

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

CHRISTINE DAILY, f/k/a ALLAN	:	
DALRYMPLE,	:	
	:	
Plaintiff,	:	CIVIL ACTION FILE
	:	NO: 1:17-CV-04645-CAP-JFK
	:	
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.	:	

DEFENDANTS' INITIAL DISCLOSURES

COMES NOW Defendant, Technical College System of Georgia, Glen Cannon, Debbie Gerardo, Victoria Seals, Steve Moyers, James Sass, and Phil Klein,¹ by and through their counsel of record, the Attorney General of the State

¹ Plaintiff has also named Gwinnett Technical College (“GTC”) as a Defendant in this action. However, GTC is not a proper Defendant to this action because it is not a legal entity, separate and distinct from the Technical College System of

of Georgia, and pursuant to Local Rule 26.1 (N.D. Ga.) and Federal Rule of Civil Procedure 26(a)(1) submits their Initial Disclosures as follows:

Disclosure 1:

If the defendant is improperly identified, state defendant's correct identification and state whether defendant will accept service of an amended summons and complaint reflecting the information furnished in this disclosure response.

RESPONSE TO DISCLOSURE NO. 1:

Without waiving any defenses included in Defendants' Answer and Defenses filed in this matter, Defendants contend that Gwinnett Technical College ("GTC") is not a proper Defendant to this action because it is not a legal entity, separate and distinct from the Technical College System of Georgia ("TCSG"), capable of being sued. Rather, GTC is a member institution of TCSG.

DISCLOSURE NO. 2:

Provide the names of any parties whom defendant contends are necessary parties to this action, but who have not been named by plaintiff. If defendant contends that there is a question of misjoinder of parties, provide the reasons for defendant's contention.

Georgia ("TCSG"), capable of being sued. Rather, GTC is a member institution of TCSG.

RESPONSE TO DISCLOSURE NO. 2:

Defendant does not contend at this time that there are any necessary parties who are unnamed.

DISCLOSURE NO. 3:

Provide a detailed factual basis for the defense or defenses and any counterclaims or crossclaims asserted by defendant in the responsive pleading.

RESPONSE TO DISCLOSURE NO. 3:

Without waiving any defenses asserted in their Answer, Defendant submits the following Disclosure:

At the time of her termination in November, 2016, Plaintiff was employed by TCSG as an instructor and the Program Director of the Emergency Services Education Department at Gwinnett Technical College. Plaintiff had been employed at GTC for approximately ten years. Throughout the course of her employment, Plaintiff had a contentious relationship with a fellow instructor, David Newton.

In August of 2016, Plaintiff and Newton were both placed on a 24 hour decision-making leave and notified that if they could not behave professionally towards one another, they would be terminated. In October, 2016, the two instructors were involved in another dispute with respect to a Google Drive

which housed some program materials. Plaintiff failed to follow instructions she received from her supervisor regarding the Google Drive and, as a result, was terminated.

Defendants are not liable to Plaintiff because all of their actions with respect to Plaintiff's employment were taken for legitimate, non-discriminatory, business reasons. Plaintiff has not been deprived of any rights, privileges or immunities secured under the laws of the United States or under Georgia law. All other defenses contained in the Answer, reiterated herein, are self-explanatory.

DISCLOSURE NO. 4:

Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which defendant contends are applicable to this action.

RESPONSE TO DISCLOSURE NO. 4:

Statutes:

- U.S. Const. amend. XI
- Ga. Const. Art. I, § II, ¶IX
- Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e
- 42 U.S.C. § 1983
- 42 U.S.C. § 1981
- O.C.G.A. § 50-21-20 *et seq.*

Cases:

- Smith v. Reeves, 178 U.S. 436, 445 (1900);
- Riddle v. Ashe, 269 Ga. 65 (1998);
- Hardin v. Phillips, 249 Ga. App. 541, 543 (2001);
- Sylvester v. Ga. Dept. of Transp., 252 Ga. App. 31 (2001);
- Camp v. Coweta Cnty, 280 Ga. 199 (2006);
- Henderson v. Dept. of Transp., 267 Ga. 90 (1996);
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973);
- Texas Dep't of Community Affairs v. Burdine, 450 U.S. 248, 101 S. Ct. 1089 (1981);
- St. Mary's Honor Center v. Hicks, 509 U.S. 502, 113 S. Ct. 2742 (1993);

Defendants note that this list of authority is not exhaustive and they may also rely upon all other applicable statutes not herein cited, and specifically any constitutional provisions applicable to Plaintiff's claims, and any interpretations of these laws found in case law decided and applicable to Plaintiff's claims, and any administrative regulations promulgated pursuant to these statutes.

Defendants reserve the right to amend and/or supplement their response to this Disclosure as necessary and they anticipate the need to rely upon additional authority as this litigation progresses.

DISCLOSURE NO. 5:

Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, identifying the subjects of the information.

RESPONSE TO DISCLOSURE NO. 5:

Please see Attachment A.

DISCLOSURE NO. 6:

Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in Fed.R.Civ.P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule.

RESPONSE TO DISCLOSURE NO. 6:

Defendants have not retained any expert witnesses and does not anticipate doing so. However, Defendants will identify any expert who may be retained as required under Rule 26 of the Federal Rules of Civil Procedure.

DISCLOSURE NO. 7:

Provide a copy of, or description by category and location of, all documents, data compilations, and tangible things in your possession, custody, or control that are relevant to disputed facts alleged with particularity in the pleadings.

RESPONSE TO DISCLOSURE NO. 7:

Please see Attachment B.

DISCLOSURE NO. 8:

In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy or description by category and location of the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying under Fed.R.Civ.P. 34.

RESPONSE TO DISCLOSURE NO. 8:

Defendant is not asserting any claim for damages.

DISCLOSURE NO. 9:

If defendant contends that some other person or legal entity is, in whole or in part, liable to the plaintiff or defendant in this matter, state the full name, address, and telephone number of such person or entity and describe in detail the basis of such liability.

RESPONSE TO DISCLOSURE NO. 9:

Defendant is not aware of any person that could be liable to the Plaintiff.

Defendant will amend this response as necessary.

DISCLOSURE NO. 10:

Attach for inspection and copying as under Fed. R. Civ. P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments to satisfy the judgment.

RESPONSE TO DISCLOSURE NO. 10:

Defendants are covered by the liability insurance administered by the State of Georgia Department of Administrative Services. A copy of the General Liability Agreement is available to the Plaintiff for inspection at:

<http://doas.ga.gov/assets/Risk%20Management/Liability%20Insurance%20Publications%20and%20Forms/GL.pdf>

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1 D

By signature below, counsel certifies that the foregoing document was prepared in Times New Roman, 14 point font in compliance with Local Rule 5.1B.

Respectfully submitted this 22nd day of March, 2018.

CHRISTOPHER M. CARR 112505
Attorney General

ANNETTE M. COWART 191199
Deputy Attorney General

BRYAN K. WEBB 743580
Senior Assistant Attorney General

s/Courtney C. Poole

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ATTACHMENT A

DEFENDANTS' WITNESSES IN RESPONSE TO DISCLOSURE NO. 5

1. Plaintiff.

All of the following witnesses may be contacted via Defendants' counsel at Georgia Department of Law, 40 Capitol Square, S.W., Atlanta, Georgia 30334; (404) 656-3384; or cpoole@law.ga.gov:

2. Phil Klein, former supervisor of Plaintiff at GTC.

Mr. Klein may have information related to the allegations made by Plaintiff. He may also have information relating to Plaintiff's work performance, her interactions with David Newton, and the decision to terminate Plaintiff.

3. Glen Cannon, President of GTC.

President Cannon may have information have information related to the allegations made by Plaintiff and the decision to terminate Plaintiff.

4. Victoria Seals, former Vice President of Academic Affairs at GTC.

Dr. Seals may have information have information related to the allegations made by Plaintiff, Plaintiff's interactions with David Newton, and the decision to terminate Plaintiff.

5. Debbie Gerardo, former Director of Human Resources for Gwinnett Technical College.

Mrs. Gerardo may have information relating to the allegations made by Plaintiff, Plaintiff's relationship with David Newton, the decision to terminate Plaintiff, and the policies and procedures applicable to GTC employees.

6. Steve Moyers, former Dean of Health Sciences for GTC.

Mr. Moyers may have information relating to Plaintiff's allegations and to Plaintiff's relationship with David Newton.

7. James Sass, Interim Dean of Health Sciences for GTC.

Mr. Sass may have information relating to the allegations made by Plaintiff, and Plaintiff's interactions with David Newton.

8. T.C. Parker

Ms. Parker may have information relating to the allegations made by Plaintiff and Plaintiff's interactions with coworkers, including David Newton.

9. Courtney Ware, Director of Human Resources for TCSG

Ms. Ware may have information relating to the allegations made by Plaintiff and to TCSG's response to the EEOC Charge brought by Plaintiff.

10. Michael Johnson, instructor at GTC

Mr. Johnson may have information relating to the allegations made by Plaintiff and to Plaintiff's interactions with her coworkers, including David Newton.

Defendants reserve the right to amend this list of witnesses in the event that such an amendment becomes necessary during the course of discovery.

ATTACHMENT B

**DEFENDANTS' LIST OF DOCUMENTS IN RESPONSE TO
DISCLOSURE NO. 7**

1. Personnel file of Plaintiff in possession of Defendant;
2. Policies, procedures, and/or bylaws of the Defendant relating to allegations made by Plaintiff in her Complaint;
3. Documents pertaining to Plaintiff's deletion of files from the GoogleDrive in question.
4. File maintained by the EEOC regarding charge number 410-2017-04086;
5. Personnel file of David Newton in possession of Defendant;
6. Any and all documents identified by Plaintiff.
7. Emails pertaining to Plaintiff's interactions with David Newton

Defendant reserves the right to amend this list of documents in the event that such an amendment becomes necessary during the course of discovery.

CERTIFICATE OF SERVICE

I hereby certify that March 22, 2018, I electronically filed **DEFENDANTS'**
INITIAL DISCLOSURES with the Clerk of Court using the CM/ECF system
which will automatically send email notification of such filing to the following
attorneys of record:

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s/Courtney C. Poole
Courtney C. Poole
Assistant Attorney General