

ORIGINAL

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

FILED IN CLERK'S OFFICE

APR 19 2004

By: *[Signature]* Clerk
Deputy Clerk

STACEY TATROE,

Plaintiff,

v.

COBB COUNTY, GEORGIA;
TONY WHEELER, Individually
and in his Official Capacity as
Manager of the Cobb County 9-1-1
Communications Bureau;
ANN FLYNN, Individually and in
her Official Capacities as Interim
Manager and Assistant Manager
of the Cobb County 9-1-1
Communications Bureau; and
BONNIE ROGERS, Individually and
in her Official Capacities as Interim
Assistant Manager and Lead
Supervisor of the Cobb County 9-1-1
Communications Bureau,

Defendants.

obtained and prepared by:

www.911Dispatch.com

CIVIL ACTION FILE

NO. ~~1~~ 04-CV 1074

ODE

JURY TRIAL DEMANDED

COMPLAINT FOR EQUITABLE RELIEF AND DAMAGES

COMES NOW Plaintiff Stacey Tatroe and files this Complaint for Equitable Relief and Damages against the above-names Defendants as follows:

FORMS RECEIVED
Consent to File Mar. ☒
Premier Dispositions ☒
Title VII NRC ☒
[Signature] ①

INTRODUCTION

1.

Plaintiff brings this Complaint seeking equitable relief and damages against her current employer and the above-named managerial employees, individually and in their official capacities, for the actions they have taken in retaliation for Plaintiff's constitutionally protected speech and petition on matters of public concern, in violation of the First and Fourteenth Amendments of the United States Constitution, as made actionable by 42 U.S.C. §1983. Plaintiff also asserts a claim for tortious interference with business relations.

JURISDICTION AND VENUE

2.

This Court has jurisdiction of this matter pursuant to 28 U.S.C. §§ 1331 and 1343. The Court has supplemental jurisdiction over Plaintiff's state tort claim pursuant to 28 U.S.C. §1367.

3.

Venue is proper in this Court pursuant to 28 U.S.C. §1391 because the claims arose in this Judicial District, and because all of the Defendants reside within this Judicial District.

PARTIES

4.

Plaintiff is a resident of the United States, the State of Georgia, and of this Judicial District and is entitled to bring actions of this kind and nature.

5.

Defendant Cobb County, Georgia ("Cobb County") is a political subdivision of the State of Georgia subject to actions of this kind and nature. Defendant Cobb County may be served with process through delivery of a copy of this Complaint and Summons to Samuel S. Olens, Chair of the Cobb County, Georgia Board of Commissioners, 100 Cherokee Street, Marietta, Georgia 30090.

6.

Defendant Tony Wheeler ("Wheeler") is the Manager of Defendant Cobb County's 9-1-1 Communications Bureau, and is subject to actions of this kind and nature. Defendant Wheeler resides in the Northern District of Georgia and is subject to the personal jurisdiction of this Court. As the 9-1-1 Manager, Defendant Wheeler acted under color of law in denying Plaintiff her constitutional rights to freedom of speech and petition. Defendant Wheeler may be served with process at his place of business, the Cobb County 9-1-1 Communications Bureau, 140 North Marietta Parkway, Marietta, Georgia 30060-1454.

7.

Defendant Ann Flynn ("Flynn") was the Interim Manager for the 9-1-1 Communications Bureau from August 2002 through 2003. Defendant Flynn is currently the Assistant Manager of the 9-1-1 Communications Bureau, and also held this position prior to August 2002. Defendant Flynn is subject to actions of this kind and nature. Defendant Flynn resides in the Northern District of Georgia and is subject to the personal jurisdiction of this Court. As the Interim Manager and Assistant Manager of the 9-1-1 Communications Bureau, Defendant Flynn acted under color of law in denying Plaintiff her constitutional rights to freedom of speech and petition. Defendant Flynn may be served with process at her place of business, the Cobb County 9-1-1 Communications Bureau, 140 North Marietta Parkway, Marietta, Georgia 30060-1454.

8.

Defendant Bonnie Rogers ("Rogers") was the Interim Assistant Manager for the 9-1-1 Communications Bureau from August 2002 through August 2003. Defendant Rogers is currently a Lead Supervisor with the 9-1-1 Communications Bureau, and also held this position prior to August 2002. Defendant Rogers is subject to actions of this kind and nature. Defendant Rogers resides in the Northern District of Georgia and is subject to the personal jurisdiction of this Court. As the Interim Assistant Manager and Lead Supervisor of the 9-1-1 Communications Bureau,

Defendant Rogers acted under color of law in denying Plaintiff her constitutional rights to freedom of speech and petition. Defendant Rogers may be served with process at her place of business, the Cobb County 9-1-1 Communications Bureau, 140 North Marietta Parkway, Marietta, Georgia 30060-1454.

FACTS

9.

Plaintiff became an employee with Cobb County's 9-1-1 Communications Center in November 1996. Until after January 20, 2003, when Plaintiff wrote the letter described in the following paragraph to County Commissioner Woody Thompson, Plaintiff was never disciplined in any way. In fact, until she wrote the letter at issue, Plaintiff had received excellent performance reviews.

10.

On January 20, 2003, Plaintiff mailed a letter to County Commissioner Woody Thompson, and provided copies to a number of other Cobb County and local municipal public safety officials, including but not limited to Defendants Flynn and Rogers. In the letter, Plaintiff advised Commissioner Thompson that, due to a critical shortage of employees, "there is a crisis in the 911 center" with a corresponding serious risk for "public, officer, and firefighter safety". Plaintiff warned Commissioner Thompson that "[t]his manpower shortage has Cobb County on a collision course with tragedy, resulting in a lawsuit or lawsuits." Plaintiff concluded

her letter by emphasizing the need for “immediate” attention, and a plea that Commissioner Thompson not delay his response.

11.

Plaintiff’s letter generated considerable publicity when portions of it were subsequently published in two Marietta Daily Journal articles.

12.

After Plaintiff’s letter was delivered to Commissioner Thompson and the other public officials and the negative publicity it generated, Defendants began subjecting her to a sustained pattern of retaliatory harassment, intimidation, and abuse, which is ongoing. Defendants involuntarily transferred her to another shift; are denying Plaintiff the opportunity to work overtime during her former shift; are prohibiting Plaintiff from swapping shifts with employees on her former shift; issued Plaintiff letters of reprimand for alleged infractions routinely committed by 9-1-1 Communications Center employees without discipline, and in at least one case, without following Cobb County personnel policies for investigating the charges; denied her the opportunity to take CPR Instructor training without taking annual leave or attending the classes on her own time, then (once this was finally resolved) failed to pay her for some of the CPR courses she provided to the Cobb County Police Department; and generally have subjected Plaintiff to heightened scrutiny.

13.

Most recently, Defendants provided false information, including but not limited to the letters of reprimand in Plaintiff's personnel file, to Plaintiff's potential new employer, inducing the employer not to hire Plaintiff.

14.

Plaintiff has complained to her superiors within the 9-1-1 Communications Bureau, including Defendant Wheeler, to no avail. Defendants have failed to act on Plaintiff's complaints. Instead, Defendants have openly berated her for reporting her concerns.

15.

As a result of Defendants' illegal retaliation, Plaintiff has lost wages and will suffer additional lost wages in the future, in an amount to be determined at trial.

16.

As a result of Defendants' illegal retaliation and tortious interference, Plaintiff has suffered mental and emotional distress.

17.

Defendants' retaliatory actions have been made under color of law.

18.

Defendants' unlawful retaliation and tortious interference is deliberate, wanton, willful, and in conscious disregard of Plaintiff's rights, entitling Plaintiff to an award

of punitive damages against the individual Defendants.

SUBSTANTIVE ALLEGATIONS

COUNT I

**RETALIATION IN VIOLATION OF THE FIRST AND FOURTEENTH
AMENDMENTS TO THE UNITED STATES CONSTITUTION**

19.

Plaintiff incorporates the allegations set forth in the preceding paragraphs of her Complaint as if fully set forth herein.

20.

Plaintiff's letter constituted speech and petition on a matter of public concern, protected by the First and Fourteenth Amendments to the United States Constitution.

21.

Defendants have taken the above-described actions in retaliation for Plaintiff's protected speech and petition.

22.

Defendants' retaliation against Plaintiff has deprived Plaintiff of her right to freedom of speech and petition, as guaranteed by the First Amendment to the Constitution of the United States, for which 42 U.S.C. §1983 provides a remedy.

23.

Defendant Cobb County's interest in efficient government was advanced, not

hindered, by Plaintiff's speech and petition on matters of public concern.

24.

Defendant Cobb County's interest in efficient government does not outweigh Plaintiff's First Amendment rights to speak and petition on the matters of public concern at issue in this case.

COUNT II

TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS

25.

Plaintiff incorporates the allegations set forth in the preceding paragraphs of her Complaint as if fully set forth herein.

26.

Defendants acted improperly and without privilege, justification, or excuse in providing the false information to Plaintiff's potential new employer.

27.

Defendants were unauthorized to provide the false information to Plaintiff's potential new employer, and did so purposely and with malice.

28.

By providing the false information, Defendants induced Plaintiff's potential new employer not to enter into an employment relationship with Plaintiff.

29.

As a result of Defendants' provision of the false information, Plaintiff suffered financial injury.

30.

Defendants have tortiously interfered with Plaintiff's business relations, for which she is entitled to full recovery.

31.

Defendants' conduct was undertaken in bad faith, and Defendants have caused Plaintiff unnecessary time, trouble, and expense. Consequently, Defendants are liable to Plaintiff for her attorneys' fees and costs of litigation, pursuant to O.C.G.A. §13-6-11.

WHEREFORE, Plaintiff prays that the following relief be granted:

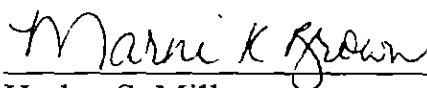
- a. That Plaintiff be awarded a declaratory judgment that Defendants have violated her rights to freedom of speech and petition as granted by the First and Fourteenth Amendments to the United States Constitution;
- b. That this Court enter an injunction against Defendants, prohibiting them from denying Plaintiff or any other individual their freedom of speech and petition;
- c. That the Court order Defendants to grant Plaintiff the right to the overtime and attendant compensation afforded other employees of the

Cobb County 9-1-1 Communications Bureau;

- d. That Plaintiff have and recover from Defendants lost wages and overtime compensation, with prejudgment interest thereon;
- e. That Plaintiff have and recover compensatory damages from Defendants;
- f. That Plaintiff have and recover punitive damages from Defendants Wheeler, Flynn, and Rogers in their individual capacities;
- g. That Plaintiff have and recover her attorneys' fees and costs of litigation; and
- h. Any and all such further relief that this Court or the finder of fact deems equitable and just.

PLAINTIFF DEMANDS A TRIAL BY JURY.

Respectfully submitted, this 19th day of April, 2004.



Harlan S. Miller
Georgia Bar No. 506709
Marni K. Brown
Georgia Bar No. 088855

MILLER, BILLIPS & ATES, P.C.
730 Peachtree Street
Suite 750
Atlanta, Georgia 30308
Telephone: 404-969-4101
Facsimile: 404-969-4141
Attorneys for Plaintiffs

440 (Rev. 5/85) Summons in a Civil Action

ORIGINAL
United States District Court

NORTHERN

DISTRICT OF GEORGIA
ATLANTA DIVISION

STACEY TATROE

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

V.
COBB COUNTY, GEORGIA; TONY WHEELER, Individually
and in his Official Capacity as Manager of the Cobb
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and in her Official Capacity as Interim Manager and Assistant
Manager of the Cobb County 9-1-1 Communications Bureau; and
BONNIE ROGERS, Individually and in her Official Capacity as Interim
Assistant Manager and Lead Supervisor of the Cobb County 9-1-1
Communications Bureau

TO: (Name and Address of Defendant)

Tony Wheeler
Cobb County 9-1-1 Communications Bureau
140 North Marietta Parkway
Marietta, Georgia 30060

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Harlan S. Miller
Marni K. Brown
MILLER, BILLIPS & ATEES
730 Peachtree Street, Suite 750
Atlanta, Georgia 30308

In answer to the complaint which is herewith served upon you, within Twenty (20) days after service of
this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken
against you for the relief demanded in the complaint.

LUTHER D. THOMAS

CLERK

DEPUTY CLERK

APR 22 2004

DATE

ORIGINAL**United States District Court**

NORTHERN

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ATLANTA DIVISION

STACEY TATROE

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BONNIE ROGERS, Individually and in her Official Capacity as Interim
Assistant Manager and Lead Supervisor of the Cobb County 9-1-1
Communications Bureau

TO: (Name and Address of Defendant)

Cobb County, Georgia

by service through:

Samuel S. Olens, Chair

Cobb County Board of Commissioners

100 Cherokee Street

Marietta, Georgia 30090

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Harlan S. Miller

Marni K. Brown

MILLER, Billips & Ates

730 Peachtree Street, Suite 750

Atlanta, Georgia 30308

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LUTHER D. THOMAS

APR 19 2004

CLERK

DATE



DEPUTY CLERK

440 (Rev. 5/85) Summons in a Civil Action

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Manager of the Cobb County 9-1-1 Communications Bureau; and
BONNIE ROGERS, Individually and in her Official Capacity as Interim
Assistant Manager and Lead Supervisor of the Cobb County 9-1-1
Communications Bureau

TO: Name and Address of Defendant

Bonnie Rogers
Cobb County 9-1-1 Communications Bureau
140 North Marietta Parkway
Marietta, Georgia 30060

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Harlan S. Miller
Marni K. Brown
MILLER, BILLIPS & ATEES
730 Peachtree Street, Suite 750
Atlanta, Georgia 30308

In answer to the complaint which is herewith served upon you, within Twenty (20) days after service of
this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken
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LUTHER B. THOMAS

CLERK

APR 19 2004
DATE

DEPUTY CLERK

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United States District Court

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STACEY TATROE

SUMMONS IN A CIVIL ACTION

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Manager of the Cobb County 9-1-1 Communications Bureau; and
JOHNNIE ROGERS, Individually and in her Official Capacity as Interim
Assistant Manager and Lead Supervisor of the Cobb County 9-1-1
Communications Bureau

TO: Name and Address of Defendant

Ann Flynn
Cobb County 9-1-1 Communications Bureau
140 North Marietta Parkway
Marietta, Georgia 30060

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Harlan S. Miller
Marni K. Brown
MILLER, BILLIPS & ATEES
730 Peachtree Street, Suite 750
Atlanta, Georgia 30308

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of
this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken
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LUTHER D. THOMAS

CLERK


DEPUTY CLERK

APR 19 2004

DATE

THIRD DEFENSE

Plaintiffs' claims for punitive damages are barred by statutory authority and/or because alleged actions, and omissions, if any, of Defendants fails to rise to the level required to sustain an award of punitive damages.

FOURTH DEFENSE

Plaintiff has not suffered an injury-in-fact, has not suffered a tangible adverse employment action, and Defendants' actions relative to Plaintiff's employment were based on legitimate, non-discriminatory reasons.

FIFTH DEFENSE

Defendants show that any injuries and/or damages alleged by Plaintiff were a result of Plaintiff's own negligence, or of Plaintiff's own acts, or the actions of third parties.

SIXTH DEFENSE

Defendants did not breach any duty owed to Plaintiff by any act or any omission to act.

SEVENTH DEFENSE

Some or all of Plaintiffs' claims are barred by an insufficiency of service and/or process of service.

EIGHTH DEFENSE

Cobb County, Georgia has not consented to be sued in this action and its sovereign immunity has not been waived; therefore, this Defendant is immune from liability.

NINTH DEFENSE

Individual Defendants Wheeler, Flynn and Rogers, employees of Cobb County, Georgia, invoke as a separate and distinct defense to Plaintiff's Complaint the privilege of official immunity, as may be applicable under the laws of the State of Georgia and present case law.

TENTH DEFENSE

Defendants show that some or all of Plaintiffs' damages, if any, were caused by acts and/or by the failure to act of persons and/or entities other than these Defendants.

ELEVENTH DEFENSE

Plaintiff has failed to comply with the requirements of O.C.G.A. §36-11-1.

TWELFTH DEFENSE

Defendants respond as follows to the numbered paragraphs of Plaintiff's Complaint:

1.

Defendants admit Plaintiff brings her claims for the purposes stated; Defendants deny Plaintiff suffered any deprivation of rights under the First or Fourteenth Amendments of the United States Constitution, as made actionable under 42 U.S.C. §1983. Defendants deny Plaintiff's claim for tortious interference with business relations or any other federal or state law. Defendants deny the remaining allegations of Paragraph 1.

2.

Defendants admit Plaintiff seeks to avail herself of the jurisdiction of the court.

3.

Defendants lack sufficient knowledge to form a belief as to the truth of the allegations of Paragraph 3.

4.

Defendants admit Plaintiff is a resident of the United States, the State of Georgia, and of the Judicial District.

5.

Defendants admit that Defendant Cobb County is a political subdivision of the State of Georgia. Defendants admit Samuel S. Olens, Chairman of the Cobb County Board of Commissioners, is authorized to accept service.

6.

Defendants admit Defendant Wheeler is the Manager of the Cobb County 911 Communications Bureau. Because Plaintiff's claims are without merit, Defendants deny Defendant Wheeler is subject to such actions. Defendants deny any allegation that Defendant Wheeler denied Plaintiff her constitutional rights to freedom of speech and petition. Defendants admit Defendant Wheeler may be served with process at his place of business.

7.

Defendants admit Defendant Flynn was the Interim Manager for the 911 Communications Bureau from August 2002 through July 2003. Defendants admit Defendant Flynn is currently the Assistant Manager of the 911 Communications Bureau. Because Plaintiff's claims are without merit, Defendants deny Defendant Flynn is subject to such actions. Defendants admit Defendant Flynn is subject to the personal jurisdiction of this Court. Defendants deny any allegation that Defendant Flynn denied Plaintiff her constitutional rights to freedom of speech and petition. Defendants admit Defendant Flynn may be served at her place of business.

8.

Defendants admit Defendant Rogers was the Interim Assistant Manager for the 911 Communications Bureau from August 2002 through July 2003. Defendants admit Defendant Rogers is currently a Lead Supervisor with the 911

Communications Bureau, and that she held this position prior to August 2002. Because Plaintiff's claims are without merit, Defendants deny Defendant Rogers is subject to such actions. Defendants deny Defendant Rogers denied Plaintiff her constitutional rights to freedom of speech and petition. Defendants admit Defendant Rogers may be served at her place of business.

9.

Defendants admit Plaintiff joined the Cobb County 911 Communications Bureau in November 1996. Defendants deny the remaining allegations of Paragraph 9.

10.

Defendants admit Plaintiff mailed a letter dated January 20, 2003, to Commissioner Woody Thompson and numerous other Cobb County and municipal officials, including Defendants Flynn and Rogers. Because the letter speaks for itself, Defendants deny the remaining allegations of Paragraph 10.

11.

Defendants admit portions of the letter were published in the Marietta Daily Journal. Defendants are without sufficient knowledge to admit or deny the remaining allegations of Paragraph 11.

12.

Defendants deny the allegations of Paragraph 12.

13.

Defendants deny they provided false information to Plaintiff's potential new employer and deny taking any actions to induce the potential employer not to hire Plaintiff.

14.

Defendants admit Plaintiff has complained throughout her employment regarding a variety of subjects, but deny the remaining allegations of Paragraph 14.

15.

Defendants deny the allegations of Paragraph 15.

16.

Defendants deny the allegations of Paragraph 16.

17.

Defendants deny the allegations of Paragraph 17.

18.

Defendants deny the allegations of Paragraph 18.

SUBSTANTIVE ALLEGATIONS

COUNT 1

RETALIATION IN VIOLATION OF THE FIRST AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION

19.

Defendants incorporate by reference their responses to Paragraphs 1-18.

20.

Defendants deny the allegations of Paragraph 20.

21.

Defendants deny the allegations of Paragraph 21.

22.

Defendants deny the allegations of Paragraph 22.

23.

Defendants deny the allegations of Paragraph 23.

24.

Defendants deny the allegations of Paragraph 24.

COUNT II

TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS

25.

Defendants incorporate by reference their responses to Paragraphs 1-24.

26.

Defendants deny the allegations of Paragraph 26.

27.

Defendants deny the allegations of Paragraph 27.

28.

Defendants deny the allegations of Paragraph 28.

29.

Defendants deny the allegations of Paragraph 29.

30.

Defendants deny the allegations of Paragraph 30.

31.

Defendants deny the allegations of Paragraph 31.

GENERAL DENIAL

Defendants deny each and every allegation, inference, or conclusion of Plaintiff's Complaint, which has not herein been admitted, controverted or specifically denied; and Defendants further deny Plaintiff is entitled to any relief from Defendants in any capacity.

WHEREFORE, having fully and completely answered the allegations of Plaintiff's Complaint, Defendants hereby request the following relief of the Court:

- (a) That judgment be entered dismissing Plaintiff's Complaint;
- (b) That all costs be assessed against Plaintiff; and
- (c) That Defendants be granted such other and further relief as this Court deems reasonable, necessary and appropriate.

CERTIFICATION OF TYPE

This is to certify as required by LR 5.1B, NDGa., that this document was prepared using Times New Roman 14 point font.

Respectfully submitted this 12th day of July, 2004

COBB COUNTY ATTORNEY'S OFFICE
Attorneys for Defendants

with w/ express permission

By: Deborah L. Dance
Deborah L. Dance
Assistant County Attorney
Georgia Bar No. 203765

By: Mark A. Adelman
Mark A. Adelman
Sr. Associate County Attorney
Georgia Bar No. 004788

100 Cherokee Street, Suite 595
Marietta, Georgia 30090-7000
(770) 528-4000, Facsimile (770) 528-4010

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

STACEY TATROE,

Plaintiff

vs.

COBB COUNTY, GEORGIA, et al.,

Defendants.

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CIVIL ACTION

FILE NO. 1:04-CV-1074


CERTIFICATE OF SERVICE

It is hereby certified that I have this day served a true and correct copy of the Defendants' Answer to Plaintiff's Complaint by causing a copy of the same to be deposited in the mail with proper postage affixed thereto and addressed as follows:

Miller, Billips & Ates, P.C.
Harlan S. Miller, Esq.
Marni K. Brown, Esq.
730 Peachtree Street, Suite 750
Atlanta, Georgia 30308

This 12th day of May, 2004.

COBB COUNTY ATTORNEY'S OFFICE

By: 
Mark A. Adelman
Senior Associate County Attorney
Georgia Bar No. 004788

PLAINTIFF'S EXHIBITS

PLAINTIFF'S EXHIBITS

COURT USE	NO.	DESCRIPTION
	1	1/20/03 Tatroe Letter to Thompson
	2	1/26/03 MDJ Article
	3	1/26/03 Tatroe Memo to Flynn
	4	2/4/03 Mamarelli E-Mail to Graff
	5	2/4/03 CIR
	6	2/10/03 ST EM to Flynn
	7	2/11/2003 MDJ Article
	8	02/11/2003 ST E-Mail to Dilbeck
	9	2/13/03 Rogers memo to file
	10	2/14/03 Flynn Memo to Tatroe
	11	2/14/03 Flynn Memo to Tatroe
	12	2/18/03 "Email from Tatroe"
	13	3/4/03 Tatroe EM to Lloyd
	14	3/7/03 Flynn EM to Lloyd
	15	3/15/03 CIR
	16	4/8/03 Rogers Memo to File
	17	5/12/2003 CPR Training Request
	18	5/12/2003 ST Memo to Rogers (CPR)
	19	5/12/2003 Rogers Memo to file (CPR)
	20	5/16/03 Rogers Email to Tatroe
	21	5/20/03 Rogers Email to Tatroe
	22	5/20/03 Rogers Memo to File (CPR)
	23	5/27/03 Rogers Memo to file (meeting)
	24	6/4/03 Davis EM to Flynn
	25	6/17/03 Gibson EM to ST (training)
	26	7/18/03 Tate EM (training)
	27	8/4/03 ST EM (re: CPR dates)
	28	8/4/03 Tate EM--CPR training
	29	8/6/03 Pickard EM to Flynn

PLAINTIFF'S EXHIBITS

30	8/7/03 Flynn EM to Tatroe
31	8/10/03 Rogers Email to Flynn
32	8/11/03 Rogers memo to file
33	8/15/03 Incident, Date, Occurrence
34	8/18/03 Tatroe EM to Flynn
35	8/19/03 "Summary of Meetings"
36	8/19/03 Flynn EM to Tatroe
37	9/2/03 Wheeler EM to Tatroe
38	9/14/03 "Employee Violation"
39	9/16/03 Rogers Memo to file
40	9/20/03 Rogers Memo to file
41	9/21/03 Flynn EM to Tatroe
42	9/23/03 Reprimand
43	9/23/03 Storey EM to Wheeler
44	10/1/03 Rogers Memo to File
45	10/6/03 Wheeler Memo to ST--reprimand
46	10/6/03 Revised Reprimand
47	10/21/03 McDougall EM to ST
48	10/22/03 Bryant Memo to Flynn
49	10/27/03 Bryant Memo to Flynn
50	11/4/03 Rogers EM to Flynn
51	11/4/03 Memo to file
52	11/10/03 Rogers memo to file
53	11/11/03 "Memo to file"
54	11/24/03 ST Complaint
55	12/1/03 "Memo to file"
56	December 2003 Letter of Reprimand
57	12/10/03 Tatroe EM to Rogers
58	12/15/03 Tatroe Memo
59	12/16/03 Tate Memo to file
60	12/16/03 "Memo to file"
61	12/18/03 Rogers Memo to Wheeler
62	12/19/03 Wheeler Memo to ST

PLAINTIFF'S EXHIBITS

63	12/22/03 Wheeler Memo to ST
64	12/22/03 "Note to Wheeler from Brannon"
65	Notification of Shift Change
66	1/13/2004 Watkins Email re: OT
67	2/4/04 Rogers Memo to Flynn
68	3/1/04 Tate EM to 911
69	Emails from Watkins re: Overtime
70	6/29/04, 6/22/04, 6/22/04 emails
71	6/30/04 and 6/29/04 emails
72	1/27/05 Schaefer email to Flynn
73	4/15/05 Rogers Memo to file
74	UND: County Org Chart
75	UND: DPS Org Chart
76	UND: DPS Chain of Command Policy
77	UND: Note to Stacey from Flynn
78	UND: "Note from Hagan"
79	UND: "Note from Bevis"
80	12/21/97 Performance Review
81	10/22/98 Performance Review
82	12/30/99 Performance Review
83	12/30/00 Performance Review
84	10/26/01 Performance Review
85	10/30/02 SM Memo to Arrorwood
86	11/15/02 CSB Appeal
87	11/18/02 Performance Review
88	12/17/02 Meeting Minutes
89	Statutes/Laws re: Cobb Co. employment
90	Marietta Rejection Letter

Plaintiff may introduce any and all documents listed on Defendant's List.

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

STACEY TATROE,

Plaintiff,

v.

COBB COUNTY, GEORGIA, et al.,

Defendants.

CIVIL ACTION NO.
1:04-cv-1074-WSD

**DEFENDANTS' OBJECTIONS TO
PLAINTIFF'S TRIAL EXHIBITS**

DEFENDANTS' OBJECTIONS TO PLAINTIFF'S EXHIBITS	
NO.	OBJECTIONS¹
1.	Lack of authenticity
2.	Irrelevant, unfairly prejudicial, hearsay
3.	Irrelevant, hearsay, lack of authenticity
4.	No Objection
5.	No Objection
6.	No Objection

¹These objections are filed in accordance with the consolidated pretrial order (Doc. 78). However, Plaintiff has not yet provided copies of her intended trial exhibits, these objections are prepared from the review of Defendants' copies of documents produced in discovery or, in some instances, without having ever seen the proposed exhibits. And, with respect to some exhibits, Defendants may not have an identical copy of the version proposed as evidence by Plaintiff. Therefore, some of these objections may be withdrawn at trial.

DEFENDANTS' OBJECTIONS TO PLAINTIFF'S EXHIBITS	
NO.	OBJECTIONS¹
7.	No Objection
8.	Irrelevant, hearsay, lack of authenticity
9.	No Objection
10.	Irrelevant, unfairly prejudicial
11.	No Objection
12.	No Objection
13.	No Objection
14.	No Objection
15.	Irrelevant, unfairly prejudicial, hearsay
16.	No Objection
17.	Irrelevant, unfairly prejudicial
18.	Irrelevant, unfairly prejudicial, hearsay
19.	Irrelevant, unfairly prejudicial, hearsay, contains inadmissible opinion
20.	Irrelevant, unfairly prejudicial, best evidence, cumulative
21.	No Objection
22.	Irrelevant, unfairly prejudicial
23.	Previously withdrawn by Plaintiff, Document 84 at 2 n.2, irrelevant, unfairly prejudicial, hearsay

Respectfully submitted,

HOLLBERG & WEAVER, LLP

s/George M. Weaver

George M. Weaver 743150

Attorneys for Defendants

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

STACEY TATROE,

Plaintiff,

v.

COBB COUNTY, GEORGIA, et al.,

Defendants.

CIVIL ACTION NO.
1:04-cv-1074-WSD

CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed a copy of the foregoing DEFENDANTS' OBJECTIONS TO PLAINTIFF'S TRIAL EXHIBITS with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Harlan S. Miller, Esq.
Miller & Billips, P.C.
730 Peachtree St., Suite 750
Atlanta, GA 30308

Deborah L. Dance, Esq.
Mark A. Adelman, Esq.
Cobb County Attorney's Office
100 Cherokee Street, Suite 350
Marietta, Georgia 30090

This 10th day of March, 2008.

HOLLBERG & WEAVER, LLP

s/George M. Weaver
George M. Weaver 743150
Attorneys for Defendants

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Suite C
Atlanta, Georgia 30305
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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

STACEY TATROE,

Plaintiff,

v.

1:04-cv-1074-WSD

COBB COUNTY, GEORGIA, et al.

Defendants.

VERDICT

CLAIMS AGAINST DEFENDANT TONY WHEELER

As to the following actions, we the Jury find:

- (a) Failing to compensate Plaintiff for CPR courses she taught in August/September 2003:

✓ For the Plaintiff, in the amount of \$ 272⁰⁰

 For Defendant Tony Wheeler

- (b) Issuing a written reprimand to the Plaintiff in September 2003:

 For the Plaintiff, in the amount of \$

✓ For Defendant Tony Wheeler

(c) Issuing a written reprimand to the Plaintiff in December 2003:

☒ For the Plaintiff, in the amount of \$ Zero

☐ For Defendant Tony Wheeler

(d) Reassigning the Plaintiff to a different shift in January 2004:

☐ For the Plaintiff, in the amount of \$ _____

☒ For Defendant Tony Wheeler

(e) Prohibiting the Plaintiff from working overtime on shifts supervised by Ms. Rogers in January/February 2004:

☒ For the Plaintiff, in the amount of \$ 2142⁰⁰

☐ For Defendant Tony Wheeler

(f) Failing to select the Plaintiff for the position of EMD instructor in August 2004:

☐ For the Plaintiff, in the amount of \$ _____

☒ For Defendant Tony Wheeler

SO SAY WE ALL

THIS 20th DAY OF MARCH 2008.

Herbert S. Massey, III
Jury Foreperson's Printed Name

H. S. Massey, III
Jury Foreperson's Signature