

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

LISA T. JACKSON,)	
)	
Plaintiff,)	
)	
vs.)	No. CV412-139
)	
PAULA DEEN, PAULA DEEN)	
ENTERPRISES, LLC, THE LADY)	
& SONS, LLC, THE LADY)	
ENTERPRISES, INC., EARL W.)	
“BUBBA” HIERS, and UNCLE)	
BUBBA’S SEAFOOD AND)	
OYSTER HOUSE, INC.,)	
)	
Defendants.)	

NOTICE OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF THE DEFENDANTS’ MOTION TO DISMISS

COME NOW Paula Deen, Paula Deen Enterprises, LLC, The Lady & Sons, LLC, The Lady Enterprises, Inc., Earl W. “Bubba” Hiers, and Uncle Bubba’s Seafood and Oyster House, Inc., Defendants herein, and file this notice of supplemental authority in support of their motion to dismiss filed on December 18, 2012. [Doc 58]

Jackson, a white woman, asserts claims for race discrimination and hostile work environment based upon race under the auspices of 42 U.S.C. §1981 and Title VII. [Doc 47] The Hiers defendants' motion to dismiss contends that she lacks standing to make these claims [Doc 58-Pgs 16-31] Part of their arguments focus on Jackson's lack of Article III standing. [Doc 58-Pgs 16-17]

On June 26, 2013, the Supreme Court issued Hollingsworth v. Perry, ___ U.S. ___, 2013 WL 3196927 (2013). Writing for the majority, Chief Justice Roberts made this observation:

Article III of the Constitution confines the judicial power of federal courts to deciding actual "Cases" or "Controversies." § 2. One essential aspect of this requirement is that any person invoking the power of a federal court must demonstrate standing to do so. This requires the litigant to prove that he has suffered a concrete and particularized injury that is fairly traceable to the challenged conduct, and is likely to be redressed by a favorable judicial decision. Lujan v. Defenders of Wildlife, 504 U.S. 555, 560–561, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992). *In other words, for a federal court to have authority under the Constitution to settle a dispute, the party before it must seek a remedy for a personal and tangible harm. "The presence of a disagreement, however sharp and acrimonious it may be, is insufficient by itself to meet Art. III's requirements."*

Hollingsworth at *6 (emphasis added).

These defendants respectfully request the Court to consider Hollingsworth in its resolution of their motion to dismiss.

Respectfully submitted this 1st day of July, 2013.

/s/ William P. Franklin, Jr.,

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/s/ Thomas A. Withers

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CERTIFICATE OF SERVICE

The undersigned certifies that I have on this day served all the parties in this case in accordance with the notice of electronic filing (“NEF”) which was generated as a result of electronic filing in this court.

This 1st day of July, 2013.

/s/ Thomas A. Withers

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