

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

STACEY KALBERMAN,

Plaintiff,

vs.

GEORGIA GOVERNMENT
TRANSPARENCY AND
CAMPAIGN FINANCE
COMMISSION, f/k/a GEORGIA
STATE ETHICS COMMISSION,
HOLLY LABERGE, in her Official
capacity as Executive
Secretary of the Georgia
Transparency and Campaign
Finance Commission,

Defendants.

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Civil Action No.:
2012CV216247

AFFIDAVIT OF LAURA W. MCDONALD

After being properly sworn, Laura W. McDonald testifies as follows:

1.

My name is Laura W. McDonald. I am competent in age and mind to give the testimony in this affidavit, and I present this affidavit for use in the above-styled case on behalf of the Office of the Attorney General in response to Plaintiff's Motion for Sanctions currently pending before this Court.

2.

I earned my J.D. from Georgia State University College of Law in 1997. I have practiced law as a member of the State Bar of Georgia for 17 years.

3.

I was first employed by the Georgia Department of Law in July of 1999, and worked as an Assistant Attorney General in the Health and Human Services section until March of 2005, at which time I transferred to the Labor and Employment Section. I am currently a Senior Assistant Attorney General and practice exclusively in the area of employment litigation.

4.

I am a member in good standing of the State Bar of Georgia and to the best of my knowledge, no bar complaints have been filed against me.

5.

I was assigned in January of 2014, to assist Bryan Webb in the above-styled action and a companion lawsuit, Sherry Ellen Streicker v. Georgia Government Transparency and Campaign Finance Commission, in the Superior Court of Fulton County, Civil Action No. 2012CV216254. I became involved during the pre-trial preparation phase of the litigation and acted as “second chair” during the trial.

6.

On February 7, 2014, Webb and I met with LaBerge to help prepare her trial.

7.

The focus of our meeting was on the Commission's FY 2012 budget when the decision was made to reduce Plaintiff's salary because LaBerge had testified in her deposition that by the time she came on board as Executive Director, the budget was fine and the Commission did not need a supplemental budget appropriation in 2012; Webb counseled her that if asked about this at trial, she should try to simplify the technical language of the state budget process.

8.

Webb also addressed with LaBerge the issue of her not remembering who from the Governor's office had contacted her about the Commission job in June of 2011, and asked her whether Ryan Teague's name being mentioned in the press had triggered her memory. LaBerge insisted that she still did not remember.

9.

Webb discussed the memo and its contents with LaBerge in our February 7, 2014 meeting.

10.

Webb advised LaBerge that he would be filing a Motion In Limine to exclude evidence concerning the resolution of the Deal complaints because he did

not believe that the issue was relevant to the Commission's employment actions taken a year earlier against Plaintiff.

11.

However, Webb stated to LaBerge that if the Judge allowed testimony on that subject at trial and she was asked questions about the events described in the memo, she should answer truthful and fully.

12.

Webb filed a Motion In Limine just prior to trial which also sought to exclude evidence about LaBerge's alleged retaliatory treatment of Hair and Murray-Obertein and the resolution of the Deal complaints.

13.

We were concerned that testimony concerning LaBerge's alleged retaliatory treatment of Hair and Murray-Obertein would be imputed in a prejudicial manner to the Commissioners serving during Plaintiff's employment, several of whom had rotated off the Board by that time.

14.

The purpose of the Motion was not to conceal information from the Court, but to limit the scope of the trial to focus on the state of mind of the decision-makers at the time they decided to reduce Plaintiff's salary and later accept her resignation, which occurred over a year before the Deal complaints were resolved.

15.

When I learned of LaBerge's interview with Dale Russell on July 14, 2014, in which she showed a screen shot of an email that purportedly was a text message she received from Chris Riley about settling the Deal complaint, I recall being confused because LaBerge had always maintained to us and in her deposition that she had produced everything responsive to Plaintiff's requests, nowhere had I seen copies of text messages in all of the documents I reviewed in the litigation file, and if Webb had been in possession of those text messages he would have shared them with me as his trial partner.


16.

Because LaBerge had already indicated that she had produced to us all responsive documents, it never occurred to me that copies of the text messages referred to in the memo existed and were being retained by LaBerge.

FURTHER AFFIANT SAYETH NOT.


LAURA W. MCDONALD

Sworn and subscribed before
me this 20 day of August, 2014.


Notary Public

My commission expires: 2/28/17

Kenecia L. Jackson
NOTARY PUBLIC
Cobb County, GEORGIA
My Comm. Expires
02/28/2017