

FILED

FEB - 9 2011

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY MISSISSIPPI
BARBARA DUNN, CIRCUIT CLERK
D.C.

Ablene Cooper

Plaintiff

Vs.

Civil Action No. 2511-134/CV

Kathryn Stockett

Defendant

COMPLAINT

I. PARTIES

1. Plaintiff, Ablene Cooper, is an adult resident citizen of Hinds County, Mississippi. She resides at 409 Queen Marie Lane, Jackson, MS 39209.¹

2. Defendant, Kathryn Stockett, is an adult resident citizen of Atlanta, Georgia. She resides at 80 Huntington Road, NE, Atlanta, GA 30309.

II. JURISDICTION

3. The Circuit Court of Hinds County, Mississippi has personal jurisdiction over non resident defendant Kathryn Stockett per the Mississippi Long-Arm Statute, Mississippi Code Annotated § 13-3-57. The Mississippi Long-Arm Statute provides in relevant part:

Any nonresident person, firm, general or limited partnership, or any foreign or other corporation not qualified under the Constitution and laws of this state as to doing business herein, who shall make a contract with a resident of this state to be performed in whole or in part by any party in this state, or who shall commit a tort in whole or in part in this state against a resident or nonresident of this state, or who shall do any business or perform any character of work or service in this state, shall by such act or acts be deemed to be doing business in Mississippi and shall thereby be subjected to the jurisdiction of the courts of this state.

¹ The plaintiff's name is pronounced Ābe – ūh- lēēn. The plaintiff may be referred to at times as Ablene.

4. Kathryn Stockett, a nonresident of the State of Mississippi, committed a tort against Ablene Cooper, a Mississippi resident.

5. The damage sustained by Ablene Cooper occurred in the State of Mississippi.

6. Nonresident Kathryn Stockett has sufficient minimum contacts with Mississippi such that maintenance of this suit in the Circuit Court of the First Judicial District of Hinds County, Mississippi does not offend traditional notions of fair play and substantial justice.

7. Ablene Cooper's causes of action in this complaint arise solely under the laws of the State of Mississippi. Ablene Cooper specifically disavows any cause of action arising under any federal regulation, law, statute, or the United States Constitution that would invoke federal jurisdiction.

8. Ablene Cooper demands a jury trial in Hinds County, Mississippi.

III. VENUE

9. Venue is proper in the Circuit Court of the First Judicial District of Hinds County Mississippi pursuant to Mississippi Code Annotated §19-11-3.

IV. BACKGROUND INFORMATION

10. Kathryn Stockett is a member of a well known, prominent, white family in Jackson, Mississippi.

11. Kathryn Stockett is a writer. She was reared in Jackson, Mississippi and regularly visits family members living in Mississippi.

12. Kathryn Stockett is the author of a novel entitled, "The Help."²

13. "The Help" is a commercial enterprise.

14. Ablene is an African-American woman who works as a maid for the Stockett family.

15. Kathryn Stockett knows Ablene.

16. Ablene has, on occasion, served as a babysitter for Kathryn Stockett, keeping Stockett's daughter.

² Due to the length of "The Help", a copy is not attached to the complaint. This is sufficient justification for its omission pursuant to MRCP 10(d).

V. ABLENE AND AIBILEEN

17. In 2001, Kathryn Stockett began writing “The Help.” “The Help” is a novel about African-American women in Jackson, Mississippi who work as maids for white families.
18. One of the characters in “The Help” is an African-American woman named Aibileen.
19. Aibileen and Ablene are both pronounced: Ābe – ūh- lēēn.
20. Aibileen is described as black, middle aged, has a gold tooth, works for a white family in Jackson, Mississippi, and has a son who is deceased.
21. Ablene is black, middle aged, has a gold tooth, works for a white family in Jackson, Mississippi, and has a son who is deceased.
22. The two white children, a boy and a girl, that Aibileen cares for call her Aibee (Ā-bēē).
23. Here is an excerpt from “The Help” where these white children, Baby Girl and Li'l Man, refer to Aibileen as Aibee:

Baby Girl grab the shirt a my uniform and don't let go. I touch my hand to her forehead and she burning with fever.
“Baby, you need to get back in the bed.”
“Nooooo,” she bawls. “Don't gooo Aibee.”
Miss Leefolt come out a the bedroom, frowning, holding Li'l Man.
“Aibee!” he call out, grinning.

24. The Stockett children, a boy and a girl, that Ablene cares for refer to her as Abie or Abi.
25. Aibee, Abie, and Abi are all three pronounced: Ā-bēē.

VI. INVASION OF PRIVACY

A. Appropriation Of Another's Identity For An Unpermitted Use

26. Prior to the publication of “The Help”, Kathryn Stockett was asked not to use the name and likeness of Ablene in “The Help”, as such would be highly upsetting and offensive to Ablene.
27. Kathryn Stockett refused.

28. Despite the fact that Kathryn Stockett had actual knowledge that using the name and likeness of Ablene in “The Help” would be emotionally upsetting and highly offensive to Ablene, Kathryn Stockett negligently and/or intentionally and in reckless disregard for the rights and dignity of Ablene proceeded with her plans.

29. Kathryn Stockett negligently and/or intentionally, maliciously, and in reckless disregard for the rights of Ablene appropriated Ablene’s name and likeness in “The Help” without Ablene’s consent.

30. Kathryn Stockett’s appropriation of Ablene’s name and likeness was done for Kathryn Stockett’s commercial advantage; namely to sell more copies of “The Help.”

31. Kathryn Stockett knew or should have known that her negligent and/or intentional appropriation of Ablene’s name and likeness in “The Help”, and her subsequent public denials of having done so, would be highly offensive to Ablene and would cause Ablene to experience outrage, revulsion, and severe emotional distress.

B. Holding Another To The Public Eye In A False Light

32. Aibileen speaks in a manner that Ablene does not.

33. The following excerpts from “The Help” are attributable to Aibileen:

And how I told him don’t drink coffee or he gone turn colored.
He say he still ain’t drunk a cup of coffee and he twenty-one years old.
It’s always nice to see the kids grown up fine.

That night after supper, me and that cockroach stare each other down across the kitchen floor. He big, inch, inch an a half. He black. Blacker than me.

34. It has been emotionally upsetting and is highly offensive to Ablene to be falsely portrayed in “The Help” as an African-American maid in Jackson, Mississippi who uses this kind of language and compares her skin color to a cockroach.

35. Aibileen must use a segregated toilet in the garage of her white employer’s home.

36. It has been emotionally upsetting and is highly offensive to Ablene to be falsely portrayed in “The Help” as an African-American maid in Jackson, Mississippi who is forced to use a segregated toilet in the garage of her white employer’s home.

37. Kathryn Stockett knows that Ablene is justified in the eyes of the community in Jackson, Mississippi in feeling seriously offended, aggrieved, and outraged by the conduct of Kathryn Stockett.

38. Kathryn Stockett's portrayal of Ablene in such a false light is highly offensive to a reasonable person.

VII. INTENTIONAL AND/OR NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

39. The publication of "The Help" and Kathryn Stockett's continuing refusal to publicly admit she obtained the name and likeness for Aibileen from Ablene has caused Ablene to experience severe emotional distress, embarrassment, humiliation, and outrage.

40. Kathryn Stockett's conduct evinces negligent and/or malicious, intentional, willful, wanton, grossly careless, indifferent and reckless conduct toward Ablene.

41. Kathryn Stockett's continuing and repeated conduct in publicly refusing to admit that she obtained the name and likeness for Aibileen from Ablene is emotionally upsetting to Ablene and evinces negligent and/or malicious, intentional, willful, wanton, grossly careless, indifferent and reckless conduct toward Ablene.

42. Just as the white characters in "The Help" treated Aibileen in a reckless, careless, and indifferent manner, Kathryn Stockett's past conduct and her continuing and repeated conduct towards Ablene is outrageous, reckless, malicious, and grossly careless.

43. Kathryn Stockett's negligent and/or intentional conduct in hi-jacking Ablene's name and likeness in order to sell a book, combined with her continuing and repeated conduct of publicly refusing to admit what she has obviously done is so outrageous in character, and so extreme as to go beyond all bounds of human decency, and is utterly intolerable in a civilized community.

44. Kathryn Stockett's conduct is not a mere insult, indignity, annoyance, or trivial matter to Ablene. Kathryn Stockett's conduct has made Ablene feel violated, outraged, and revulsed.

45. Kathryn Stockett's outrageous conduct continues to inflict injury upon Ablene. Kathryn Stockett continually gives interviews wherein she refuses to acknowledge she obtained the name and likeness for Aibileen from Ablene.

46. It was reasonably foreseeable to Kathryn Stockett that her conduct, even if done unintentionally, would cause Ablene to experience outrage, revulsion, and severe emotional distress.

47. These facts when told to an average member of the community would cause that person to characterize the actions of Kathryn Stockett as being outrageous.

VIII. DAMAGES

48. As a result of Kathryn Stockett's conduct as described herein, Ablene Cooper is entitled to an award of compensatory damages for the negligent and/or intentional infliction of emotional distress, the appropriation of her identity for an unpermitted use, and holding her to the public eye in a false light.

49. As a result of the malicious, grossly negligent, willful, wanton, and reckless conduct of Kathryn Stockett, Ablene Cooper is entitled to an award of punitive damages pursuant to Mississippi Code Annotated §11-1-65.

50. Ablene Cooper specifically limits and stipulates the *combined total* of her compensatory AND punitive damages is \$75,000.00 (seventy-five thousand dollars) exclusive of interest and costs. See Exhibit A.

51. Ablene Cooper specifically limits and disavows any claim to any amount of damages or other award that would invoke federal jurisdiction.

52. Ablene Cooper is not seeking an award of attorney fees.

Respectfully Submitted
Ablene Cooper

This the 9th day of February 2011

By: Edward Sanders
Edward Sanders, MBI 8880
Cynthia Stewart, MBI 7894

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IN THE CIRCUIT COURT OF THE FIRST
JUDICIAL DISTRICT OF HINDS COUNTY MISSISSIPPI

Ablene Cooper

Plaintiff

Vs.

Civil Action No. _____

Kathryn Stockett

Defendant

AFFIDAVIT OF ABLENE COOPER LIMITING DAMAGES

1. My name is Ablene Cooper, and I am the plaintiff in this case.
2. I have read the complaint.
3. I am specifically limiting and/or "capping" the combined total of all damages I am seeking from Kathryn Stockett at \$75,000.00 (seventy-five thousand dollars), exclusive of interest and costs.
4. I will not accept a combined total (compensatory + punitive) award of damages from the jury in this case in excess of \$75,000.00 (seventy-five thousand dollars), exclusive of interest and costs.
5. The total amount in controversy in this case does not exceed \$75,000.00 (seventy-five thousand dollars), exclusive of interest and costs.
6. I am not seeking an award of attorney fees.
7. I specifically disavow any claim to any amount of damages or other award in this case that would invoke federal jurisdiction.
8. The matters set forth in this affidavit are true.

FURTHER AFFIANT SAITH NOT, THIS THE 8 DAY OF FEBRUARY, 2011.

Ablene Cooper
Ablene Cooper

EXHIBIT A

STATE OF MISSISSIPPI
COUNTY OF MADISON

PERSONALLY came and appeared before me, the undersigned Notary, the within name ABLENE COOPER, who is a resident of Hinds County, Mississippi, and makes this her statement upon oath that the matters, facts and things set forth in the AFFIDAVIT OF ABLENE COOPER LIMITING DAMAGES are true and correct.

SWORN to and subscribed before me, this the 8th day of FEBRUARY
2011.

Virginia H. Reed
NOTARY PUBLIC

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 7, 2011
BONDED THRU STEGALI NOTARY SERVICE

