

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON
CASE NO.: 5:18-cv-00351-KKC
Electronically Filed

NICHOLAS CHARLES BREINER

PLAINTIFF

v.

DEFENDANT'S CIVIL RULE 26(a)(1) INITIAL DISCLOSURE

BOARD OF EDUCATION OF MONTGOMERY COUNTY

DEFENDANT

*** **

Comes Defendant, Board of Education of Montgomery County, by and through counsel, pursuant to Federal Rule of Civil Procedure 26(a)(1), hereby states as follows:

- A. The name and, if known, the address and telephone number of each individual likely to have information that bears significantly on any claim or defense, identifying the subjects of the information
1. Nicholas Charles Breiner, Plaintiff.
 2. Mr. Joshua Valentine, former Vice Principal of McNabb Middle School. Defendant is unaware of Mr. Valentine's address. Mr. Valentine can be reached at 859-234-7123. Mr. Valentine may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.
 3. Mr. Adam Allison, teacher at McNabb Middle School, 3400 Indian Mound Drive, Mt. Sterling, KY 40353, may be contacted through counsel. Mr. Allison is a former colleague of Plaintiff and may have discoverable information regarding the relevant matters set forth in the same.
 4. Ms. Paula L. Stafford, former Principal of McNabb Middle School. Defendant is unaware of Ms. Stafford address and telephone number. Ms. Stafford may have discoverable information regarding the relevant matters set forth in the same.
 5. Dr. Matthew D. Thompson, Superintendent of Montgomery County Schools, 3400 Indian Mound Drive, Mt. Sterling, KY 40353, may be contacted through counsel. Dr. Thompson may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.
 6. Ms. Renee Boots, retired Chief Academic Officer with Montgomery County Schools. Defendant is unaware of Ms. Boots address and telephone number. Ms. Boots may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.

7. Mr. Richard Culross, Deputy Superintended of Montgomery County Schools, 3400 Indian Mound Drive, Mt. Sterling, KY 40353, and may be contacted through counsel. Mr. Culross may have discoverable information regarding the relevant matters set forth in the same.
8. Ms. Katherine Rose, former teacher at McNabb Middle School. Defendant is unaware of Ms. Rose's address. Ms. Rose's telephone number is 606-344-5801. Ms. Rose may have discoverable information regarding the relevant matters set forth in Plaintiff's complaint.
9. Ms. Lauren Burnett, former Dean of Students McNabb Middle School. Defendant is unaware of Ms. Burnett's address and telephone number. Ms. Burnett may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.
10. Ms. Dorinda Watkins, former Attendance Clerk at McNabb Middle School. Defendant is unaware of Ms. Burnett's address and telephone number. Ms. Watkins may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.
11. Mr. Jason Toller, former Family Resource Coordinator with McNabb Middle School. Defendant is unaware of Mr. Toller's address. Mr. Toller can be reached at 606-280-3246. Mr. Toller may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.
12. Ms. Rhonda Schornick, former Director of Secondary Schools of Montgomery County Schools. Defendant is unaware of Ms. Schornick's address and telephone number. Ms. Schornick may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.
13. Mr. Chris Barrier, Director of Law Enforcement for Montgomery County Schools, 3400 Indian Mound Drive, Mt. Sterling, KY 40353, may be contacted through counsel. Mr. Barrier may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.
14. Ms. Tonia Toy, Guidance Counselor at McNabb Middle School, 3400 Indian Mound Drive, Mt. Sterling, KY 40353, may be contacted through counsel. Ms. Toy may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.
15. Ms. Amanda Duff, Account Manager with Montgomery County Schools, 3400 Indian Mound Drive, Mt. Sterling, KY 40353, may be contacted through counsel. Ms. Duff may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.
16. Ms. Heather Hartgrove. Defendant is unaware of Ms. Hartgrove's address and telephone number. Ms. Hartgrove may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.

17. Ms. Ashlyn Richards, teacher at McNabb Middle School, 3400 Indian Mound Drive, Mt. Sterling, KY 40353, may be contacted through counsel. Ms. Richards may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.
 18. Mr. James Gay, teacher at McNabb Middle Schools, 3400 Indian Mound Drive, Mt. Sterling, KY 40353, may be contacted through counsel. Mr. Gay may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.
 19. Ms. Nicole Willhoit, Curriculum/Special Education Program Assistant with Montgomery County Schools, 3400 Indian Mound Drive, Mt. Sterling, KY 40353, may be contacted through counsel. Ms. Willhoit may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.
 20. Ms. Isabelle Schueler, former student. Defendant is unaware of Ms. Schueler's address and telephone number. Ms. Schueler may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.
 21. Mr. James Beckner, former student. Defendant is unaware of Mr. Beckner's address and telephone number. Mr. Beckner may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.
 22. Lindsey Miller, former student. Defendant is unaware of Ms. Miller's address and telephone number. Ms. Miller may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint.
 23. Employees and/or representatives of Defendant, Board of Education of Montgomery County. These individuals may have discoverable information regarding relevant matters set forth in Plaintiff's Complaint. The names and addresses of any additional employees and/or representatives are expected to be obtained through discovery and will be supplemented in accordance with the Court's Order and FRCP 26.
 24. Plaintiff's treating physicians and/or examiners and employees or representatives thereof. The names and addresses of Plaintiff's treating physicians and/or examiners are in Plaintiff's possession as is all information regarding the scope of their treatment and diagnoses.
 25. Any and all persons named in Plaintiff's FRCP 26(a)(1) initial disclosure. These witnesses may have discoverable information regarding the relevant matters set forth in Plaintiff's Complaint and all other pleadings filed herein. The names and addresses and these witnesses will be supplemented in accordance with the Court's Order and FRCP 26.
- B. A copy of, or a description by category and location of, all documents, data compilations, and tangible things in possession, custody, or control of the party that are likely to bear significantly on any claim or defense.

This Defendant states the following documents and/or tangible items may lead to discoverable information and are available for Plaintiff's inspection or copying:

1. Accounting Procedures for Kentucky School Activity Funds "Redbook".
2. Montgomery County Schools Employee Handbook.
3. Montgomery County Board of Education Policy and Procedures.
4. Plaintiff's personnel file.
5. Plaintiff's Facebook and Instagram Posts.
6. Katherine Rose's Application for Employment.
7. October 26, 2016 Teacher Observation Notes of Plaintiff.
8. January 12, 2017 Teacher Observation Notes of Plaintiff.
9. February 8, 2017 email between Plaintiff and Heather Hartgrove.
10. March 3, 2017 Evaluation Review 2016-17 School Year McNabb Middle.
11. March 16, 2017 Staff Meeting Minutes.
12. March 30, 2017 Teacher Observation Notes of Plaintiff.
13. April 10, 2017 Student Concern Meeting Memorandum of Renee Boots.
14. April 20, 2017 Memorandum of Richard Culross to Dr. Matthew Thompson.
15. April 23, 2017 email between Paula Stafford and Richard Culross.
16. April 24, 2017 Montgomery County Schools – Summative Evaluation Form for Teachers for Plaintiff.
17. May 3, 2017 emails between Paula Stafford and Plaintiff.
18. May 8, 2017 Nonrenewal of employment letter.
19. June 8, 2017 Memorandum of Paula L. Stafford.
20. May 25, 2017 text message conversation between Plaintiff and Mr. Adam Allison.

21. June 21, 2016¹ Letter of Nonrenewal.
 22. June 27, 2017 Harassment/Discrimination Investigation Report.
 23. August 10, 2017 email between Adam Allison and Paula Stafford.
 24. August 11, 2017 email between Adam Allison and Paula Stafford.
 25. Any and all documents identified, produced, and/or referenced in the Harassment/Discrimination Investigative Report pertaining to Plaintiff's harassment/discrimination complaint against Paula Stafford.
 26. Any and all documents identified, produced, and/or referenced throughout the EEOC investigation.
 27. Any and all other unknown and/or presently unidentified documents, records, and/or tangible items, which may be disclosed during discovery.
- C. Defendant is not claiming any damages from Plaintiff in this action at this time. In the event Defendant is determined to be the prevailing party, Defendant may seek an appropriate attorneys' fee pursuant to 42 U.S.C. 1988 and any other applicable statute. Defendant does not have sufficient knowledge or information to make a determination as to the amount of any category of damages Plaintiff is seeking in this action.

Respectfully submitted,

Hon. John G. McNeill (KBA No. 46820)
Hon. Jake R. Miller (KBA No. 98332)
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BY: /s/ John G. McNeill
Attorney for Defendant,
Montgomery County BOE

¹ This letter is dated June 21, 2016; however, the letter was misdated and should have been dated June 21, 2017.

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing was served via U.S. Mail, postage pre-paid, the Court's electronic filing system, and/or via electronic mail, on this 19th day of February 2021, upon the following:

Hon. Edward E Dove
201 W. Short Street
Suite 300
Lexington, KY 40507
eddove@windstream.net

Hon. Mark A. Mantooth
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Morehead, KY 40351
Mark.a.mantooth@gmail.com

BY: /s/ John G. McNeill
Attorney for Defendant,
Montgomery County BOE