

# The Trellis Green Lawsuit: A Decade Later

It has been about 12 years since then-assistant professor of economics Trellis G. Green filed suit against the University of Southern Mississippi and the Mississippi IHL, and a decade since that suit was settled. Given the current state of affairs in USM's College of Business, it seems fitting that USMPRIDE.COM presents a series on the Green lawsuit. This is part 4 in that series.

## Pre-Trial Activities

The previous installment in this series examined the award sought by Green. All three of the previous issues in this series were based on the reporting done by USM's own *The Student Printz* during the summer of 1994. The headline from that story is found below:

### Professor files suit against USM/IHL *Lucas, Huffman, Black and Carter also named in promotion dispute*

This issue examines some of the pre-trial activities surround Trellis Green's lawsuit against the Mississippi IHL, USM, USM President Aubrey Lucas, VPAA David Huffman, CBA Dean Tyrone Black, and EIB Chair George Carter. The screen below shows documentation of Green's filing against USM, which is dated 25 August 1994:

IN THE \_\_\_\_\_ CIRCUIT COURT  
FORREST COUNTY, STATE OF MISSISSIPPI

**FILED**  
AUG 25 1994  
*Marian Brown*  
CIRCUIT CLERK

DR. TRELIS G. GREEN Plaintiff(s)

VS

THE UNIVERSITY OF SOUTHERN MISSISSIPPI, DR. AUBREY LUCAS, INDIVIDUALLY & OFFICIALLY, DR. DAVID HUFFMAN, INDIVIDUALLY & OFFICIALLY, DR. TYRONE BLACK, INDIVIDUALLY & OFFICIALLY, AND THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING DR. GEORGE CARTER, INDIVIDUALLY AND OFFICIALLY,

THE STATE OF MISSISSIPPI

TO: THE UNIVERSITY OF SOUTHERN MISSISSIPPI by serving the MISSISSIPPI ATTORNEY GENERAL

Civil Action, File No. 6-94-4284

SUMMONS (Plaintiff-Server)

Green filed officially and individually against the individuals named in *The Student Printz* headline from the summer of 1994 (see above). The screen below captures Green's suit against Carter "Officially" in the Forrest County Circuit Court in August of 1994:

IN THE \_\_\_\_\_ CIRCUIT COURT  
FORREST COUNTY, STATE OF MISSISSIPPI

**FILED**  
AUG 25 1994  
*Marion Brown*  
CIRCUIT CLERK

DR. TRELIS G. GREEN Plaintiff(s)

VS

THE UNIVERSITY OF SOUTHERN MISSISSIPPI,  
DR. AUBREY LUCAS, INDIVIDUALLY &  
~~OFFICIALLY, DR. DAVID HUFFMAN~~ Defendant(s)  
INDIVIDUALLY AND OFFICIALLY,  
DR. TYRONE BLACK, INDIVIDUALLY & OFFICIALLY  
THE BOARD OF TRUSTEES OF STATE INSTITUTIONS  
OF HIGHER LEARNING, AND DR. GEORGE CARTER,  
INDIVIDUALLY AND OFFICIALLY,

NOTICE  
(By Mail)

TO: DR. GEORGE CARTER, OFFICIALLY,  
C/O HON. MICHAEL MOORE, MISSISSIPPI ATTORNEY GENERAL, JACKSON, MS Defendant

Case No. 6-94-4284

The next screen shows Green's suit against Carter "Individually" in Circuit Court:

IN THE \_\_\_\_\_ CIRCUIT COURT  
FORREST COUNTY, STATE OF MISSISSIPPI

**FILED**  
JUL 29 1994  
*Marion Brown*  
CIRCUIT CLERK

DR. TRELIS G. GREEN Plaintiff(s)

VS

THE UNIVERSITY OF SOUTHERN  
MISSISSIPPI, DR. AUBREY LUCAS,  
INDIVIDUALLY & OFFICIALLY Defendant(s)  
DR. DAVID HUFFMAN, INDIVIDUALLY  
& OFFICIALLY, DR. TYRONE BLACK,  
INDIVIDUALLY & OFFICIALLY, AND  
~~THE BOARD OF TRUSTEES OF STATE~~  
INSTITUTIONS OF HIGHER LEARNING  
DR. GEORGE CARTER, INDIVIDUALLY  
AND OFFICIALLY (Process Server)

THE STATE OF MISSISSIPPI

TO: DR. GEORGE CARTER, INDIVIDUALLY, University of Southern Miss.,  
Joseph Green Hall, Room 309A, Hattiesburg, MS 39406

Civil Action, File No. 6-94-4284

The screen directly above also shows that EIB Chair George Carter occupied the same station – JGH 309A – in 1994 that he currently occupies today (fall 2006) as Chair of the EFIB.

The screen below shows the top portion of a letter from Kim Chaze, Green's attorney, to the Circuit Court regarding Green's lawsuit against the four named defendants:

**KIM T. CHAZE**  
Attorney at Law  
912 West Pine Street  
Hattiesburg, Mississippi 39401-4262  
(601) 582-3947

**FILED**  
JUL 29 1994

*Marian Brown*  
CIRCUIT CLERK

July 28, 1994

Hon. Marian Brown  
FORREST CO. CIRCUIT CLERK  
P. O. Drawer 951  
Hattiesburg, MS 39403-0951

Attention: Carolyn, D.C.

Reference: Green v. USM  
Forrest Co. Circuit No. 6-94-4284

Dear Carolyn:

Enclosed please find for filing in your usual efficient manner the following original Summons>Returns regarding the following named Defendants:

1. Dr. Tyrone Black, individually;
2. Dr. David Huffman, individually;
3. Dr. Aubrey Lucas, individually; and
4. Dr. George Carter, individually;

The following screen shows the top portion of a letter (dated 20 July 1994) from Lee Gore, USM Counsel, to Kim Chaze indicating that Lucas, Huffman, Black and Carter had authorized Gore to accept service of process on them in their individual capacities.



THE UNIVERSITY OF SOUTHERN MISSISSIPPI

UNIVERSITY LEGAL COUNSEL

**FILED**  
JUL 29 1994

*Marian Brown*  
CIRCUIT CLERK  
694-4284

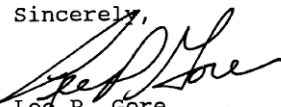
July 20, 1994

Hon. Kim T. Chaze  
Attorney at Law  
912 West Pine Street  
Hattiesburg, MS 39401

Re: Green v. USM, et al.

Dear Kim:

President Lucas, Vice President Huffman, Dean Black and Dr. Carter have all authorized me to accept service of process on them in their individual capacities in the above referenced case.

Sincerely,  
  
Lee P. Gore  
University Counsel

The screen below captures a Request for Jury Trial filed on behalf of Green in the Forrest County Circuit Court on 30 June 1994:

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI  
DR. TRELIS G. GREEN  
v. CASE NO. 60-94-4284

THE UNIVERSITY OF SOUTHERN MISSISSIPPI  
DR. AUBREY K. LUCAS, INDIVIDUALLY AND OFFICIALLY,  
DR. DAVID HUFFMAN, INDIVIDUALLY AND OFFICIALLY,  
DR. TYRONE BLACK, INDIVIDUALLY AND OFFICIALLY,  
DR. GEORGE CARTER, INDIVIDUALLY AND AND OFFICIALLY,  
and THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING,

PLAINTIFF  
**FILED**  
JUN 30 1994

*Marian Brown*  
CIRCUIT CLERK

DEFENDANTS.

C O M P L A I N T  
[Jury Trial Requested]

Facts about the defendants listed at the top of that document appear below:

COMES NOW, Plaintiff, DR. TRELIS GREEN and alleges the following:

1. Plaintiff, Dr. Trellis Green is an adult resident citizen of Forrest County, Mississippi.

2. THE UNIVERSITY OF SOUTHERN MISSISSIPPI is located in Forrest County, Mississippi and may be served with process by serving the Mississippi Attorney General, in care of the Hon. Robert Jenkins, Special Assistant Attorney General.

3. DR. AUBREY K. LUCAS, is the President of the UNIVERSITY OF SOUTHERN MISSISSIPPI, and he may be served with process personally in his individual capacity, and in his official capacity by serving the Mississippi Attorney General in care of the Hon. Robert Jenkins, Special Assistant Attorney General.

4. DR. DAVID HUFFMAN, is the Vice-President of Academic Affairs of the UNIVERSITY OF SOUTHERN MISSISSIPPI, and he may be served with process personally in his individual context, and

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officially by serving the Mississippi Attorney General in care of the Hon. Robert Jenkins, Special Assistant Attorney General.

5. DR. TYRONE BLACK, Dean, College of Business Administration, UNIVERSITY OF SOUTHERN MISSISSIPPI, and he may be served with process personally in an individual capacity and, officially by serving the Mississippi Attorney General in care of the Hon. Robert Jenkins, Special Assistant Attorney General.

6. DR. GEORGE CARTER, Chairman, Department Economics, and he may be served with process personally in an individual capacity and, officially by serving the Mississippi Attorney General in care of the Hon. Robert Jenkins, Special Assistant Attorney General.

7. THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING, officially, may be served with process by serving the Mississippi Attorney General in care of the Hon. Robert Jenkins, Special Assistant Attorney General.

Green's assessment of additional facts of the case is also provided in the text of this document (see below).

#### FACTS

8. The Plaintiff in this case, from a factual and legal perspective, is entitled to promotion. He has been denied that interest. The final act regarding this denial occurred on April 4, 1994.

9. Dr. Green has been continuously employed at the UNIVERSITY since September 1983.

10. Dr. Green is a state employee and, therefore, has clear, certain, vested Constitutional Rights regarding his property interests herein.

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11. Moreover, Plaintiff has earned tenure, yet, the arbitrary and capricious actions of the Defendants have deprived him of promotion to Associate Professor. Moreover, his Contract of Employment, both explicitly and implicitly, especially when considered with the University Personnel Handbook, which is a part of his contract, provides him Contractual Rights regarding promotion which have been breached. The arbitrariness, the capriciousness, the denial of Substantative Due Process, and/or the denial of Procedural Due Process have damaged the Plaintiff greatly.

12. The Defendants, and each of them, have intentionally, maliciously, and/or wantonly taken action directly against DR. GREEN knowing that their actions were wrong, hurtful, and violative of Plaintiff's Constitutional Rights.

13. Additionally, DR. GREEN exercised his "liberty interests" when speaking out against the mistreatment he was receiving. Upon having done this, the UNIVERSITY engaged in a retaliatory, malevolent course of conduct, in spite of the obvious credentials and competence of DR. GREEN, all of which caused Plaintiff serious and substantial damage and serious and substantial deprivation of his Constitutional Rights. As a result therefrom, he has been damaged substantially.

14. The Defendants know, or should know, the Plaintiff is one of the most competent, assiduous, and productive Professors at the UNIVERSITY. Yet, in spite of the fact that they are keenly aware of his Procedural and Substantative Constitutional

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Rights, they have pursued a course of action which violates those very rights.

15. Consequently, the acts of the individual Defendants, along with the remaining Defendants in their official capacity, were undertaken intentionally, malevolently, and knowingly with the specific intent to deprive DR. GREEN of his Constitutional Rights and with the specific intent to harm him.

In "11" above, Green states that he was denied promotion to associate professor through "the arbitrary and capricious actions" of the defendants. Green also asserts that his Due Process rights were violated. In "12" Green argues that the defendants "intentionally, maliciously, and/or wantonly" took action against him (Green) knowing that their actions were "wrong, hurtful, and violative" of Green's Constitutional rights.

The claims in "13" are also very interesting. Green states that upon exercising his "liberty interests" by speaking out against the CBA/USM administration's misdeeds, those same administrators (Carter, Black, et al.) "engaged in a retaliatory, malevolent course of conduct, in spite of the obvious credentials and competence of DR. GREEN . . ." This charge is quite familiar to charges against EFIB Chair George Carter made in the fall of 2006 by economics professor Franklin Mixon through a formal Grievance. Mixon essentially argues that he (Mixon) exercised his "liberty interests" by speaking out against CoB Dean Harold Doty's "Letter of Agreement" (spring 2006), and again later by speaking out against Carter's "Black Tuesday" *coup* of the EFIB's faculty governance selection (fall 2006). In doing so, Mixon argues that he has suffered a campaign of harassment and retaliation (malevolent conduct) from the likes of Doty, Carter, and CoB Associate Dean Farhang Niroomand. Sources tell USMPRIDE.COM investigators that even Trellis Green has

stated that Mixon's recent treatment at the hands of Doty, Carter and Niroomand is possibly worse than his own treatment (back in 1994) at the hands of Black, Carter and the other USM administrators (as stated above in "13").

Counts I through V are specified (from official documentation) below:

COUNT I.

16. While incorporating herein as if fully copied herein, all the foregoing, the Plaintiff realleges and adopts all paragraphs supra.

17. Each of the Defendants has taken wrongful action to breach Plaintiff's contractual relationship. Primarily, the UNIVERSITY Personnel Handbook provides certain factors herein for Plaintiff to satisfy. He has done that. In spite of that, the Defendants have denied Plaintiff promotion. Consequently, Plaintiff has been damaged significantly.

18. Plaintiff respectfully asserts that his Contract of employment has been breached, and respectfully asks that appropriate damages be awarded.

COUNT II.

19. While incorporating herein as if fully copied herein, all the foregoing, the Plaintiff realleges and adopts all paragraphs supra.

20. Plaintiff is entitled to Due Process, both Substantive and Procedural. He has been denied appropriate Constitutional Due Process, and he has had a most significant property interest taken from him in spite of the fact, as a state employee, he is to be afforded all Constitutional Guarantees regarding his livelihood. The acts of Defendants, jointly and severally, have been intentional, malicious, wrongful, arbitrary, and/or capricious toward Plaintiff. These acts have served to violate Plaintiff's State Constitutional Rights and his Federal Constitutional Rights in addition to his Contractual Rights.



21. Consequently, appropriate damages are requested herein.

COUNT III.

22. While incorporating herein as if fully copied herein all the foregoing, the Plaintiff realleges and adopts all paragraphs supra.

23. The representations of the Defendants, and each of them, lead Plaintiff to rely upon them to his detriment. The representations essentially were that, as long as Plaintiff proformed his services competently, as long as he satisfied the criteria delineated in the UNIVERSITY Handbook, he would receive promotion. In spite of this, Plaintiff has been made one of the lowest paid Professors in the College of Business Administration at the UNIVERSITY. The Defendants, and each of them, did not keep their end of the bargain.

24. Consequently, the Plaintiff has suffered significant damages which will be more specifically delineated infra.

COUNT IV.

25. While incorporating herein as if fully copied herein all the foregoing, the Plaintiff realleges and adopts all paragraphs supra.

26. The Plaintiff further asserts that the wrongful acts of each of the Defendants were intentional, malevolent, and each of the Defendants intended to and did intentionally inflict mental anguish and emotional distress upon Plaintiff.

27. Consequently, the Plaintiff has been damaged significantly and asks for appropriate damages.

COUNT V.

28. While incorporating herein as if fully copied herein, all the foregoing, the Plaintiff realleges and adopts all paragraphs supra.

29. Plaintiff respectfully contends that he has been deprived of his Constitutional Rights, as described supra, under color of state law and specifically invokes herein 42 U.S.C. § 1983 so that he may receive appropriate relief for the Constitutional deprivations described supra. The individual Defendants knew and, indeed, were advised as to what Plaintiff's Constitutional Rights are and were. In spite of this, the individual Defendants intentionally, wantonly, and with improper motive chose to harm Plaintiff and to deprive him of his Constitutional Guarantees as described supra. Moreover, the doctrine of respondeat superior is specifically applicable here, and the amalgam of this concept combined with the other wrongful acts of the individual Defendants has deprived DR. GREEN of significant property interests. Furthermore, Plaintiff has been denied, in a procedural context, any opportunity whatsoever personally to appear before the BOARD OF TRUSTEES which has taken the position that Plaintiff will not be allowed to present any information to it. This is a direct contradiction of Plaintiff's Constitutional Rights.

30. Consequently the Plaintiff requests appropriate damages.

It was at this time in the CBA that the CBA's administration became known as the "evil empire" and that EIB Chair George Carter became known to many as the "smiling assassin." With the Grievances that are currently active in the CoB, and the way they are being handled by the CoB's administrators, the "with improper motive" and other statements made by Green in 1994 seem relevant even today.

The next issue in this series will continue our examination of pre-trial documentation.