

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. 1:17-cv-04645-CAP-JFK

PLAINTIFF'S INITIAL DISCLOSURES

COMES NOW, the Plaintiff hereto, Christine Dailey by and through her counsel of record, and pursuant to Local Rule 26.1 and the Federal Rules of Civil Procedure 26(a)(1) submits her Initial Disclosures as follows:

DISCLOSURE No 1.

State precisely the classification of the cause of action being filed, a brief factual outline of the case including plaintiff's contentions as to what

defendant did or failed to do, and a succinct statement of the legal issues in the case.

RESPONSE: Plaintiff contends that she was discriminated against by the Defendants to this action based upon her gender and that she was wrongfully terminated in breach of her employment agreement and in violation of state and Federal law.

DISCLOSURE No 2.

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

RESPONSE:

Statutes:

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

Cases:

- Price Waterhouse v. Hopkins, 490 U.S. 228, 242 (1989)
- Hively v. Ivy Tech Community College of Indiana, 853 F.3d 339 (7th Cir. 2017) (en banc)
- Evans v. Georgia Regional Hospital, 850 F.3d 1248 (11th Cir. 2017).
- Baldwin v. Foxx, EEOC Decision No. 0120133080, 2015 WL 4397641 (July 15, 2015)
- Holcomb v. Iona College, 521 F.3d 130, 139 (2d Cir. 2008)
- Univ. of Tex. Sw. Med. Ctr. v. Nassar, 133 S. Ct. 2517, 2522 (2013)

- Zarda v. Altitude Express, Inc. (2nd Cir., decided February 26, 2018)

Miscellaneous Authority:

- William N. Eskridge, Jr., Title VII's Statutory History and the Sex Discrimination Argument for LGBT Workplace Protections, 127 Yale L.J. 322, 349 (2017)
- Andrew Koppelman, Why Discrimination Against Lesbians and Gay Men is Sex Discrimination, 69 N.Y.U. L. Rev. 197 (1994)

Plaintiff notes that the list of authority is neither exclusive nor exhaustive and that Plaintiff may rely upon other authority not cited herein. Plaintiff reserves the right to amend and or supplement her response to this Disclosure.

DISCLOSURE No 3.

Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information.

RESPONSE: See attached witness list to Initial Disclosures as Attachment A.

DISCLOSURE No 4.

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: Plaintiff has not retained any expert witnesses but reserves the right to do so. Plaintiff will identify any expert witness so retained as required by Rule 26 of the Federal Rules of Civil Procedure.

DISCLOSURE № 5.

Provide a copy of, or a description by category and location of, all documents, data compilations or other electronically stored information, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information.

RESPONSE: See attached document list to Initial Disclosures as Attachment B.

DISCLOSURE № 6.

In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe 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 as under Fed.R.Civ.P. 34.

RESPONSE: Categories of documents and other tangible things that Plaintiff may use to support her claim for damages include the following:

- All documents reflecting Plaintiff's income during the course of her employment with Defendant;
- All documents reflecting Plaintiff's income subsequent to the termination of her employment with Defendant;
- All documents evidencing damage to Plaintiff's health and mental state which resulted from Defendant's illegal and discriminatory treatment of Plaintiff.

Plaintiff notes that many other documents are relevant to and/or discoverable in this case that may form a basis for computation of Plaintiff's damages. Plaintiff expects these to come to light during the discovery period of this case. Plaintiff reserves the right to alter, add to, or amend this list of documents as discovery in this matter progresses, either by amendment to these Initial Disclosures or through the identification of the documents in depositions or responses to written discovery requests.

DISCLOSURE No 7.

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 made to satisfy the judgment.

RESPONSE: None.

DISCLOSURE No 8.

Disclose the full name, address, and telephone number of all persons or legal entities who have a subrogation interest in the cause of action set forth in plaintiffs cause of action and state the basis and extent of such interest.

RESPONSE: None.

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1 D

By signature below, counsel certified that the foregoing document was prepared utilizing an 8½" x 11" page with Book Antiqua, 13-point font, double spaced, single-sided, margins and page numbering all in compliance with Local Rule(s) 5.1, *et seq.*

Respectfully submitted this 3rd day of April, 2018.

/s Emily S. Brenner

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/s W. Phillip McCurdy

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ATTACHMENT A

PLAINTIFF'S WITNESSES IN RESPONSE TO DISCLOSURE No 3

- 1) Plaintiff, may be contacted through Plaintiff's counsel at: W. Phillip McCurdy, 3930 E Jones Bridge Rd., Ste. 225, Peachtree Corners, GA 30092; (770) 696-5336; phil@phillipmccurdy.com or Emily S. Brenner, 750 Hammond Drive, Building 15, Suite 300, Atlanta, GA 30328; (404) 751-8868; emily@brennerlawgroup.com.
- 2) All Defendants.
- 3) All witnesses identified by Defendants in Defendant's Initial Disclosures.
- 4) Plaintiff reserves the right to amend and supplement this list of witnesses in the event such becomes necessary during the course of discovery.

ATTACHMENT B

PLAINTIFF'S LIST OF DOCUMENTS IN RESPONSE TO DISCLOSURE No 5

- 1) Email correspondence between plaintiff and the various Defendants.
- 2) Correspondence with prospective employers.
- 3) All documents identified by Defendants.
- 4) Plaintiff reserves the right to amend and supplement this list of documents in the event such becomes necessary during the course of discovery.