in her taking retirement before she otherwise planned to do so. Mrs. Joyner's reputational and economic damages will continue into the future.

18. The defendants' false statements about Mrs. Joyner also caused her serious mental and emotional distress. She was humiliated and embarrassed. The statements caused her to become ill and to receive medical treatment and advice that she should not return to the workplace. This mental and emotional distress may continue into the future.

FIRST COUNT: DEFAMATION (as to defendant Kermit Carolina)

19. Paragraphs 1-18 are incorporated by reference in this First Count the same as if fully pleaded.

20. After Mrs. Joyner's complaint to the Board became public, Mr. Carolina made at least the following false and defamatory statements about Mrs. Joyner:

21. On or about December 23, 2011, Mr. Carolina falsely stated that Mrs. Joyner's allegations to the Board were "baseless and unfounded." Mr. Carolina published this statement to the readership of the New Haven Register, as well as the author of the related article, and the statement was recorded in the December 25, 2011 edition of the New Haven Register at page A1.

22. On or about December 23, 2011, Mr. Carolina falsely stated that Mrs. Joyner had instituted a witch hunt based on "bogus" allegations. Mr. Carolina published this statement to the readership of the New Haven Independent, as well as the author of the related article, and the statement was recorded in the December 29, 2011 edition of the New Haven Independent.

23. On or about December 23, 2011, Mr. Carolina falsely stated that Mrs. Joyner's personal friendship with New Haven Mayor John DeStefano had motivated her to make the "bogus" allegations against him, in retaliation for Mr. Carolina's refusal to support Mr. DeStefano's campaign. Mr. Carolina published this statement to the readership of the New Haven Register and the New Haven Independent, as well as the authors of the related articles, and the statement was recorded in the December 25, 2011 edition of the New Haven Register at page A5 and in the December 29, 2011 edition of the New Haven Independent.

24. At some point, Mr. Carolina hired defendant Michael Jefferson as his attorney and agent.

25. Mr. Jefferson made at least the following false and defamatory statements about Mrs. Joyner, all of which can be attributed to Mr. Carolina, for whom Mr. Jefferson served as attorney and agent:

26. On or about December 28, 2011, Mr. Jefferson falsely “accused [Mrs.] Joyner of making the allegation [of misconduct by Mr. Carolina] because he [Mr. Carolina] was unhappy with her performance as an assistant principal.” That was a false statement of Mrs. Joyner’s motivation. Mr. Jefferson published this statement to the readership of the New Haven Register, as well as the author of the related article, and the statement was recorded in the December 28, 2011 edition of the New Haven Register at page A9.

27. On or about January 5, 2012, Mr. Jefferson falsely stated that Mr. Carolina had asked Mrs. Joyner to deal with a student whose transcript did not reflect work done for credit, but that Mrs. Joyner had done nothing. Mr. Jefferson also falsely stated that Mr. Carolina had ordered Mrs. Joyner to fix the system that was automatically changing grades, and that the grade changing was the problem of the guidance department under Mrs. Joyner. Mr. Jefferson published these statements to the readership of the New Haven Independent, as well as the author of the related article, and the statements were recorded in the January 5, 2012 edition of the New Haven Independent.

28. On or about January 5, 2012, Mr. Jefferson falsely stated that it was Mrs. Joyner who actually changed the grades to correct the mistakes caused by computer issues. Mr. Jefferson further falsely stated that the improper work credits were confirmed by Mrs. Joyner. Mr. Jefferson was quoted as follows: “Kermit had nothing to do with it. Joyner did it” This statement was false. Mr. Jefferson published these statements to the readership of the New Haven Register, as well as the author of the related article, and the statements were recorded in the January 5, 2012 edition of the New Haven Register.

29. Mr. Jefferson also falsely stated that Mrs. Joyner had lied to an investigator, stating falsely that Mrs. Joyner knew about the computer glitch but told the investigator it had

been fixed, even though it had not been fixed. Mr. Jefferson published this statement to the readership of the New Haven Register, as well as the author of the related article, and the statement was recorded in the January 5, 2012 edition of the New Haven Register.

30. In an effort to remedy the actions taken against her noted above in paragraph 11, Mrs. Joyner filed a lawsuit in the Superior Court, dated February 23, 2012. In that lawsuit, she outlined the improper and unethical actions taken by Mr. Carolina.

31. On or about February 29, 2012, Mr. Jefferson falsely stated that Mrs. Joyner's lawsuit was "a frivolous lawsuit," and he falsely called the charges that she made in the lawsuit against Mr. Carolina "absolutely unfounded." Mr. Jefferson published these statements to the readership of the New Haven Independent, as well as the author of the related article, and the statements were recorded in the February 29, 2012 edition of the New Haven Independent.

32. On or about September 11, 2012, Mr. Jefferson falsely stated that Mrs. Joyner's lawsuit was an attempt to "retaliate against Mr. Carolina with flimsy allegations because her duties were modified and her longstanding level of comfort at Hillhouse disturbed." Mr. Jefferson published these statements to the readership of the New Haven Independent, as well as the author of the related article, and the statements were recorded in the September 11, 2012 edition of the New Haven Independent.

33. On or about September 19, 2012, Mr. Jefferson falsely stated that Mrs. Joyner's claims regarding Mr. Carolina's retaliation were "ridiculous," "frivolous," and "non-sensical." Mr. Jefferson published these statements to the readership of the New Haven Register, as well as the author of the related article, and the statements were recorded in the September 19, 2012 edition of the New Haven Register at page A5.

SECOND COUNT: DEFAMATION SUPPORTING PUNITIVE DAMAGES (as to defendant Kermit Carolina)

34. Paragraphs 1-33 are incorporated by reference in this Third Count the same as if fully pleaded.

35. Mr. Carolina and his attorney/agent, Mr. Jefferson, made these statements with actual malice — that is, with knowledge of their falsity or with reckless disregard for the truth.

36. Even though the Board's investigation showed that Mr. Carolina's statements about Mrs. Joyner were false, Mr. Carolina continued to fail or refuse to retract his false statements.

THIRD COUNT: DEFAMATION (as to defendant Michael Jefferson)

37. Paragraphs 1-18 are incorporated by reference in this Third Count the same as if fully pleaded.

38. Mr. Carolina hired defendant Michael Jefferson as his attorney and agent.

39. Subsequently, Mr. Jefferson made at least the following false and defamatory statements about Mrs. Joyner:

40. On or about December 28, 2011, Mr. Jefferson falsely "accused [Mrs.] Joyner of making the allegation [of misconduct by Mr. Carolina] because he [Mr. Carolina] was unhappy with her performance as an assistant principal." That was a false statement of Mrs. Joyner's motivation. Mr. Jefferson published this statement to the readership of the New Haven Register, as well as the author of the related article, and the statement was recorded in the December 28, 2011 edition of the New Haven Register at page A9.

41. On or about January 5, 2012, Mr. Jefferson falsely stated that Mr. Carolina had asked Mrs. Joyner to deal with a student whose transcript did not reflect work done for credit, but that Mrs. Joyner had done nothing. Mr. Jefferson also falsely stated that Mr. Carolina had

ordered Mrs. Joyner to fix the system that was automatically changing grades, and that the grade changing was the problem of the guidance department under Mrs. Joyner. Mr. Jefferson published these statements to the readership of the New Haven Independent, as well as the author of the related article, and the statements were recorded in the January 5, 2012 edition of the New Haven Independent.

42. On or about January 5, 2012, Mr. Jefferson falsely stated that it was Mrs. Joyner who actually changed the grades to correct the mistakes caused by computer issues. Mr. Jefferson further falsely stated that the improper work credits were confirmed by Mrs. Joyner. Mr. Jefferson was quoted as follows: “Kermit had nothing to do with it. Joyner did it” This statement was false. Mr. Jefferson published these statements to the readership of the New Haven Register, as well as the author of the related article, and the statements were recorded in the January 5, 2012 edition of the New Haven Register.

43. Mr. Jefferson also falsely stated that Mrs. Joyner had lied to an investigator, stating falsely that Mrs. Joyner knew about the computer glitch but told the investigator it had been fixed, even though it had not been fixed. Mr. Jefferson published this statement to the readership of the New Haven Register, as well as the author of the related article, and the statement was recorded in the January 5, 2012 edition of the New Haven Register.

44. In an effort to remedy the actions taken against her noted above in paragraph 11, Mrs. Joyner filed a lawsuit in the Superior Court, dated February 23, 2012. In that lawsuit, she outlined the improper and unethical actions taken by Mr. Carolina.

45. On or about February 29, 2012, Mr. Jefferson falsely stated that Mrs. Joyner’s lawsuit was “a frivolous lawsuit,” and he falsely called the charges that she made in the lawsuit against Mr. Carolina “absolutely unfounded.” Mr. Jefferson published these statements to the

readership of the New Haven Independent, as well as the author of the related article, and the statements were recorded in the February 29, 2012 edition of the New Haven Independent.

46. On or about September 11, 2012, Mr. Jefferson falsely stated that Mrs. Joyner's lawsuit was an attempt to "retaliate against Mr. Carolina with flimsy allegations because her duties were modified and her longstanding level of comfort at Hillhouse disturbed." Mr. Jefferson published these statements to the readership of the New Haven Independent, as well as the author of the related article, and the statements were recorded in the September 11, 2012 edition of the New Haven Independent.

47. On or about September 19, 2012, Mr. Jefferson falsely stated that Mrs. Joyner's claims regarding Mr. Carolina's retaliation were "ridiculous," "frivolous," and "non-sensical." Mr. Jefferson published these statements to the readership of the New Haven Register, as well as the author of the related article, and the statements were recorded in the September 19, 2012 edition of the New Haven Register at page A5.

FOURTH COUNT: DEFAMATION SUPPORTING PUNITIVE DAMAGES (as to defendant Michael Jefferson)

48. Paragraphs 36-45 are incorporated by reference in this Fourth Count the same as if fully pleaded.

49. Mr. Jefferson made these statements with actual malice — that is, with knowledge of their falsity or with reckless disregard for the truth.

50. Even though the Board's investigation showed that Mr. Jefferson's statements about Mrs. Joyner were false, Mr. Jefferson continued to fail or refuse to retract his false statements.

CLAIM FOR RELIEF

WHEREFORE, the plaintiff Mrs. Joyner claims damages.

**RESPECTFULLY SUBMITTED,
THE PLAINTIFF**

By: /s/ Joseph D. Garrison

Joseph D. Garrison

Juris No.: 021832

GARRISON, LEVIN-EPSTEIN, RICHARDSON,
FITZGERALD & PIRROTTI, P.C.

405 Orange Street

New Haven, CT 06511

Tel.: (203) 777-4425

Fax: (203) 776-3965

jgarrison@garrisonlaw.com

CERTIFICATION

I HEREBY CERTIFY that a true and correct copy of the foregoing **AMENDED COMPLAINT** has been furnished via electronic mail only this 12th day of November, 2012 to:

John J. Carangelo
30 Fountain Street
New Haven, CT 06515
judgejjc@hotmail.com

Donald G. Walsh, Jr.
DONALD G. WALSH, P.C.
1 Bradley Rd., Suite 706
Woodbridge, CT 06525
dwalsh@dwalshlaw.com

/s/ Joseph D. Garrison
Joseph D. Garrison