

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CHRISTINE DAILY, f/k/a ALLAN
DALRYMPE,

Plaintiff,

vs.

TECHNICAL COLLEGE SYSTEM OF
GEORGIA; GWINNETT TECHNICAL
COLLEGE; GLEN CANNON, DEBBIE
GARARDO, DR. VICTORIA SEALS,
STEVE MOYERS, JAMES SASS, PHIL
KLEIN AND JOHN OR JANE DOE
(ALL INDIVIDUALLY AND IN
THEIR REPRESENTATIVE
CAPACITIES FOR AND ON BEHALF
OF GWINNETT TECHNICAL
COLLEGE),

Defendants.

CIVIL ACTION

FILE No. _____

PLAINTIFF'S COMPLAINT

COMES NOW, Christine Daily, f/k/a Allan Dalrymple (hereinafter sometimes referred to as "Ms. Daily" or "Plaintiff"), Plaintiff in the above-captioned matter, and files her Complaint showing as follows:

Jurisdiction and Venue

1.

This action is brought pursuant to Title VII of the Civil Rights Act of 1964, codified at 42 U.S.C. § 2000-e, 42, U.S.C. 1981, and 42 U.S.C. 1983, all as amended by the Civil Rights Act of 1991, 42 U.S.C. § 1983 for violations of the equal protection clause of the Fourteenth Amendment to the United States Constitution to redress plaintiff's rights to be free of discrimination and retaliation under the United States Constitution, and Georgia state law. The Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331.

2.

Venue lies in this Court under 28 U.S.C. § 1391(b) and this cause resides in the Atlanta Division of this Court because all parties to this action reside in and are located within the boundaries of this judicial district. Moreover, the unlawful employment practices alleged below were committed in the Northern District of the State of Georgia.

3.

All conditions precedent to jurisdiction under Title VII have either occurred or been complied with; specifically, Plaintiff filed a timely charge of discrimination against Defendant(s) with the Equal Employment Opportunity Commission ("EEOC"). The Notice of Right to Sue for Plaintiff's Charge was

issued by the EEOC on August 24, 2017. A true and correct copy of the notice is attached hereto as Exhibit A. Plaintiff has brought suit within 90 days of receipt of her Notice of Right to Sue.

Parties

4.

Plaintiff, Christine Daily, f/k/a Allan Dalrymple¹, is a transgendered woman. Her gender identity (female) is different from the sex assigned to her at birth (male).

5.

At all times relevant to this Complaint, Plaintiff was a resident of Gwinnett County, Georgia, which is located in the Northern District of Georgia.

6.

At all times relevant to this Complaint, Plaintiff was an employee of the Gwinnett Technical College (hereinafter sometimes referred to as "GTC"), a unit of the Technical College System of Georgia.

7.

Defendant Technical College System of Georgia (hereinafter sometimes referred to as "TCSG") is an agency of the State of Georgia, which may be served

¹ Ms. Daily's name was legally changed from Allan Dalrymple to Christine Dailey by order of the Superior Court of Gwinnett County, dated March 3, 2017, CAF № 16-A-12447-5.

with process by service upon Gretchen Corbin, Commissioner of the Technical College System of Georgia, 1800 Century Place, Suite 400, Atlanta, Georgia 30345, pursuant to O.C.G.A. § 9-11-4(e)(5) and Fed. R. Civ. P. 4.

8.

At all times relevant to this Complaint, TCSG employed more than 20 employees.

9.

Defendant Gwinnett Technical College is a unit of Defendant TCSG with its facility located at 5150 Sugarloaf Pkwy, Lawrenceville, Gwinnett County, Georgia 30043.

10.

At all times relevant to this Complaint, GTC employed more than 20 employees.

11.

TCSG exercises leadership, management and operational control over technical colleges in Georgia, including Defendant GTC.

12.

Defendant Glen Cannon is the President of GTC, and was so at the time of Plaintiff's termination from employment.

13.

Defendant Debra Gerardo is the former Director/Coordinator of Human Resources for GTC, and served in that capacity at all times relevant to this complaint.

14.

Defendant Dr. Victoria Seals is the Vice President of Academic Affairs for GTC, and served in that capacity at all times relevant to this complaint.

15.

Defendant Steve Moyers, was the former Dean of Health Sciences for GTC, and served in that capacity at times relevant to this complaint.

16.

Defendant Jim Sass, was the Interim Dean of Health Sciences for GTC., and served in that capacity at times relevant to this complaint.

17.

Defendant Phil Klein, is the current Dean of Health Sciences for GTC, and served in that capacity at times relevant to this complaint.

18.

Defendant John or Jane Doe, are/were unknown employees, directors or officer(s) of GTC.

Factual Allegations Common to All Counts

19.

Ms. Daily is a transgendered female who was first known as, and initially hired by GTC as, Allan Dalrymple, a male.

20.

Ms. Daily began her employment with GTC in 2006 as an instructor in the Health Sciences Department.

21.

Ms. Daily was promoted to the position of Program Director of Emergency Medical Services in 2008, managing all programs of the department and teaching emergency medical technicians and paramedics.

22.

Ms. Daily remained in that position as a salaried employee until she was terminated in November 2016; therefore, per the State Board Policies and TCSG Procedures Manual, any disciplinary actions concerning her were governed by the Positive Disciplinary Procedures of the TCSG.

23.

Throughout her ten years of employment Ms. Daily had no negative annual or special reviews.

24.

At the time of her termination, Ms. Daily was successfully performing the duties of her position.

25.

From the time of her hire in 2006 until her termination in 2016, Ms. Daily had a contentious relationship with a co-worker, David Newton, who continuously insulted, debased and otherwise harassed her.

26.

In March of 2016, Ms. Daily filed a formal complaint with her immediate supervisor, Steven Moyers, the Dean of Health Sciences at that time, concerning Mr. Newton's behavior towards her, other employees and students.

27.

In early May of 2016, Dr. Victoria Seals, the Vice President of Academics, called a meeting with Ms. Daily to discuss the complaint she filed concerning Mr. Newton.

28.

At the conclusion of that meeting, Ms. Daily informed Dr. Seals that she was transgendered and intended to transition to the female gender.

29.

Dr. Seals directed Ms. Daily to inform the Human Resources department.

30.

Shortly thereafter, Debra Gerardo, Director of Human Resources (since retired) called Ms. Daily into the office, ostensibly to discuss the complaint against Mr. Newton.

31.

At that meeting, Ms. Daily informed Ms. Gerardo that she was transgendered and intended to transition to the female gender.

32.

Ms. Gerardo informed Ms. Daily that she would discuss the “issue” with the attorneys for TCSG and would get back with Ms. Daily.

33.

A few days later, Ms. Gerardo informed Ms. Daily that she would be required to provide 24 hours’ notice to the Human Resources Department of her change of name and sex, and cautioned Ms. Daily that thereafter she would not be allowed to alternate her identity.

34.

At the same meeting, Ms. Daily requested support and guidance in notifying her colleagues and students of her intent to transition.

35.

Ms. Gerardo instructed Ms. Daily to prepare a suggested timeline for the transition, provide it to herself and Dr. Seals and to await further instructions.

36.

Ms. Daily prepared a proposed timeline and presented it as instructed.

37.

No instructions were forthcoming.

38.

In late May or early June of 2106, Ms. Daily informed Steven Moyers that she was transgendered and would be transitioning to the female gender.

39.

In late summer of 2016, Ms. Daily requested that Dr. Seals respond to the proposed timeline to formulate a schedule to announce her transition.

40.

Dr. Seals informed Ms. Daily that her timeline would not be acceptable as it would “disrupt the education process” and that she should wait until after the Christmas break.

41.

Ms. Daily was informed by Dr. Seals that if she was planning to come to the college dressed as a woman, it would have to wait until after the Winter

break, at which time she was not to tell anyone that she was transgendered, and that she was not to identify herself as having been Allan Dalrymple or previously presenting as male to any new students or hires.

42.

Shortly after that meeting, but still in late August, Dr. Seals called Ms. Daily into a meeting with the new, interim Dean, Jim Sass, along with David Newton, and Michael Johnson, the only other full-time faculty member in the division.

43.

At said meeting, Dr. Seals informed the attendees that they needed to “work together as a team” for the benefit of the education process.

44.

Later the same day, Mr. Newton angrily confronted Ms. Daily in her office and afterwards, Ms. Daily reported the confrontation to Mr. Sass.

45.

Mr. Sass instructed Ms. Daily to accompany him to Mr. Newton’s office to air their grievances.

46.

The following day, Ms. Daily was called into Human Resources for a meeting with Ms. Gerardo and Dr. Seals where she was informed that she was to take a 24-hour "Decision Making Leave".

47.

A "Decision Making Leave" is the 3rd tier of a 5-tier disciplinary process.

48.

Ms. Daily was never provided the first two tiers of the disciplinary process in derogation of the established disciplinary policy.

49.

Upon information and belief, after the meeting with Dr. Seals and Ms. Gerardo, someone at GTC (identified herein as John or Jane Doe), informed Ms. Daily's colleagues that she was transgendered and would be transitioning to the female gender.

50.

For the preceding two years, the members of Ms. Daily's department had utilized a Google Drive "share-file" account to exchange files and work remotely.

51.

The Google drive account was not the property of GTC.

52.

In late October of 2016, the new Dean, Phil Klein, instructed Ms. Daily to remove her files from the Google drive account no later than October 31st, 2016, which Ms. Daily did.

53.

The following week Ms. Gerardo called Ms. Daily into her office to inquire about the Google drive account and Ms. Daily informed her that she had removed her files and provided all of the login and password information to Mr. Newton, as she had been instructed.

54.

On November 7th, 2016, while on annual leave, Ms. Daily received a call that she should report to Human Resources at 4:00 PM, that day.

55.

Attending that meeting were Ms. Gerardo and Phil Klein who informed Ms. Daily that she was being terminated for “unprofessional conduct and insubordination”. She was provided a termination letter and instructed to turn over all her identification and keys. Thereafter, she was escorted from the property.

56.

Ms. Daily was treated disparately in her employment and termination because she is transgendered.

57.

Ms. Daily's termination was purely pretextual, was done solely because Ms. Daily wanted to outwardly transition to her female identity, and has no legitimate basis.

58.

As a result of the foregoing, Ms. Daily has suffered damages.

STATEMENT OF CLAIMS

Count I

59.

All preceding paragraphs of Plaintiff's Complaint are incorporated into this Count as if set forth fully herein.

60.

Defendants engaged in unlawful employment practices, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1), by terminating Ms. Daily because of her sex.

61.

Defendants' decision to terminate Ms. Daily was motivated by sex-based considerations. Specifically, Defendants terminated Ms. Daily because Ms. Daily is transgender, because of her transition from male to female, and/or because Ms. Daily did not conform to the Defendant's sex-based or gender-based preferences, expectations, or stereotypes.

62.

The effect of the practices complained of above has been to deprive Ms. Daily of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.

63.

The unlawful employment practices complained of above were intentional.

64.

The unlawful employment practices complained of above were done with malice or with reckless indifference to the federally protected rights of Ms. Daily.

Count II

65.

All preceding paragraphs of Plaintiff's Complaint are incorporated into this Count as if set forth fully herein.

66.

Defendants' actions in subjecting Plaintiff to sex discrimination and retaliation, constitute unlawful intentional discrimination in the making and enforcement of a contract in violation of 42 U.S.C. § 1981 and 42 U.S.C. § 1981 brought pursuant to 42 U.S.C. § 1983.

67.

Defendants' actions in subjecting Plaintiff to sex discrimination and retaliation under the color of state law constitute intentional discrimination in violation of the equal protection clause of Fourteenth Amendment to the United States Constitution which may be remedied through 42 U.S. C. § 1983 to redress Plaintiff's rights to be free from sex discrimination and retaliation under the United States Constitution.

Count III

68.

All preceding paragraphs of Plaintiff's Complaint are incorporated into this Count as if set forth fully herein.

69.

The actions of the defendant in discriminating against Plaintiff on the basis of her sex violated Plaintiff's constitutional rights under the Constitution of the State of Georgia.

70.

The defendants' action in treating Plaintiff differently from similarly situated individuals also violated Plaintiff's equal protection rights under the Constitution of the State of Georgia.

Count IV

71.

All preceding paragraphs of Plaintiff's Complaint are incorporated into this Count as if set forth fully herein.

72.

Defendants' administrative and/or supervisory and other employees' actions in interfering with Plaintiff's employment constitute tortious interference with employment/contractual relationship under Georgia law.

73.

Defendants have willfully and wantonly disregarded Plaintiff's rights, and Defendants' actions against Plaintiff were undertaken in bad faith.

Count V

74.

All preceding paragraphs of Plaintiff's Complaint are incorporated into this Count as if set forth fully herein.

75.

Defendants breached the contract that they entered into with Plaintiff by violating their policies and procedures and then by retaliating against Plaintiff for using those policies and procedures by filing grievances.

76.

Defendants also breached their contractual duties to Plaintiff by failing to provide to Plaintiff the protection that they had promised to provide to Plaintiff by virtue of their policies and procedures.

77.

As a result of the unlawful actions of Defendants, Plaintiff has suffered emotional pain, mental distress, inconvenience, mental anguish, loss of enjoyment of life, loss of income, and benefits of employment. Defendants have acted with actual malice and the intent to harm Plaintiff.

Count VI

78.

All preceding paragraphs of Plaintiff's Complaint are incorporated into this Count as if set forth fully herein.

79.

Defendants knew or should have reasonably known that as a result of the aforementioned egregious and outrageous conduct Plaintiff would be subjected to severe mental and emotional distress, pain and suffering.

80.

Defendants acted intentionally, willfully, maliciously and purposely, with the intention to inflict emotional distress upon Plaintiff, or with reckless disregard of the probability of causing Plaintiff emotional distress.

81.

The aforementioned conduct of Defendants constitutes intentional infliction of emotional distress, and as a result of these acts, Plaintiff has suffered severe and grievous emotional distress, anxiety, nervousness, humiliation, pain and suffering, and physical manifestations thereof. By intentionally inflicting emotional distress upon Plaintiff, both Defendants have violated Georgia law, and are liable to Plaintiff for compensatory damages, damages for pain and suffering, and punitive damages.

Count VII

82.

All preceding paragraphs of Plaintiff's Complaint are incorporated into this Count as if set forth fully herein.

83.

Defendants TCSG and GTC negligently retained the above-named individual Defendants after they knew or should have known of the unlawful sex discrimination and retaliation perpetrated upon Plaintiff.

84.

As a direct and proximate result of TCSG and GTC's and the above-named individual Defendants' knowledge, condonation, and ratification of its sex discrimination and retaliation against Plaintiff, Plaintiff has lost past and future wages and benefits and has otherwise suffered mental anguish, emotional harm and distress, humiliation, embarrassment and physical discomfort.

85.

Upon information and belief, the aforesaid customs, policies, practices, and systemic deficiencies of the TCSG and GTC arose through the conscious decisions and/or deliberate indifference of the Department and the policy makers and final decision-makers, including but not limited to, the above-named individual Defendants.

86.

TCSG and GTC and the above-named individual Defendants are liable to Plaintiff for compensatory damages and attorney's fees under 42 U.S.C. § 1983, 42 U.S.C. § 1988, and 42 U.S.C. § 2000-e, for causing Plaintiff to be deprived of her federal constitutional rights.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, from engaging in any unlawful practice that discriminates against an employee or applicant because of their sex, including on the basis of gender identity;

B. Order Defendants to institute and carry out policies, practices, and programs that provide equal employment opportunities regardless of sex (including gender identity), and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendants to make Ms. Daily whole, providing reinstatement or front pay in lieu of reinstatement, if not feasible;

D. Order Defendants to make Ms. Dailey whole, providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and

other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

E. Order Defendants to make Ms. Dailey whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above in amounts to be determined at trial;

F. Order Defendants to make Ms. Dailey whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial;

G. Order Defendants to pay Ms. Dailey punitive damages for its malicious or recklessly indifferent conduct described above, in amounts to be determined at trial;

H. Grant such further relief as the Court deems necessary and proper in the public interest; and

I. Award the Plaintiff all of its costs of this action, to include reasonable attorney's fees.

VI. JURY TRIAL DEMAND

Plaintiff requests a trial by jury of all questions of fact presented by this Complaint.

Respectfully submitted this 20th day of November 2017.

/s W. Phillip McCurdy
W. Phillip McCurdy, GA Bar № 487410
Attorney for Plaintiff

LAW OFFICES OF W. PHILLIP MCCURDY, LLC
4046 Wetherburn Way, Ste. 7
Peachtree Corners, GA 30092
(770) 696-5336

/s Emily Brenner
Emily Brenner, GA Bar № 642550
Attorney for Plaintiff

Brenner Law Group, LLC
750 Hammond Drive
Building 15, Suite 300
Atlanta, GA 30328
(404) 751-8868

JS44 (Rev. 6/2017 NDGA)

CIVIL COVER SHEET

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)
 CHRISTINE DAILY, f/k/a ALLAN DALRYMPLE

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Gwinnett
 (EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANT(S)
 TECHNICAL COLLEGE SYSTEM OF GEORGIA;
 GWINNET TECHNICAL COLLEGE; GLEN CANNON,
 DEBBIE GERARDO, VICTORIA SEALS, STEVE
 MOYERS, JAMES SASS, PHIL KLEIN, JOHN/JANE DOE
 (all in their individual and representative capacities for and
 on behalf of Gwinnett Technical College)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT DeKalb
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)
 W. Phillip McCurdy
 4046 Wetherburn Way, Ste. 7
 Peachtree Corners, GA 30092

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION
 (PLACE AN "X" IN ONE BOX ONLY)

1 U.S. GOVERNMENT PLAINTIFF
 2 U.S. GOVERNMENT DEFENDANT
 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
 4 DIVERSITY (INDICATE CITIZENSHIP OF PARTIES IN ITEM III)

III. CITIZENSHIP OF PRINCIPAL PARTIES
 (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
 (FOR DIVERSITY CASES ONLY)

PLF	DEF		PLF	DEF	
<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	CITIZEN OF THIS STATE	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
<input type="checkbox"/> 2	<input type="checkbox"/> 2	CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 5	<input type="checkbox"/> 5	INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
<input type="checkbox"/> 3	<input type="checkbox"/> 3	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	<input type="checkbox"/> 6	<input type="checkbox"/> 6	FOREIGN NATION

IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 ORIGINAL PROCEEDING
 2 REMOVED FROM STATE COURT
 3 REMANDED FROM APPELLATE COURT
 4 REINSTATED OR REOPENED
 5 TRANSFERRED FROM ANOTHER DISTRICT (Specify District)
 6 MULTIDISTRICT LITIGATION - TRANSFER
 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
 8 MULTIDISTRICT LITIGATION - DIRECT FILE

V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Title VII of the Civil Rights Act of 1964, codified at 42 U.S.C sec. 2000e, 42 U.S.C. 1981, and 42 U.S.C. 1983 as amended by the Civil Rights Act of 1991, 42 U.S.C. sec. 1983 for violations of the equal protection clause of the Fourteenth Amendment to the United States Constitution to redress plaintiff's rights to be free from discrimination and retaliation under the United States Constitution and Georgia State law.

(IF COMPLEX, CHECK REASON BELOW)

<input type="checkbox"/> 1. Unusually large number of parties.	<input type="checkbox"/> 6. Problems locating or preserving evidence
<input type="checkbox"/> 2. Unusually large number of claims or defenses.	<input type="checkbox"/> 7. Pending parallel investigations or actions by government.
<input type="checkbox"/> 3. Factual issues are exceptionally complex	<input type="checkbox"/> 8. Multiple use of experts.
<input type="checkbox"/> 4. Greater than normal volume of evidence.	<input type="checkbox"/> 9. Need for discovery outside United States boundaries.
<input type="checkbox"/> 5. Extended discovery period is needed.	<input type="checkbox"/> 10. Existence of highly technical issues and proof.

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIPT # _____	AMOUNT \$ _____	APPLYING IFP _____	MAG. JUDGE (IFP) _____
JUDGE _____	MAG. JUDGE _____ <i>(Referral)</i>	NATURE OF SUIT _____	CAUSE OF ACTION _____

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 210 LAND CONDEMNATION
- 220 FORECLOSURE
- 230 RENT LEASE & EJECTMENT
- 240 TORTS TO LAND
- 245 TORT PRODUCT LIABILITY
- 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT, LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS' LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY
- 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 440 OTHER CIVIL RIGHTS
- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ ACCOMMODATIONS
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other
- 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- 462 NATURALIZATION APPLICATION
- 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 463 HABEAS CORPUS- Alien Detainee
- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se
- 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT. RELATIONS
- 740 RAILWAY LABOR ACT
- 751 FAMILY and MEDICAL LEAVE ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
- 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT
- 835 PATENT-ABBREVIATED NEW DRUG APPLICATIONS (ANDA) - a/k/a Hatch-Waxman cases

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395ff)
- 862 BLACK LUNG (923)
- 863 DIWC (405(g))
- 863 DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 375 FALSE CLAIMS ACT
- 376 Qui Tam 31 USC 3729(a)
- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC.
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 490 CABLE/SATELLITE TV
- 890 OTHER STATUTORY ACTIONS
- 891 AGRICULTURAL ACTS
- 893 ENVIRONMENTAL MATTERS
- 895 FREEDOM OF INFORMATION ACT
- 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- 950 CONSTITUTIONALITY OF STATE STATUTES

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTI TRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

- CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____
- JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY
 JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

- 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

/s W. Phillip McCurdy, GA Bar #487410

November 20, 2017

/s Emily Brenner, GA Bar #642550

November 20, 2017

SIGNATURE OF ATTORNEY OF RECORD

DATE