

Exhibit List for Exhibits Filed in Support of Plaintiff Stacey Kalberman's
Motion for Sanctions under O.C.G.A. §§ 9-11-37, 9-15-14(b) & 15-1-3
In the Superior Court of Fulton County, State of Georgia
Civil Action File No. 2012CV21647

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Exhibit Z.	Holly LaBerge Press Release

EXHIBIT A

Memorandum of Record

COPY

July 17, 2012

On July 16, 2012 at 4.44 pm CST I received a text message to my personal cell phone from Chris Riley:

So since you are at the beach, with your feet in the sand and probably something cold to drink. Does this mean we can resolve all DFG issues by Monday? :)

I replied via text at 8.46 pm CST:

Well I am on vacation but it's apparently a "working" one. A realistic counter by noon tomorrow is the best chance of a resolution. Otherwise it will be out of my hands and resolved on Monday.

At 8.50 pm CST Chris Riley responded via text:

That will be difficult, Ryan said two of issues, legal fees and aircraft are not even on the table for discussion. How can we give you a realistic counter when not all issues are ready? My non legal opinion. Have a good vacation. I wouldn't worry about having to work thru it.

I did not respond.

On July 17, 2012 at 6.31 am CST I received a text message to my personal cell phone from Ryan Teague:

Holly – its Ryan. Would like to chat soon when you are in the office. I can walk over. Thanks.

I replied at 6.35 am CST:

Hi Ryan. I'm on vacation this week so if you need to talk before Monday it will need to be by phone. I apologize for the inconvenience.

He replied at 6.36 am CST:

Ok. Let's talk by phone then. Are u free this afternoon?

I replied at 6.38 am CST:

I will be on the beach but if you can give me an approximate time I will be near my phone.

He replied at 6.41 am CST:

1 pm?

I replied at 6.42 am CST:

Sounds good. I will wait to hear from you then.

COPY

At 1.04 pm CST, Ryan Teague called my personal cell phone. He proceeded to let me know how he was only acting as an intermediary to try to come to a resolution on the Deal complaints ahead of Monday's Commission meeting. He made an offer of \$1,500 settlement, no admission of violations and everything else to be dismissed. I explained that we offered Ben Vinson \$5,400 the day before for the CCDR and PFD complaint technical defects and violations which was 75% off the initial consent order amount. Ryan informed me that that amount was more than Perdue (former Governor) had paid for a much worse violation. I tried to explain that the fine amount was based on the number of violations. I also tried to explain that the legal fees and aircraft complaints were not included in these consent orders because we were still awaiting the Commission's vote on the AO's and that this had been previously discussed at length with Randy Evans. Ryan informed me that it was not in the agency's best interest for these cases to go to a hearing Monday; nor was it in their best political interest either and that our rule making authority may not happen if the complaints were not resolved prior to Monday. I responded by expressing my surprise that the threat of rule making being withheld was being used to make the complaints go away.

The conversation continued with his lack of regard for my vacation that was planned months prior to the Commission meeting date being set for July 23rd. I informed Ryan that I would respond to voicemails and texts but I would not continue to carry my phone in my hand all day while on vacation and surely he didn't expect me to do so. This was met with the remark that he was still required to be in contact when he was on vacation. I replied that I was in contact with my staff regarding issues that needed to be addressed prior to my return but that the current scenario was not my emergency in light of the fact that we (the agency) had been waiting for a month for the Respondent to negotiate on the consent order.

Due to the nature of the contact from Chris Riley and then Ryan Teague, I felt it necessary to inform the Chairman of the Commission, Kevin Abernethy, about what had transpired since our phone conversation the day before with the staff attorney (Elisabeth Murray-Obertein) and the Respondent's counsel (Ben Vinson). After relaying the texts and phone conversation, Kevin stated that he would be passing this along to the Vice-Chairperson, Hillary Stringfellow and fellow commissioner, Kent Alexander.

Holly LaBerge
Executive Secretary
Georgia Government Transparency & Campaign Finance Commission

EXHIBIT B



COPY

Holly LaBerge [REDACTED]

(no subject)
1 message

[REDACTED]@vzwpix.com <[REDACTED]@vzwpix.com>
To: [REDACTED]

Tue, Jul 17, 2012 at 10:42 AM

So, since you are at the beach, with your feet in the sand and probably something cold to drink. Does that mean we can resolve all DFG issues on Monday? :)



COPY

Holly LaBerge <[REDACTED]>

(no subject)

1 message

[REDACTED]@vzwpix.com <[REDACTED]@vzwpix.com>

Tue, Jul 17, 2012 at 10:42 AM

To: [REDACTED]

Well I am on vacation but it's apparently a "working" one. A realistic counter by noon tomorrow is the best chance of a resolution. Otherwise it will be out of my hands and resolved on Monday.



COPY

Holly LaBerge <[REDACTED]>

(no subject)

1 message

[REDACTED]@vzwpix.com <[REDACTED]@vzwpix.com>

Tue, Jul 17, 2012 at 10:42 AM

To: [REDACTED]

That will be difficult, Ryan said two of issues, legal fees and aircraft are not even on the table for discussion. How can we give you a realistic counter when not all issues are ready? My non legal opinion. Have a good vacation. I wouldn't worry about having to work thru it.



COPY

Holly LaBerge <[REDACTED]>

Holly - its Ryan. Would like to chat soon when you...

1 message

To: [REDACTED]@vtext.com <[REDACTED]@vtext.com>

Tue, Jul 17, 2012 at 10:43 AM

Holly - its Ryan. Would like to chat soon when you are in the office. I can walk over. Thanks.



COPY

Holly LaBerge <[REDACTED]>

Hi Ryan. I'm on vacation this week so if you need...

1 message

[REDACTED]@vtext.com <[REDACTED]@vtext.com>

Tue, Jul 17, 2012 at 10:43 AM

To: [REDACTED]

Hi Ryan. I'm on vacation this week so if you need to talk before Monday it will need to be by phone. I apologize for the inconvenience.



COPY

Holly LaBerge <[REDACTED]>

Ok. Let's talk by phone then. Are u free this afte...

1 message

[REDACTED]@vtext.com <[REDACTED]@vtext.com>

Tue, Jul 17, 2012 at 10:43 AM

To:

Ok. Let's talk by phone then. Are u free this afternoon?



COPY

Holly LaBerge <[REDACTED]>

I will be on the beach but if you can give me an a...

1 message

[REDACTED]@vtext.com <[REDACTED]@vtext.com>

Tue, Jul 17, 2012 at 10:44 AM

To: [REDACTED]

I will be on the beach but if you can give me an approximate time I will be near my phone.



COPY

Holly LaBerge <[redacted]>

1pm?

1 message

[redacted]@vtext.com <[redacted]@vtext.com>

Tue, Jul 17, 2012 at 10:44 AM

To: [redacted]

1pm?



COPY

Holly LaBerge <[REDACTED]>

Sounds good. I will wait to hear from you then.

1 message

[REDACTED]@vtext.com <[REDACTED]@vtext.com>

Tue, Jul 17, 2012 at 10:44 AM

To: [REDACTED]

Sounds good. I will wait to hear from you then.



COPY

Holly LaBerge <[REDACTED]>

(no subject)
1 message

[REDACTED]@vzwpx.com <[REDACTED]@vzwpx.com>
To: [REDACTED]

Tue, Jul 17, 2012 at 9:49 PM

So I received a piece of mail from the Governor's office last week addressed to agency heads and it had my predecessor's name on it. Is this a subliminal message that the Governor's office wants her back?



COPY

Holly LaBerge <[REDACTED]>

I don't remember sending anything out. What was it...

1 message

[REDACTED]@vtext.com <[REDACTED]@vtext.com>
To: [REDACTED]

Tue, Jul 17, 2012 at 9:50 PM

I don't remember sending anything out. What was it?



COPY

Holly LaBerge [REDACTED]

You can't leave, you have common sense and that of...

1 message

[REDACTED]@vtext.com <[REDACTED]@vtext.com>
To: [REDACTED]

Tue, Jul 17, 2012 at 9:50 PM

You can't leave, you have common sense and that office you are in is like a huge vacuum, it sucks all the common sense out of people. :)



COPY

Holly LaBerge [REDACTED]

It was about the state charitable contribution cam...

1 message

[REDACTED]@vtext.com <[REDACTED]@vtext.com>
To: [REDACTED]

Tue, Jul 17, 2012 at 9:51 PM

It was about the state charitable contribution campaign. Thank you for the kind words!



COPY

Holly LaBerge [REDACTED]

Holly LaBerge

1 message

Holly LaBerge [REDACTED]

To: brandi.johnson@gov.state.ga.us

Tue, May 28, 2013 at 1:27 PM

Hello Brandi;

I am following up on a text message I sent Chris last week about the letter of recommendation for Leadership Georgia. I wanted to be sure you received the resume I sent and let you know that the letter needs to be sent electronically to Katie Grosshans at kgrosshans@gachamber.com no later than 5 pm on June 13th which is a Thursday. Please let me know if you have any questions and thank you in advance for your assistance.

Regards,

Holly LaBerge



COPY

Holly LaBerge [REDACTED]

Holly LaBerge

1 message

Holly LaBerge <[REDACTED]>
To: brandi.johnson@gov.state.ga.us

Wed, May 29, 2013 at 11:56 AM

Hello Brandi;

I just want to be sure you received my email from yesterday. Would you please either email me or call me at [REDACTED] and let me know that you got the email and if you have any questions? Thank you in advance.

Regards,
Holly



COPY

Holly LaBerge [redacted]

(no subject)

1 message

To: [redacted]@vzwpix.com <[redacted]@vzwpix.com>

Fri, Jul 18, 2014 at 8:59 AM

text_0.txt
1K

COPY

Thank you!



COPY


Holly LaBerge <[REDACTED]>

(no subject)

1 message

[REDACTED]@vzwpix.com <[REDACTED]@vzwpix.com>
To: [REDACTED]

Fri, Jul 18, 2014 at 8:59 AM

 text_0.txt
1K

COPY

I just got a text from the review panel for LG. You are in play. This is a good thing.




COPY

Holly LaBerge <[REDACTED]>

(no subject)
1 message

To: [REDACTED]@vzwpix.com <[REDACTED]@vzwpix.com>
[REDACTED]

Fri, Jul 18, 2014 at 8:59 AM

 text_0.txt
1K

COPY

Thank you. That's the best news I've had all week.

EXHIBIT C



STATE OF GEORGIA
OFFICE OF THE GOVERNOR
ATLANTA 30334-0900

Nathan Deal
GOVERNOR

June 11, 2013

Mr. Jay Neely
Selections Chair
Leadership Georgia
c/o Katie Grosshans
270 Peachtree Street; Suite 2200
Atlanta, GA 30303

Dear Mr. Neely:

It is my pleasure to recommend Holly LaBerge to the Leadership Georgia class of 2014. Holly is a resident of Senoia and has supported her community for many years. As Executive Director of the Georgia Government Transparency and Campaign Finance Commission, Holly is responsible for monitoring the financial operations of agencies. She also serves as the liaison with the Attorney General's Office and assists with all Commission matters before the Superior Court, Court of Appeals, and the Office of State Administrative Hearings. While working in various positions throughout state government, Holly has shown leadership in improving government transparency throughout Georgia.

I believe Holly LaBerge would be an excellent candidate for Leadership Georgia. Her unique and diverse perspective on the many challenges that face our state should fit well in Leadership Georgia's mission. I would appreciate your consideration of her application.

Sincerely,

A handwritten signature in black ink that reads "Nathan Deal".

Nathan Deal

EXHIBIT D

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

STACEY KALBERMAN,)
)
 Plaintiff,)
)
 v.)
)
 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)
 Government Transparency and Campaign)
 Finance Commission, and **PATRICK**)
 MILLSAPS, in his Individual capacity,)
)
 Defendants.)

**CIVIL ACTION
FILE NO. 2012CV216247**

**PLAINTIFF STACEY KALBERMAN'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT GEORGIA GOVERNMENT TRANSPARENCY AND
CAMPAIGN FINANCE COMMISSION**

COMES NOW Plaintiff Stacey Kalberman ("Ms. Kalberman") by and through her undersigned counsel of record, pursuant to O.C.G.A. §§ 9-11-26 and 9-11-34, and hereby demands that Defendant Georgia Government Transparency and Campaign Finance Commission ("the Commission") respond to Plaintiff Stacey Kalberman's First Requests For Production Of Documents To Defendant Georgia Government Transparency And Campaign Finance Commission by producing the requested documents to Plaintiff's counsel of record within thirty (30) days after service hereof at the offices of Plaintiff's counsel, Kimberly A. Worth, Joyce Thrasher Kaiser & Liss, LLC, Suite 2600, Five Concourse Parkway, Atlanta, Georgia 30328.

DEFINITIONS

- a) The terms “document” or “documents” shall mean any written, recorded, filmed, or graphic matter, whether produced, reproduced or on paper, cards, tapes, film, electronic facsimile, computer storage devices, or any other media, including but not limited to, memoranda, notes, minutes, records, employment files, case files, pleadings, photographs, slides, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, notes, records and recordings of oral conversations, work papers, and also including but not limited to, originals, drafts and all copies which are different in any way from the original whether by interlineations, receipt stamped, notations, indications of copies sent or received, or otherwise.
- b) The term “identify” when used with reference to a document or written communication shall mean to state the type of document or communication (e.g., memorandum, employment application, letter, handwritten notes, etc.) to state its date, to briefly describe its contents, to identify the author (and if different, the originator or signer), and to identify the person (or, if widely distributed, the organization or classes of persons) to whom the document or communication was sent. You may produce the document or written communication in lieu of identifying it.
- c) The “Commission,” “you,” and “your” refers without limitation to Defendant Georgia Government Transparency and Campaign Finance Commission, its attorneys and agents, and all persons acting on its behalf, including without limitation its employees.

- d) The terms “Defendant Millsaps” and “Millsaps” refer without limitation to Defendant Patrick Millsaps, his attorneys and agents, and all persons acting on his behalf.
- e) “Defendants” shall refer to the Commission and Defendant Millsaps.
- f) The conjunctions “and” and “or” shall be interpreted conjunctively and shall not be interpreted disjunctively so as to exclude any information otherwise within the scope of this discovery.
- g) “Involving” and the derivatives thereof, means involving, including, summarizing, recording, containing, listing, pertaining, concerning, comprising, consisting, addressing, describing, mentioning, referring or reflecting.

REQUESTS TO PRODUCE

1.

Please produce any and all documents identified or otherwise referred to in your responses to Plaintiff’s First Continuing Interrogatories to Defendant Georgia Government Transparency and Campaign Finance Commission served concurrently herewith.

2.

Please produce the Commission’s entire investigative file concerning Nathan Deal, including all correspondence relating to that investigation into alleged ethical violations committed by his campaign for governor in the 2010 election cycle. Plaintiff acknowledges the sensitive nature of this request and agrees to the production of the responsive documents subject to a privilege log and offers that the documents will be viewed by counsel and Plaintiff only.

3.

Please produce any and all documents relating to the budget of the Commission from 2009 through 2012.

4.

Please produce any and all calculations or proposals prepared to support the financial necessity of cutting Plaintiff's salary in May to June 2011.

5.

Please produce documentation relating to renovations to the office of the Commission from January 1, 2010 through the present. Responsive materials should include, without limitation, documents evidencing who completed said renovations, the location of the renovations, the date of completion of the renovations, and the cost of the renovations.

6.

Please produce documentation showing the salaries of all Commission employees from 2005 through the present.

7.

Please produce documentation showing all fees and costs paid to outside counsel to the Commission from June 2011 through the present.

8.

Please produce any and all correspondence between Millsaps and any employee of the Commission or the Commissioners since January 1, 2010.

9.

Please produce any and all correspondence between Millsaps and Randolph Evans relating to the Commission's budget, the Commission's investigation into alleged ethics violations by Nathan Deal (the "Deal Investigation"), the employment of Plaintiff, the employment of Sherilyn Streicker, Millsaps' appointment to the Commission, and Millsaps' position with Mr. Gingrich's presidential campaign.

10.

Please produce any and all correspondence between Millsaps and Newt Gingrich and/or Mr. Gingrich's presidential campaign, relating to any issue pertinent to this matter, including the manner in which Millsaps obtained a position with Mr. Gingrich's presidential campaign.

11.

Please produce any and all correspondence between Millsaps and any other person relating to any issue relating to this matter, including the employment of Plaintiff, the employment of Sherilyn Streicker, Millsaps' appointment to the Commission, and the manner in which Millsaps obtained a position with Mr. Gingrich's presidential campaign.

12.

Please produce any and all correspondence between Millsaps and any person at the Commission or any other local, state, or federal authority, since January 1, 2010.

13.

Please produce the Secretary of State's monthly budget analysis for the Commission for Fiscal Year 2011.

14.

Please produce any and all e-mails between Plaintiff and the Commissioners since January 1, 2010.

15.

Please produce any and all e-mails between Plaintiff and Millsaps since January 1, 2010.

16.

Please produce any and all correspondence between Millsaps and the State of Georgia Governor's Office during Millsaps' tenure as a Commissioner.

17.

Please produce all documents showing political contributions made by Millsaps and/or any Commissioners since 2008.

18.

Please produce any and all records, documents, and correspondence relating to the cost and use of postage by the Commission.

19.

Please produce any and all records, documents, and correspondence relating to any supplemental budget request from the Commission from 2009 through the present.

20.

Please produce any and all documents relating to the current fiscal year budget of the Commission.

21.

Produce any and all documents, correspondence, or other records documenting communications since January 1, 2010 between any Commission employee, Commissioner, or Millsaps and a member or representative of the media.

22.

Produce any and all documents, correspondence, or other records consulted or prepared before June 9, 2011, which reflect proposals, draft plans, calculations, conversations, discussions, and/or deliberations regarding the cut to Plaintiff's salary and the termination of Ms. Streicker.

23.

Produce any and all documents, electrically stored information, and tangible things that Defendants intend to rely upon to prove their affirmative defenses.

24.

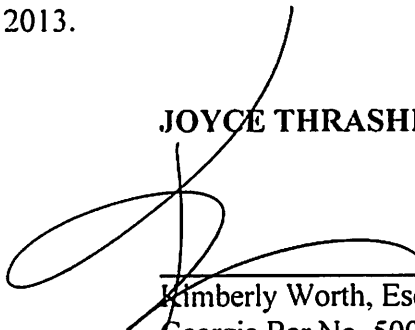
Please produce any and all documents, electrically stored information, and tangible things that Defendants intend to rely upon to prove that their actions were taken for legitimate, non-retaliatory reasons, as alleged in their seventh defense in their Answer.

25.

Please produce all documents, electrically stored information, and tangible things that Defendants may use to support their defenses against Plaintiff's claims.

This 15th day of March, 2013.

JOYCE THRASHER KAISER & LISS, LLC



Kimberly Worth, Esq.
Georgia Bar No. 500790
D. Barton Black, Esq.
Georgia Bar No. 119977

Attorneys for Stacey Kalberman

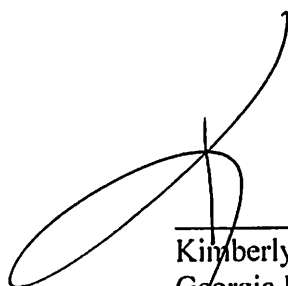
Five Concourse Parkway
Suite 2600
Atlanta, Georgia 30328
Telephone: (404) 760-6000
Facsimile: (404) 760-0225

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing *Plaintiff's First Request for Production of Documents to Defendant Georgia Government Transparency And Campaign Finance Commission* upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid for delivery, addressed to counsel of record as follows:

Bryan K. Webb
Senior Assistance Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334

This 26th day of March, 2013.



Kimberly Worth, Esq.
Georgia Bar No. 500790
D. Barton Black, Esq.
Georgia Bar No. 119977

JOYCE THRASHER KAISER & LISS, LLC
Five Concourse Parkway
Suite 2600
Atlanta, Georgia 30328
Telephone: (404) 760-6000
Facsimile: (404) 760-0225

EXHIBIT E

PRELIMINARY STATEMENT

A. These responses are based upon and therefore, limited by records and information in existence, presently recollected, and thus far discovered in the course of preparing these responses. Defendant reserves the right to make changes to these responses if it appears at any time that inadvertent errors or omissions have been made or additional or more accurate information has become available.

B. No incidental or implied admission of fact by the Defendant is made by the responses indicated below. The fact that Defendant has produced any document requested herein may not be taken as an admission that Defendant accepts or admits the existence of any fact set forth or assumed by such requests, or that response constitutes admissible evidence. Defendant's response to any request is not intended to, nor shall it be considered as a waiver by Defendant of any objections to any request made by Plaintiff.

C. These responses are based upon the ordinary meaning of words used in the requests.

D. The information supplied in these responses is based upon the knowledge, information and belief of the Defendant, and includes knowledge of the parties, their agents, representatives and attorneys. The work usage and sentence structure may be that of the attorney assisting in the preparation of the

responses and thus does not necessarily purport to be the precise language of the Defendant or any of its agents or representatives.

GENERAL OBJECTIONS

Defendant objects generally to these requests on the following grounds:

1.

Defendant objects to the Plaintiff's requests to the extent that they attempt to impose obligations upon Defendant beyond the requirements of the Georgia Rules of Civil Procedure.

2.

Defendant objects to the extent that these requests are not limited by time to the period relevant to this litigation on the grounds that they are overly broad and are not reasonably calculated to lead to the discovery of admissible or relevant evidence.

3.

Defendant objects to the extent that these requests seek to be exhaustive on the grounds that they are overly broad and not reasonably calculated to lead to the discovery of admissible or relevant evidence.

4.

Defendant objects to the Plaintiff's requests to the extent that they call for production of documents not in the custody, control or possession of the Defendant

and to the extent that they seek the production of documents that are more than or as readily available to Plaintiff as Defendant.

5.

Defendant objects to Plaintiff's requests to the extent that they seek documents protected by the attorney/client privilege, documents prepared in anticipation of litigation or which are protected by the work product doctrine.

6.

Defendant objects to Plaintiff's requests to the extent that they seek documents which contain information about third-parties and which are protected by confidentiality statutes related to student records and/or the privilege and confidentiality between psychologist and patient.

7.

Defendant objects to the Plaintiff's discovery requests to the extent that they attempt to stipulate words to have definitions other than their ordinary meaning.

RESPONSES TO REQUESTS

Request No. 1

Please produce any and all documents identified or otherwise referred to in your responses to Plaintiff's First Continuing Interrogatories to Defendant Georgia Government Transparency and Campaign Finance Commission served concurrently herewith.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 2

Please produce the Commission’s entire investigative file concerning Nathan Deal, including all correspondence relating to that investigation into alleged ethical violations committed by his campaign for governor in the 2010 election cycle. Plaintiff acknowledges the sensitive nature of this request and agrees to the production of the responsive documents subject to a privilege log and offers that the document will be viewed by counsel and Plaintiff only.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia

Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 3

Please produce any and all documents relating to the budget of the Commission from 2009 through 2012.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 4

Please produce any and all calculations or proposals prepared to support the financial necessity of cutting Plaintiff’s salary in May to June 2011.

Response

Defendant has no documents to produce based on its interpretation of Plaintiff’s described requested documents.

Request No. 5

Please produce documentation relating to renovations to the office of the Commission from January 1, 2010 through the present. Responsive materials should include, without limitation, documents evidencing who completed said renovations, the location of the renovations, the date of completion of the renovations, and the cost of the renovations.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 6

Please produce documentation showing the salaries of all Commission employees from 2005 through the present.

Response

Defendant objects on the basis that Plaintiff’s interrogatory is overly broad and not calculated to lead to any relevant or admissible evidence in this case and is intrusive to those individuals who have had nothing to do with this case and whom have long since left employment with Defendant. Without waiving the foregoing

information, Defendant will produce the requested information concerning individuals employed by the Commission from 2009 through the present.

Request No. 7

Please produce documentation showing all fees and costs paid to outside counsel of the Commission from June 2011 through the present.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 8

Please produce any and all correspondence between Millsaps and any employee of the Commission or the Commissioners since January 1, 2010.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn

Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 9

Please produce any and all correspondence between Millsaps and Randolph Evans relating to the Commission’s budget, the Commission’s investigation into alleged ethics violations by Nathan Deal (the “Deal Investigation”), the employment of Plaintiff, the employment of Sherilyn Steicker, Millsaps’ appointing to the Commission, and Millsaps’ position with Mr. Gingrich’s presidential campaign.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 10

Please produce any and all correspondence between Millsaps and Newt Gingrich and/or Mr. Gingrich’s presidential campaign, relating to any issue

pertinent to this matter, including the manner in which Millsaps obtained a position with Mr. Gingrich's presidential campaign.

Response

Defendant is not in possession of any such documents.

Request No. 11

Please produce any and all correspondence between Millsaps and any other person relating to any issue relating to this matter, including the employment of Plaintiff, the employment of Sherilyn Steicker, Millsaps' appointment to the Commission, and the manner in which Millsaps obtained a position with Mr. Gingrich's presidential campaign.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled "Documents in response to Plaintiff's (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission," Plaintiff will produce such documents to Plaintiff.

Request No. 12

Please produce any and all correspondence between Millsaps and any person at the Commission or any other local, state, or federal authority, since January 1, 2010.

Response

Defendant objects to the extent that Plaintiff's request is overbroad and unduly burdensome and seeks information that could not be related to this action in any manner whatsoever. Without waiving the foregoing objection, To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled "Documents in response to Plaintiff's (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission," Plaintiff will produce such documents to Plaintiff that bear directly on the subject matter of this action.

Request No. 13

Please produce the Secretary of State's monthly budget analysis for the Commission for Fiscal Year 2011.

Response To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled "Documents in response to Plaintiff's (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia

Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 14

Please produce any and all e-mails between Plaintiff and the Commissioners since January 1, 2010.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 15

Please produce any and all e-mails between Plaintiff and Millsaps since January, 1, 2010.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia

Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 16

Please produce any and all correspondence between Millsaps and the State of Georgia Governor’s Office during Millsaps’ tenure as a Commissioner.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 17

Please produce all documents showing political contributions made by Millsaps and/or any other Commissioner since 2008.

Response

Plaintiff can access the information in its possession and related to the description set forth in her Request on the Commission website, ethics.ga.gov under “Search Reports and Records.”

Request No. 18

Please produce any and all records, documents and correspondence relating the cost and use of postage by the Commission.

Response

Defendant objects on the basis that Plaintiff's request is not limited in time or calculated to lead to the discovery of any relevant or admissible evidence. Without waiving the foregoing objection, Defendant will produce documents concerning cost and use of postage by the Commission which may be at issue in this case.

Request No. 19

Please produce any and all records, documents, and correspondence relating to any supplemental budget requests from the Commission from 2009 through the present.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled "Documents in response to Plaintiff's (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission," Plaintiff will produce such documents to Plaintiff.

Request No. 20

Please produce any and all documents relating to the current fiscal year budget of the Commission.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 21

Produce any and all documents, correspondence, or other records documenting communications since January 1, 2010 between any Commission employee, Commissioner, or Millsaps and a member or representative of the media.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia

Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 22

Produce any and all documents, correspondence, or other records consulted or prepared before June 9, 2011, which reflect proposals, draft plans, calculations, conversations, discussions, and/or deliberations regarding the cut to Plaintiff’s salary and the termination of Ms. Streicker.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 23

Produce any and all documents, electrically stored information and tangible things that Defendants intend to rely upon to prove their affirmative defenses.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff

voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 24

Please produce any and all documents, electrically stored information, and tangible things that Defendants intend to rely upon to prove that their actions were taken for legitimate, non-retaliatory reasons, as alleged in their seventh defense in their Answer.

Response

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Request No. 25

Please produce all documents, electrically stored information, and tangible things that Defendants may use to support their defenses against Plaintiff’s claims.


Response

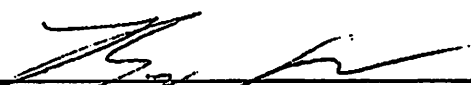
To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled "Documents in response to Plaintiff's (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission," Plaintiff will produce such documents to Plaintiff.

Respectfully submitted,

SAMUEL S. OLENS 551540
Attorney General

DENNIS R. DUNN 234098
Deputy Attorney General


ANNETTE M. COWART 191199
Senior Assistant Attorney General


BRYAN K. WEBB 743580
Senior Assistant Attorney General

PLEASE SERVE:

BRYAN K. WEBB
Senior Assistant Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300
Tele: (404) 656-5331
Fax: (404) 657-9932
Email: bwebb@law.ga.gov

CERTIFICATE OF SERVICE

I hereby certify that on June 14th, 2013, I served the foregoing

**DEFENDANT GEORGIA GOVERNMENT TRANSPARENCY AND
CAMPAIGN FINANCE COMMISSION'S RESPONSES TO PLAINTIFF'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**, upon opposing
counsel in this case by sending a copy via the United States Mail with adequate
postage affixed and addressed as follows:

Kimberly Worth
Barton Black
JOYCE THRASHER KAISER & LISS, LLC
Five Concourse Parkway
Suite 2600
Atlanta, Georgia 30328

This 14th day of June, 2013.



Bryan K. Webb
Counsel for Defendant
State Bar No.: 743580

EXHIBIT F

Stacey Kalberman
Disorbatin

Civil Action File No:
2012CV216247

EXHIBIT G

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

ORIGINAL

STACEY KALBERMAN,)
)
Plaintiff,)
)
v.)
)
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)
Government Transparency and Campaign)
Finance Commission, and PATRICK)
MILLSAPS, in his Individual capacity,)
)
Defendants.)

CIVIL ACTION
FILE NO. 2012CV216247

**PLAINTIFF STACEY KALBERMAN'S FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS AND THINGS TO DEFENDANT HOLLY LABERGE**

COMES NOW Plaintiff Stacey Kalberman ("Plaintiff" or "Ms. Kalberman") by and through her undersigned counsel of record, pursuant to O.C.G.A. §§ 9-11-26 and 9-11-34, and hereby demands that Defendant Holly LaBerge, in her Official capacity as Executive Secretary of the Georgia Government Transparency and Campaign Finance Commission ("Defendant" or "Ms. LaBerge"), respond to Plaintiff Stacey Kalberman's First Requests For Production Of Documents and Things To Defendant Holly LaBerge by producing the requested documents to Plaintiff's counsel of record within thirty (30) days after service hereof at the offices of Plaintiff's counsel, Kimberly A. Worth, Joyce Thrasher Kaiser & Liss, LLC, Suite 2600, Five Concourse Parkway, Atlanta, Georgia 30328.

DEFINITIONS

- a) The terms “document” or “documents” shall mean any written, recorded, filmed, or graphic matter, whether produced, reproduced or on paper, cards, tapes, film, electronic facsimile, computer storage devices, or any other media, including but not limited to, memoranda, notes, minutes, records, employment files, case files, pleadings, photographs, slides, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, notes, records and recordings of oral conversations, work papers, and also including but not limited to, originals, drafts and all copies which are different in any way from the original whether by interlineations, receipt stamped, notations, indications of copies sent or received, or otherwise.
- b) The term “identify” when used with reference to a document or written communication shall mean to state the type of document or communication (e.g., memorandum, employment application, letter, handwritten notes, etc.) to state its date, to briefly describe its contents, to identify the author (and if different, the originator or signer), and to identify the person (or, if widely distributed, the organization or classes of persons) to whom the document or communication was sent. You may produce the document or written communication in lieu of identifying it.
- c) The terms “you” and “your” refer without limitation to Defendant Holly LaBerge, in her Official capacity as Executive Secretary of the Georgia Government Transparency and Campaign Finance Commission; her attorneys and agents; and all persons acting on her behalf.

- d) The terms “Defendant Commission” and “Commission” refer without limitation to Defendant Georgia Government Transparency and Campaign Finance Commission, its attorneys and agents, and all persons acting on its behalf, including without limitation its employees.
- e) The terms “Defendant Millsaps” and “Millsaps” refer without limitation to Defendant Patrick Millsaps, his attorneys and agents, and all persons acting on his behalf.
- f) “Defendants” shall refer to you, the Commission and Defendant Millsaps.
- g) “Personal E-mail Account” shall refer to any e-mail account that you possess or use (e.g. Gmail, Hotmail, Yahoo!, AOL, etc.) other than the e-mail account assigned to you and maintained by the Commission and/or the State of Georgia.
- h) “Commission E-mail Account” shall refer to any e-mail account assigned to you and maintained by the Commission and/or the State of Georgia.
- i) The conjunctions “and” and “or” shall be interpreted conjunctively and shall not be interpreted disjunctively so as to exclude any information otherwise within the scope of this discovery.
- j) “Involving” and the derivatives thereof, means involving, including, summarizing, recording, containing, listing, pertaining, concerning, comprising, consisting, addressing, describing, mentioning, referring or reflecting.

REQUESTS TO PRODUCE

1.

Please produce any and all documents identified or otherwise referred to in your responses to Plaintiff Stacey Kalberman’s First Continuing Interrogatories to Defendant Holly LaBerge served concurrently herewith.

2.

Please produce any and all correspondence, including e-mails to and from your Personal E-mail Account(s) and/or your Commission E-mail Account(s), between yourself and any other person(s) (e.g., without limitation, Lisa Dentler, Elisabeth Murray-Obertein) and/or entity(ies)/agency(ies)/department(s) of the government of the State of Georgia, concerning any issue relating to this lawsuit filed by Plaintiff, including correspondence pertaining to, without limitation, the Commission's budget, the Commission's investigation into alleged ethics violations by Nathan Deal (the "Deal Investigation"), the employment of Plaintiff and this resulting lawsuit, the employment of Sherilyn Streicker and her resulting lawsuit against Defendants, Defendant Millsaps' appointment to the Commission, Defendant Millsaps' role as Chair of the Commission, Defendant Millsaps' departure from the Commission, the manner in which Defendant Millsaps obtained his position with Mr. Newt Gingrich's presidential campaign, Randolph "Randy" Evans, Todd Markle, the State of Georgia Governor's Office, Deborah Wallace, and/or the Office of the State Inspector General and its investigation into Plaintiff's departure from the Commission.

3.

Please produce any and all correspondence, including e-mails to and from your Personal E-mail Account(s) and/or your Commission E-mail Account(s), between yourself and Elisabeth Murray-Obertein referencing or relating to Ms. Murray-Obertein's application and candidacy, her interviewing, and her subsequent hiring for the position of Staff Attorney at the Commission.

4.

Please produce any and all correspondence, including e-mails to and from your Personal E-mail Account(s) and/or your Commission E-mail Account(s), between yourself and Plaintiff.

5.

Please produce any and all correspondence, including e-mails to and from your Personal E-mail Account(s) and/or your Commission E-mail Account(s), between yourself and any employee or representative of the State of Georgia Governor's Office, since July 1, 2011.

6.

Please produce any and all documents in your possession, custody, or control relating to the budget of the Commission from July 1, 2011 through the present time.

7.

Please produce any and all documents, correspondence, or other records documenting or relating to communications between yourself and any representative of the media or press since July 1, 2011.

8.

Please produce any and all documents in your possession, custody, or control relating to your hiring as Executive Secretary of the Commission, including, without limitation, any and all correspondence between you and any member of the Commission regarding your candidacy for the position, any and all application materials that you submitted for the position, any and all documents and things evidencing, memorializing, or relating to any interviews in which you participated for or regarding the position, any résumé and/or curriculum vitae you submitted to the Commission, and/or any documents you submitted to the Commission evidencing your previous employment history and qualifications for the position of Executive Secretary.

9.

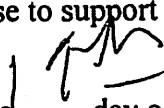
Please produce any and all documents, correspondence, or other records documenting your salary as Executive Secretary of the Commission from your date of hire through the present date.

10.

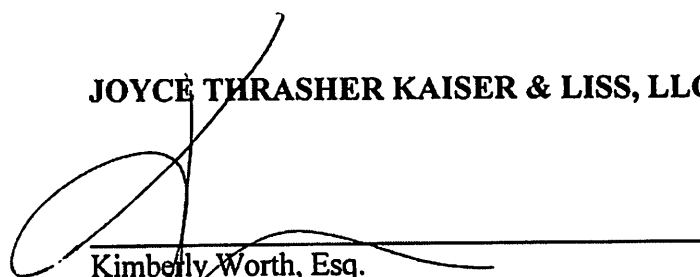
Please produce all documents showing political contributions made by you since 2008.

11.

Please produce all documents, electronically stored information, and tangible things that you may use to support your defense against Plaintiff's claims.

This  day of April, 2013.

JOYCE THRASHER KAISER & LISS, LLC


Kimberly Worth, Esq.
Georgia Bar No. 500790
D. Barton Black, Esq.
Georgia Bar No. 119977

Attorneys for Stacey Kalberman

Five Concourse Parkway
Suite 2600
Atlanta, Georgia 30328
Telephone: (404) 760-6000
Facsimile: (404) 760-0225

EXHIBIT H

PRELIMINARY STATEMENT

A. These responses are based upon and therefore, limited by records and information in existence, presently recollected, and thus far discovered in the course of preparing these responses. Defendant reserves the right to make changes to these responses if it appears at any time that inadvertent errors or omissions have been made or additional or more accurate information has become available.

B. No incidental or implied admission of fact by the Defendant is made by the responses indicated below. The fact that Defendant has produced any document requested herein may not be taken as an admission that Defendant accepts or admits the existence of any fact set forth or assumed by such requests, or that response constitutes admissible evidence. Defendant's response to any request is not intended to, nor shall it be considered as a waiver by Defendant of any objections to any request made by Plaintiff.

C. These responses are based upon the ordinary meaning of words used in the requests.

D. The information supplied in these responses is based upon the knowledge, information and belief of the Defendant, and includes knowledge of the parties, their agents, representatives and attorneys. The work usage and sentence structure may be that of the attorney assisting in the preparation of the

responses and thus does not necessarily purport to be the precise language of the Defendant or any of its agents or representatives.

GENERAL OBJECTIONS

Defendant objects generally to these requests on the following grounds:

1.

Defendant objects to the Plaintiff's requests to the extent that they attempt to impose obligations upon Defendant beyond the requirements of the Georgia Rules of Civil Procedure.

2.

Defendant objects to the extent that these requests are not limited by time to the period relevant to this litigation on the grounds that they are overly broad and are not reasonably calculated to lead to the discovery of admissible or relevant evidence.

3.

Defendant objects to the extent that these requests seek to be exhaustive on the grounds that they are overly broad and not reasonably calculated to lead to the discovery of admissible or relevant evidence.

4.

Defendant objects to the Plaintiff's requests to the extent that they call for production of documents not in the custody, control or possession of the Defendant

and to the extent that they seek the production of documents that are more than or as readily available to Plaintiff as Defendant.

5.

Defendant objects to Plaintiff's requests to the extent that they seek documents protected by the attorney/client privilege, documents prepared in anticipation of litigation or which are protected by the work product doctrine.

6.

Defendant objects to Plaintiff's requests to the extent that they seek documents which contain information about third-parties and which are protected by confidentiality statutes related to student records and/or the privilege and confidentiality between psychologist and patient.

7.

Defendant objects to the Plaintiff's discovery requests to the extent that they attempt to stipulate words to have definitions other than their ordinary meaning.

RESPONSES TO REQUESTS

Response to Request No. 1

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled "Documents in response to Plaintiff's (Sherilyn Streicker) First Request for Production of Documents Produced by: Georgia

Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Response to Request No. 2

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request For Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Response to Request No. 3

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request For Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Response to Request No. 4

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn

Streicker) First Request for Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Response to Request No. 5

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request For Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Response to Request No. 6

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request For Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Response to Request No. 7

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff

voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request For Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Response to Request No. 8

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request For Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Response to Request No. 9

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled “Documents in response to Plaintiff’s (Sherilyn Streicker) First Request For Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission,” Plaintiff will produce such documents to Plaintiff.

Response to Request No. 10

Defendant responds that she has not made a political contribution and there are no documents.

Response to Request No. 11

To the extent that Defendant is in possession of documents meeting the description of this request which have not already been produced to Plaintiff voluntarily on a disc entitled "Documents in response to Plaintiff's (Sherilyn Streicker) First Request For Production of Documents Produced by: Georgia Government Transparency and Campaign Finance Commission," Plaintiff will produce such documents to Plaintiff.

Respectfully submitted,

SAMUEL S. OLENS 551540
Attorney General

DENNIS R. DUNN 234098
Deputy Attorney General

Anthe M. Cowart (Amly permisio)
ANNETTE M. COWART 191199
Senior Assistant Attorney General

Bryan K. Webb (Amly permisio)
BRYAN K. WEBB 743580
Senior Assistant Attorney General

PLEASE SERVE:

BRYAN K. WEBB

Senior Assistant Attorney General

40 Capitol Square, S.W.

Atlanta, Georgia 30334-1300

Tele: (404) 656-5331

Fax: (404) 657-9932

Email: bwebb@law.ga.gov

CERTIFICATE OF SERVICE

I hereby certify that on June 14th, 2013, I served the foregoing
**DEFENDANT HOLLY LABERGE'S RESPONSES TO PLAINTIFF'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS** upon opposing
counsel in this case by sending a copy via the United States Mail with adequate
postage affixed and addressed as follows:

Kimberly Worth
Barton Black
JOYCE THRASHER KAISER & LISS, LLC
Five Concourse Parkway
Suite 2600
Atlanta, Georgia 30328

This 14th day of June, 2013.

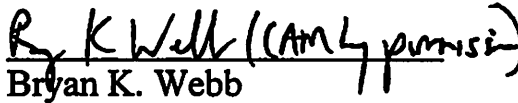

Bryan K. Webb
Counsel for Defendant
State Bar No.: 743580

EXHIBIT I



JOYCE THRASHER
KAISER & LISS ^{LLC}

Attorneys & Counselors at Law

Five Concourse Parkway
Suite 2600
Atlanta, Georgia 30328

t: 404-760-6000
f: 404-760-0225
www.jtklaw.com

D. BARTON BLACK
d: 404-760-6014
bblack@jtklaw.com

March 21, 2013

VIA OVERNIGHT DELIVERY
FE: 799348054924

Google Inc.
c/o Corporation Service Company
40 Technology Parkway South, Suite 300
Atlanta, Georgia 30092

Re: *Stacey Kalberman v. Georgia Government Transparency and Campaign
Financial Commission, et al.*; Superior Court of Fulton County, Georgia;
Civil Action File No. 2012-CV-216247

Dear Sirs:

This firm represents Stacey Kalberman in the above-referenced civil action. I have enclosed a Subpoena for the Production of Evidence at a Deposition (the "Subpoena") requiring you to produce the documents described therein in our office on **April 12, 2013 at 10:00 a.m.** **In lieu of appearing for your deposition on the scheduled date, you may provide us with copies of the requested documents prior to April 12, 2013.**

Until the Court releases you from the Subpoena, you are obligated to appear as instructed therein under penalty of law. Should you have any questions with regard to the above, please contact our office.

Sincerely,

JOYCE THRASHER KAISER & LISS, LLC

D. Barton Black

/dbb
Enclosures

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

STACEY KALBERMAN,)
)
 Plaintiff,)
)
 v.)
)
 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 Government)
 Transparency and Campaign Finance)
 Commission, and **PATRICK MILLSAPS,** in)
 his Individual capacity,)
)
 Defendants.)

**CIVIL ACTION
FILE NO. 2012CV216247**

**SUBPOENA TO GOOGLE INC. FOR THE PRODUCTION
OF EVIDENCE AT A DEPOSITION**

To: Google Inc.
c/o Corporation Service Company
40 Technology Parkway South, Suite 300
Atlanta, Georgia 30092

Pursuant to the provisions of O.C.G.A. §§ 9-11-30 and 9-11-45, you are hereby required to appear at the offices of Joyce Thrasher Kaiser & Liss, LLC, 5 Concourse Parkway NE, Suite 2600, Atlanta, Georgia 30309 at **10:00 a.m. on April 12, 2013**, to give your deposition upon oral examination in the case pending in the Superior Court of Fulton County, Case No. 2012CV216247, and to bring with you the documents described in **Exhibit "A,"** attached hereto. In lieu of appearing for the deposition and production of records directed herein, you may serve copies of the requested records upon counsel for Plaintiff identified below prior to the scheduled date.

HEREIN FAIL NOT, UNDER PENALTY OF LAW.

ISSUED this 22nd day of March, 2013



Clerk of Superior Court of Fulton County

Inquiries should be directed to:

Counsel for Plaintiff

Kimberly Worth, Esq.

kworth@jtklaw.com

D. Barton Black, Esq.

bblack@jtklaw.com

JOYCE THRASHER KAISER & LISS, LLC

Five Concourse Parkway

Suite 2600

Atlanta, Georgia 30328

Phone: (404) 760-6000

Facsimile: (404) 760-6014

Exhibit A

1. Please produce all emails, messages, and attachments that were delivered to or sent from the email address "holly.laberge@gmail.com" from July 1, 2011 through the date of response to this Subpoena, including without limitation any emails, messages, or attachments that were deleted.

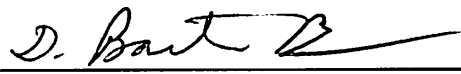
2. Please produce all emails, messages, and attachments that were delivered to or sent from the email address "lmdentler@gmail.com" from July 1, 2011 through the date of response to this Subpoena, including without limitation any emails, messages, or attachments that were deleted.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the within and foregoing *SUBPOENA TO GOOGLE INC. FOR THE PRODUCTION OF EVIDENCE AT A DEPOSITION* upon all counsel of record by depositing a copy in the United States Mail, with sufficient first-class postage affixed thereon, addressed as follows:

Bryan K. Webb
Senior Assistance Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334

This 22nd day of March, 2013.



D. Barton Black, Esq.
Georgia Bar No. 119977

JOYCE THRASHER KAISER & LISS, LLC
Five Concourse Parkway
Suite 2600
Atlanta, Georgia 30328
Phone: (404) 760-6000
Facsimile: (404) 760-0225

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

STACEY KALBERMAN,)
)
 Plaintiff,)
)
 v.)
)
 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 Government)
 Transparency and Campaign Finance)
 Commission, and PATRICK MILLSAPS, in)
 his Individual capacity,)
)
 Defendants.)

**CIVIL ACTION
FILE NO. 2012CV216247**

NOTICE OF 30(b)(6) DEPOSITION OF GOOGLE INC.

To: Google Inc.
c/o Corporation Service Company
40 Technology Parkway South, Suite 300
Atlanta, Georgia 30092

You are hereby notified that on April 12, 2013 at 10:00 a.m. or from time to time thereafter as the deposition may be continued, at the office of Kimberly A. Worth, Esq., Joyce Thrasher Kaiser & Liss LLC, 5 Concourse Parkway, Suite 2600, Atlanta, Georgia 30328, Plaintiff will proceed to take the deposition of the designated corporate representative(s) of Google Inc. in the above-captioned civil action, upon oral examination, pursuant to O.C.G.A. §9-11-30(b)(6) of the Georgia Civil Practice Act. The deponent shall testify regarding the topics designated and documents to be produced as set forth in Exhibit "A" attached hereto. A Subpoena commanding your appearance and the production of records is served contemporaneously herewith. In lieu of

appearing for the deposition and production of records directed by the Subpoena, you may serve copies of the requested records upon the undersigned counsel prior to the scheduled date.

The oral examination(s) will continue from day to day until completion and will be taken before a certified court reporter or before some other officer duly authorized by law to take depositions.

Respectfully submitted this 22nd day of March, 2013.

JOYCE THRASHER KAISER & LISS, LLC



Kimberly Worth, Esq.
Georgia Bar No. 500790
D. Barton Black, Esq.
Georgia Bar No. 119977

Five Concourse Parkway
Suite 2600
Atlanta, Georgia 30328
Telephone: (404) 760-6000
Facsimile: (404) 760-0225

Exhibit "A"

Your designee should be a person knowledgeable about and be prepared to testify as to the following topics:

1. Emails, messages, and attachments that were delivered to or sent from the email address "holly.laberge@gmail.com" from July 1, 2011 through the date of response to this Subpoena, including without limitation any emails, messages, or attachments that were deleted
2. Emails, messages, and attachments that were delivered to or sent from the email address "lmdentler@gmail.com" from July 1, 2011 through the date of response to this Subpoena, including without limitation any emails, messages, or attachments that were deleted

In addition, your representative is hereby required to bring to said deposition the following documents and things:

1. All emails, messages, and attachments that were delivered to or sent from the email address "holly.laberge@gmail.com" from July 1, 2011 through the date of response to this Subpoena, including without limitation any emails, messages, or attachments that were deleted
2. All emails, messages, and attachments that were delivered to or sent from the email address "lmdentler@gmail.com" from July 1, 2011 through the date of response to this Subpoena, including without limitation any emails, messages, or attachments that were deleted


CERTIFICATE OF SERVICE

I hereby certify that I have this day served the within and foregoing *NOTICE OF 30(b)(6)*

DEPOSITION OF GOOGLE INC., via First Class Mail, to Defendant's Counsel as follows:

Bryan K. Webb
Senior Assistance Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334

This 22nd day of March, 2013.



D. Barton Black, Esq.
Georgia Bar No. 119977

JOYCE THRASHER KAISER & LISS, LLC
Five Concourse Parkway
Suite 2600
Atlanta, Georgia 30328
Telephone: (404) 760-6000
Facsimile: (404) 760-0225

From: (404) 760-0217
Michelle S. Budd
Joyce Thrasher Kaiser & Liss, LLC
5 CONCOURSE PKWY NE STE 2600
ATLANTA, GA 30328

Origin ID: TMAA



Ship Date: 22MAR13
ActWgt: 0.5 LB
CAD: 1494770/NET3370

Delivery Address Bar Code



Ref #
Invoice #
PO #
Dept #

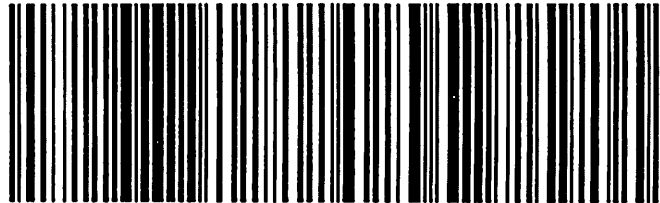
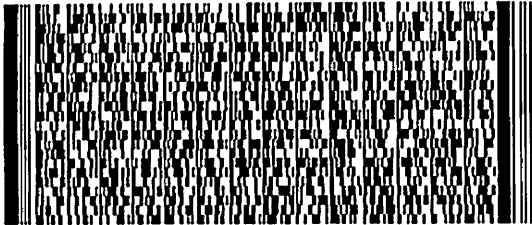
SHIP TO: (404) 760-0221
BILL SENDER
co Corporation Service Company
Google Inc.
40 Technology Parkway South
Ste. 300
atlanta, GA 30092

MON - 25 MAR 10:30A
PRIORITY OVERNIGHT

TRK# 7993 4805 4924
0201

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After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number. Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our ServiceGuide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

EXHIBIT J

pertinent part states that “In Lieu of appearing for the deposition and production of records directed by the Subpoena, you may serve copies of the requested records upon the undersigned counsel prior to the scheduled date.” Ms. LaBerge and Ms. Dentler object to the production of documents and information sought by the subpoena, move this Court to quash the subpoena to Google, and move for a protective order asserting that the requested discovery should not be permitted. In support thereof, Ms. LaBerge and Ms. Dentler show the following:

I. INTRODUCTION

In this lawsuit, the Plaintiff claims a violation of the Georgia Whistleblower Act, O.C.G.A. § 45-1-4, alleging that she suffered an adverse employment action as defined by the statute after having engaged in statutorily protected activity. In addition, she is suing Defendant Millsaps in his individual capacity based on allegations of an intentional infliction of emotional distress. The parties are currently engaged in discovery and Plaintiff has now issued a subpoena to Google Inc., a third party private corporation, seeking the private and personal e-mails of Ms. LaBerge and two additional nonparties to this action. Specifically, Plaintiff seeks to compel the production of the following from Google, Inc.:

1. [A]ll emails, messages, and attachments that were delivered to or sent from the email address holly.laberge@gmail.com from July 1, 2011 through the date of response to this Subpoena, including without limitation any emails, messages, or attachments that were deleted; and

2. [A]ll emails, messages, and attachments that were delivered to or sent from the email address lmdentler@gmail.com from July 1, 2011 through the date of response to this Subpoena, including without limitation any emails, messages, or attachments that were deleted.

II. OBJECTIONS

Holly LaBerge is named as a party in this lawsuit only in her official capacity as the Executive Secretary of the Georgia Government Transparency and Campaign Finance Commission. She is not sued in her individual or personal capacity. Lisa M. Dentler is employed by the Defendant Georgia Government Transparency and Campaign Finance Commission and is not named as a party to this case. There is no allegation of any wrongdoing by either Ms. LaBerge and/or Ms. Dentler in Plaintiff's Amended Complaint. Neither Ms. LaBerge nor Ms. Dentler was a decision-maker in the case.

Ms. LaBerge and Ms. Dentler each object to the subpoena on the following grounds:

1. The subpoena is overbroad in that it seeks information which may contain personal and private communications between Ms. LaBerge and Ms. Dentler and other individuals who are also not parties to this lawsuit. Communications between Ms. LaBerge or Ms. Dentler with others, including family, friends, and other individuals, have nothing to do with their employment with Defendant Georgia Government Transparency and Campaign Finance Commission and which Plaintiff has no right to know or discover and goes well beyond the scope of any reasonable discovery or requests by the Plaintiff.

2. The production of personal and unrelated information, which is wholly unrelated to this litigation, subjects Ms. LaBerge and Ms. Dentler to an unwarranted and intrusive invasion of their personal privacy with no substantive basis to justify that action in this litigation. It sought solely with the intent to embarrass, harass, and/or intimidate Ms. LaBerge and Ms. Dentler.
3. The subpoena is unduly burdensome in that neither Ms. LaBerge in her individual capacity or Ms. Dentler is a party to the case, the documents requested are unrelated to the parties to Plaintiff's claims, and are not sufficiently or narrowly confined to seek discoverable information;
4. The subpoena seeks information that is neither relevant to the subject matter of the litigation between the parties nor calculated to lead to discovery of admissible evidence related to the claims of Plaintiff;
5. The subpoena is oppressive in that some of the information sought may contain personal information which could also be otherwise privileged or protected under state or federal law;
6. The subpoena seeks information that is neither relevant or material to the Plaintiff's cause of action against Defendants and seeks information that post-dates any of the alleged unlawful actions of Defendants as contained in Plaintiff's Amended Complaint; and
7. The subpoena seeks to require the recipient, a non-party corporation, to invade the personal privacy of Ms. LaBerge and Ms. Dentler, to seize their personal communications and to provide said materials to the Plaintiff without regard to the relevancy of any of those materials in relation to this action.

It has been long held that Georgia citizens have a right to privacy guaranteed by the Georgia constitutional provision which declares that no person shall be deprived of liberty except by due process of law. *Pavesich v. New England Life Ins. Co.*, 122 Ga. 190, 197 (1905). In Georgia, privacy is considered a fundamental constitutional right and is “recognized as having a value so essential to individual liberty in our society that [its] infringement merits careful scrutiny by the courts. *Ambles v. State*, 259 Ga. 406, 408 (1989). Plaintiff has set forth no legitimate basis upon which to base an infringement of the privacy rights of Ms. LaBerge and Ms. Dentler in their private matters. Plaintiff’s subpoena of the private emails of these third-parties serves no purpose in the conduct of this litigation and should be prohibited.

III. CONCLUSION


WHEREFORE, Holly LaBerge and Lisa M. Dentler make the forgoing objections to Plaintiff’s subpoena served on Google, Inc. and requests that their motion to quash the subpoena be granted with all costs and attorneys fees related to their defense of the subpoena be cast against Plaintiff.

Respectfully submitted,


SAMUEL S. OLENS
Attorney General

551540

DENNIS R. DUNN 234098
Deputy Attorney General



ANNETTE M. COWART 191199
Senior Assistant Attorney General



BRYAN K. WEBB 743580
Senior Assistant Attorney General

PLEASE SERVE:

BRYAN K. WEBB
Senior Assistant Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300
Tele: (404) 656-5331
Fax: (404) 657-9932
Email: bwebb@law.ga.gov

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2013 I served the foregoing OBJECTION TO SUBPOENA TO GOOGLE INC. FOR THE PRODUCTION OF EVIDENCE AT A DEPOSITION AND MOTION TO QUASH upon opposing counsel in this case by sending a copy via the United States Mail with adequate postage affixed and addressed as follows:

Kimberly Worth
Barton Black
JOYCE THRASHER KAISER & LISS, LLC
Five Concourse Parkway
Suite 2600
Atlanta, Georgia 30328

And to the following non-party via email and overnight courier:

Google Inc.
c/o Corporation Service Company
40 Technology Parkway South, Suite 300
Norcross, Georgia 30092-2924
google-legal-support@google.com

This 3rd day of April, 2013.



Bryan K. Webb
Senior Assistant Attorney General
Counsel for Holly LaBerge and
Lisa M. Dentler
State Bar No.: 743580

EXHIBIT K

LaBerge, Holly

From: Thrasher, Liss, & Smith LLC [eelwood@tlslaw.com]
Sent: Tuesday, July 23, 2013 3:20 PM
To: LaBerge, Holly
Subject: PUBLIC RECORDS REQUEST VIA CFC WEBSITE

From: Thrasher, Liss, & Smith LLC <eelwood@tlslaw.com>

Name: Thrasher, Liss, & Smith LLC

Contact Number: 404-760-4018

Details:

1.) Any and all e-mails sent to or received by holly.laberge@gmail.com, lmdentler@gmail.com, gandolfmurray@yahoo.com, and/or any other personal/private e-mail address (i.e. any email address that is not an official State of Georgia email address) maintained by a Commission employee, since June 2012, containing communications, information, documents, discovery requests, files, or data related to the case of Stacey Kalberman v. Georgia Government Transparency and Campaign Finance Commission and Holly LaBerge (Fulton County Superior Court - Civil Action File No. 2012CV216247) (the "Kalberman Case") that were prepared, maintained or received in the performance of a service or function for or on behalf of the Commission.

2.) Any and all e-mails sent to or received by holly.laberge@gmail.com, lmdentler@gmail.com, gandolfmurray@yahoo.com, and/or any other personal/private e-mail address (i.e. any email address that is not an official State of Georgia email address) maintained by a Commission employee, since June 2012, containing communications, information, documents, files, or data related to the case of Sherry Ellen Streicker v. Georgia Government Transparency and Campaign Finance Commission (Fulton County Superior Court - Civil Action File No. 2012CV216254) (the "Streicker Case") that were prepared, maintained or received in the performance of a service or function for or on behalf of the Commission.

3.) Any and all e-mails sent to or received by holly.laberge@gmail.com, lmdentler@gmail.com, gandolfmurray@yahoo.com, and/or any other personal/private e-mail address (i.e. any email address that is not an official State of Georgia email address) maintained by a Commission employee, since September 2011, containing communications, information, documents, discovery requests, files, or data related to Complaints filed with the Georgia State Ethics Commission and the Georgia Government Transparency and Campaign Finance Commission concerning Nathan Deal and the subsequent investigation/consent orders/fines (In the Matter of Nathan Deal, Before the Georgia Government Transparency and Campaign Finance Commission, State of Georgia, Case Nos. 2010-0033(a), 2010-0033(b), 2010-0033(c), 2010-0039, 2010-0063, 2011-0008, 2011-0009) (the "Deal Matters") that were prepared, maintained or received in the performance of a service or function for or on behalf of the Commission.

4.) Any and all documents and files related to the Kalberman Case (as defined above) that were scanned into digital form by Commission employees (e.g. John Hair) using the Commission's computers/scanners, since June 2012, and which were saved and/or stored on the Commission's computers/servers (e.g. "D" Drive) for distribution using USB thumb drives and/or personal/private e-mail accounts.

5.) Any and all documents and files related to the Streicker Case (as defined above) that were scanned into digital form by Commission employees (e.g. John Hair) using the Commission's computers/scanners, since June 2012, and which were saved and/or stored on the Commission's computers/servers (e.g. "D" Drive) for distribution using USB thumb drives and/or personal/private e-mail accounts.

6.) Any and all documents and files related to the Deal Matters (as defined above) that were scanned into digital form by Commission employees (e.g. John Hair) using the Commission's computers/scanners and which were saved and/or stored on the Commission's computers/servers (e.g. "D" Drive) for distribution using USB thumb drives and/or personal/private e-mail accounts.

EXHIBIT L

Kevin D. Abernethy
Chair

Hillary S. Stringfellow
Vice Chair

Holly LaBerge
Executive Secretary



Kent B. Alexander
Member

Heath Garrett
Member

Dennis T. Cathey
Member

Georgia Government Transparency and Campaign Finance Commission

200 Piedmont Avenue | Suite 1402 – West Tower | Atlanta, Georgia 30334
(404) 463-1980 | Facsimile (404) 463-1988
www.ethics.ga.gov

July 26, 2013

Thrasher Liss & Smith
Five Concourse Pkwy, Suite 2600
Atlanta, GA 30328

RE: OPEN RECORDS REQUEST

To whom it may concern:

Each of the items requested in the enclosed email dated July 23, 2013, has already been submitted to you in the context of the discovery of the cases. We have given you all the information that we are in possession of regarding the Stacey Kalberman, Sheri Streicker, and Nathan Deal cases. If you would like another copy of this information please let me know. There will be a cost for another copy of this information. If you have any further questions, please contact me.

Regards,

Holly LaBerge
Executive Secretary

HL:jm

Enc: Email

LaBerge, Holly

From: Thrasher, Liss, & Smith LLC [eelwood@tislaw.com]
Sent: Tuesday, July 23, 2013 3:20 PM
To: LaBerge, Holly
Subject: PUBLIC RECORDS REQUEST VIA CFC WEBSITE

From: Thrasher, Liss, & Smith LLC <eelwood@tislaw.com>

Name: Thrasher, Liss, & Smith LLC

Contact Number: 404-760-4018

Details:

1.) Any and all e-mails sent to or received by holly.laberge@gmail.com, lmdentler@gmail.com, gandolfmurray@yahoo.com, and/or any other personal/private e-mail address (i.e. any email address that is not an official State of Georgia email address) maintained by a Commission employee, since June 2012, containing communications, information, documents, discovery requests, files, or data related to the case of Stacey Kalberman v. Georgia Government Transparency and Campaign Finance Commission and Holly LaBerge (Fulton County Superior Court - Civil Action File No. 2012CV216247) (the "Kalberman Case") that were prepared, maintained or received in the performance of a service or function for or on behalf of the Commission.

2.) Any and all e-mails sent to or received by holly.laberge@gmail.com, lmdentler@gmail.com, gandolfmurray@yahoo.com, and/or any other personal/private e-mail address (i.e. any email address that is not an official State of Georgia email address) maintained by a Commission employee, since June 2012, containing communications, information, documents, files, or data related to the case of Sherry Ellen Streicker v. Georgia Government Transparency and Campaign Finance Commission (Fulton County Superior Court - Civil Action File No. 2012CV216254) (the "Streicker Case") that were prepared, maintained or received in the performance of a service or function for or on behalf of the Commission.

3.) Any and all e-mails sent to or received by holly.laberge@gmail.com, lmdentler@gmail.com, gandolfmurray@yahoo.com, and/or any other personal/private e-mail address (i.e. any email address that is not an official State of Georgia email address) maintained by a Commission employee, since September 2011, containing communications, information, documents, discovery requests, files, or data related to Complaints filed with the Georgia State Ethics Commission and the Georgia Government Transparency and Campaign Finance Commission concerning Nathan Deal and the subsequent investigation/consent orders/fines (In the Matter of Nathan Deal, Before the Georgia Government Transparency and Campaign Finance Commission, State of Georgia, Case Nos. 2010-0033(a), 2010-0033(b), 2010-0033(c), 2010-0039, 2010-0063, 2011-0008, 2011-0009) (the "Deal Matters") that were prepared, maintained or received in the performance of a service or function for or on behalf of the Commission.

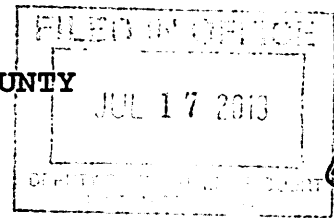
4.) Any and all documents and files related to the Kalberman Case (as defined above) that were scanned into digital form by Commission employees (e.g. John Hair) using the Commission's computers/scanners, since June 2012, and which were saved and/or stored on the Commission's computers/servers (e.g. "D" Drive) for distribution using USB thumb drives and/or personal/private e-mail accounts.

5.) Any and all documents and files related to the Streicker Case (as defined above) that were scanned into digital form by Commission employees (e.g. John Hair) using the Commission's computers/scanners, since June 2012, and which were saved and/or stored on the Commission's computers/servers (e.g. "D" Drive) for distribution using USB thumb drives and/or personal/private e-mail accounts.

6.) Any and all documents and files related to the Deal Matters (as defined above) that were scanned into digital form by Commission employees (e.g. John Hair) using the Commission's computers/scanners and which were saved and/or stored on the Commission's computers/servers (e.g. "D" Drive) for distribution using USB thumb drives and/or personal/private e-mail accounts.

EXHIBIT M

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



STACEY KALBERMAN,

Plaintiff,

vs.

GEORGIA GOVERNMENT TRANSPARENCY
AND CAMPAIGN FINANCE COMMISSION, et
al.,

Defendants.

Civil Action No. 2012CV216247

Honorable Ural D. Glanville

CASE MANAGEMENT ORDER

The following deadlines, policies, and procedures will govern the above-captioned civil case. In this regard, the Court must be immediately notified of any problem or dispute that could delay the deadlines contained herein. Notably, modification of any deadline or hearing date contained herein requires approval of the Court—even if all parties consent to the change. To the extent the parties seek a modification of the deadlines contained therein, the parties are DIRECTED to contact the Court and schedule a status conference within ten (10) days of the entry of this Order.

SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

The parties shall submit copies of all motions, responses, and filings in the above-captioned case to the Chambers of the Judge assigned to this matter. Each paper served, other than by the Sheriff, must include a certificate of the person or firm making service, his/her/its relationship to the parties, action, or proceedings, as well as the date, method, and address of service. The original of a certificate must also be signed by the party or his/her/its attorney at whose instance service was made.

DISCOVERY

Discovery shall close on **August 30, 2013**. All discovery motions must be filed prior to the expiration of the discovery period, which will not be extended, except for good-cause shown. In the event an extension of time is requested, the moving party shall submit a proposed, revised Case Management Order, which should include the requested time extension. Finally, the Court reminds the parties that, under the Civil Practice Act, they have a duty to fully cooperate in discovery and that the failure to fulfill this obligation may result in sanctions.

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MOTIONS

Except as otherwise provided in the Civil Practice Act or ordered by the Court, all motions must be filed and served upon the opposing party by **September 30, 2013**. **Prior to filing a discovery motion, the parties are ORDERED to contact the Court to schedule a discovery conference.** All motions must be filed in accordance with the Civil Practice Act and the Uniform Superior Court Rules, and **absent prior written permission of the Court, no party may file any motion, brief, or response in excess of twenty-five (25) pages in length.** Every motion must be accompanied by a proposed order. Unless the Court directs otherwise, all orders, including findings of fact and conclusions of law orally announced in court must be prepared in writing by the attorney for the prevailing party and thereafter submitted to the Court within two (2) days. Failure to respond to any motion within the time afforded by the Uniform Superior Court Rules will indicate that there is no opposition to the motion. **Absent prior permission of the Court, no party may file any reply brief, which are generally disfavored.**

LEAVES OF ABSENCE

An application by an attorney for a leave of absence must be written, filed with the Clerk of the Court, and otherwise in **compliance with the Uniform Superior Court Rules**. Leaves of absence must be filed, individually, in all cases before the Court. Although leaves of absence filed in compliance with the Uniform Superior Court Rules may be approved, **the attorney must arrange, in the event the above-captioned case is scheduled for a hearing or trial, for other counsel to be present.**

PRE-TRIAL ORDERS

A proposed, fully consolidated pre-trial order must be submitted to the Judge's Chambers on **February 7, 2014**. Do not present pre-trial orders to the Clerk for filing unless they have been signed by the Court. Plaintiff(s)/Petitioner(s) shall be responsible for consolidating the pre-trial order. All other parties shall provide their portions of the consolidated pre-trial order to the Plaintiff(s)/Petitioner(s) no later than two (2) business days prior to the due date. **No party may submit their own individual portions of the pre-trial order to the Court without written certification detailing their good-faith efforts to present the Court with a full consolidated order.** The proposed pre-trial order need not contain a listing of all evidence; however the parties will be expected to quickly provide this listing within ten (10) days of the Court's ruling on any dispositive motions.

TRIAL

Parties shall report for calendar call on **February 14, 2014, at 10:00AM**. **At that time, the Court will advise parties of their exact trial schedule** (for the Court's civil calendar weeks beginning

February 17, 2014). Continuances will be granted only on the basis of exceptional circumstances. Motions for continuance on account of the absence of any witness must show steps which have been taken to secure the witness, the nature of the testimony, and the availability of the witness.

Attorneys shall submit general voir dire questions, jury charges, and proposed verdict form to Chambers no later than the day of calendar call. If admissibility of evidence issues arise, counsel must call the Court to schedule an admission hearing.

1. Motions in limine must be made in writing and filed no later than **February 7, 2014.**

2. All exhibits, to include demonstrative evidence, must be marked and exchanged prior to calendar call.

3. In the event that over 100 exhibits are anticipated, parties must schedule a pre-admission hearing with the Court.

4. An original and one copy of each party's requests to charge must be submitted to the Court's Staff Attorney no later than the morning on which the trial begins. Special requests to charge (non-pattern) are limited to fifteen (15) per party. When requesting pattern jury charges, the requesting party should list the title and page numbers of the charges on a sheet of paper. The text of the requested pattern charges need not be printed.

COURTROOM CONDUCT

These instructions are designed to promote uniformity and proper decorum in the courtroom practice. Members of the Bar should adhere to these instructions to the maximum practical extent.

1. Examination of Witnesses and Argument

Counsel should conduct examination of witnesses from the lectern or the counsel table. Do not approach a witness without receiving permission of the Court. If permission is granted for the purpose of working with an exhibit, resume examination from the table or lectern when finished with the exhibit. Always rise when addressing the Court or Jury, and when making objections. During opening statements and summation, Counsel should stand at the lectern or table, unless the Court grants permission to approach another area for a proper purpose. Confine opening statements to what you expect the evidence to show.

2. Objections to Questions or Testimony

When objecting, state only that you are objecting and specify the ground(s) for the objection. Do not utilize objections for the purpose of making a speech, recapitulating

testimony, or attempting to guide the witness. Argument upon the objection will not be heard until permission is given or argument is requested by the Court.

3. Decorum

Colloquy or argument between attorneys is not permitted. All remarks must be addressed to the Court. In a jury case, if there is an offer of stipulation, first confer with opposing counsel. During trial, counsel shall not exhibit familiarity with witnesses, jurors, opposing counsel, or the Court. The use of first names is to be avoided, and no juror should be addressed individually or by name. During argument of opposing counsel, remain seated at the counsel table and be respectful.

4. Witnesses

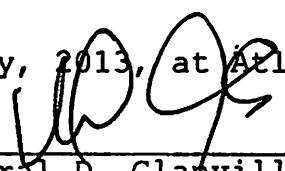
Witnesses must be treated with fairness and consideration; they shall not be shouted at, ridiculed, or otherwise abused. No person may, by facial expression or other conduct, exhibit any opinion concerning any testimony which is being given by a witness. Counsel should admonish their clients and witnesses about this common occurrence.

5. Court Hours and Promptness

The Court makes every effort to commence proceedings at the time set, and thus, promptness is expected from counsel and witnesses. If a witness is scheduled to take the stand, have the witness ready to proceed at the commencement of the proceeding. Arrange the schedule of the case to avoid unnecessary delay. If you have reason to anticipate any scheduling difficulties, or that any question of law or evidence will provoke an argument, provide the Court with advance notice.

Finally, the Court reminds the parties that failure to strictly adhere to the Local Procedures, the Uniform Superior Court Rules, the Civil Practice Act, or the Court's orders in the above-captioned case may result in sanctions.

SO ORDERED this 17 day of July, 2013, at Atlanta, Georgia.



Ural D. Glanville, Judge
Fulton County Superior Court
Atlanta Judicial District

Copies to:

Bryan K. Webb
40 Capitol Square, SW
Atlanta, Georgia 30334

Kimberly Worth
Five Concourse Parkway, Suite 2600
Atlanta, Georgia 30328

EXHIBIT N

**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

DEFENDANTS' MOTION IN LIMINE

COME NOW the Georgia Government Transparency and Campaign Finance Commission and Holly LaBerge, in her official capacity as the Executive Secretary of the Georgia Transparency and Campaign Finance Commission, by and through its counsel of record, the Attorney General of the State of Georgia, and files this Motion in Limine, for an order prohibiting Plaintiff from introducing or commenting upon certain irrelevant and prejudicial evidence.

I. INTRODUCTION

Plaintiff Stacey Kalberman (hereinafter “Plaintiff”) filed this lawsuit against Defendant under O.C.G.A. § 45-1-4, “The Georgia Whistleblower Act.” The whistleblower statute under which Plaintiff brings her claims applies only to very specific and limited circumstances. “A public employer may receive and investigate complaints or information from any public employee concerning the possible existence of any activity constituting fraud, waste, and abuse in or relating to any state programs and operations under the jurisdiction of such public employer.” O.C.G.A. § 45-1-4(b). “No public employer shall retaliate against a public employee for disclosing a violation of or noncompliance with a law, rule, or regulation to either a supervisor or a government agency, unless the disclosure was made with the knowledge that the disclosure was false or with reckless disregard for its truth or falsity.” O.C.G.A. § 45-1-4(d)(2).

“To establish a prima facie case of retaliation . . . the employee must present evidence that (1) the employer falls under the statute’s definition of ‘public employer;’ (2) the employee disclosed ‘a violation of or noncompliance with a law, rule, or regulation to either a supervisor or government agency;’ (3) the employee was then discharged, suspended, demoted, or suffered some other adverse employment decision by the public employer; and (4) there is some causal relation between [the disclosure of the violation/non-compliance with a law, rule, or

regulation to a supervisor] and [the adverse employment action].” *Forrester v. Ga. Dep’t of Human Servs.*, 308 Ga. App. 716, 722 (Ga. App. 2011). Since the Georgia Court of Appeals has adopted the burden-shifting framework utilized by federal courts in Title VII retaliation cases, we may seek guidance from federal case law on what constitutes a causal connection between protected activity and an adverse employment action. As such, Plaintiff must prove that “but-for” her protected activity, Defendant would not have taken its adverse employment actions against her. *University of Texas Southwestern Medical Center v. Nassar*, 133 S. Ct. 2517 (2013). Therefore, at issue here is whether, at the time Defendant Commissioners decided to take any employment action against Plaintiff in May-June of 2011, they intended to do so because of her protected activity.

II. ARGUMENT AND CITATION OF AUTHORITY

A motion in limine is a motion under which a party seeks to exclude certain evidence from admission at the time of trial. Defendant moves this Court for an Order prohibiting, excluding, limiting and suppressing any and all evidence, proffers, tender, comments, statements, testimony, colloquy, or any other utterance in the presence of the jury on the following:

1. Any and all testimony from John Hair concerning the alleged actions of Holly LaBerge, his employment, and his termination from employment;
2. Any and all testimony from John Hair concerning the resolution of the complaints against the Nathan Deal campaign;

3. Any and all testimony from Elizabeth Murray Obertein concerning the resolution of the complaints against the Nathan Deal Campaign;
 4. Any and all testimony from Elisabeth Murray Obertein concerning the alleged actions of Holly LaBerge, her employment, and her termination from employment;
 5. Any and all testimony from Gwendolyn Jones concerning the alleged actions of Holly LaBerge, her employment, and her termination;
 6. Any and all testimony from any of the witnesses concerning the alleged actions of Holly LaBerge during her employment as Executive Secretary of the Commission;
 7. Any and all testimony from any of the witnesses concerning the resolution of the complaints against the Nathan Deal campaign.
1. **The Employment Experiences of John Hair, Elisabeth Murray Obertein, and Gwendolyn Jones.**

At trial, Defendant anticipates that Plaintiff will attempt to introduce evidence related to the employment experiences of John Hair, Elisabeth Murray Obertein, and Gwendolyn Jones and alleged retaliation against them by the current Executive Secretary Holly LaBerge. In sum, Mr. Hair and Ms. Murray Obertein have alleged in deposition testimony that after engaging in protected activity, Ms. LaBerge retaliated against them, ultimately leading to their termination from employment with Defendant. Plaintiff may attempt to call Gwendolyn Jones to give substantially similar testimony regarding her employment and Ms. LaBerge.

These allegations address actions which are separate and distinct from the actions at issue in the instant case and would be inadmissible because (1) the

evidence is not relevant to or probative of any disputed issue in this case, and thus, is not permitted under O.C.G.A. § 24-2-402; and (2) the evidence is excludable because the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, misleading the jury and waste of time under O.C.G.A. § 24-2-403.

Plaintiff's case concerns actions of the members of the Defendant Commissioners during a relevant time span from approximately January 2011 through her separation from employment in September 2011. The record shows that whatever actions effecting the employment of Plaintiff were decided upon and taken by five individuals; (1) Joshua Belinfante; (2) Patrick Millsaps; (3) Hillary Stringfellow; (4) Kevin Abernethy; and (5) Kent Alexander. These five individuals were the members of the Commission at the time relevant to Plaintiff's claim of retaliation and were the only individuals who were authorized to make decisions concerning her employment.

Any evidence concerning the actions of Holly LaBerge, who became the Defendant's Executive Secretary in September 2011, after Plaintiff resigned from her employment, is not probative of the intent of the decision-makers. Certainly, employment actions taken by Ms. LaBerge in 2013 and 2014, is not probative of any disputed issue in this case. Ms. LaBerge was not a decision-maker in any of

the claims made by Plaintiff. Simply put, Ms. LaBerge's intent and character are not at issue in this case.

2. Evidence of Alleged Bad Acts in the Resolution of the Deal Campaign Ethics Complaints.

Defendant also anticipates that Plaintiff will attempt to introduce evidence concerning the ultimate resolution of the complaints to the Defendant Commission against the campaign of Nathan Deal while he was a gubernatorial candidate.

Specifically, Defendant anticipates that Plaintiff will seek to introduce evidence:

1. The Commission never issued subpoenas to the Deal Campaign and other third parties;
2. That Elisabeth Murray Obertein proposed consent orders in which the Deal Campaign would be required to pay over \$70,000.00 in civil penalties;
3. That in Elisabeth Murray Obertein's opinion, she believed that the Deal Campaign should have been required to pay very stiff penalties for the alleged campaign finance violations;
4. That the Governor's office allegedly pressured LaBerge to agree for him to pay \$3,350.00 for technical defects as opposed to civil penalties, and that LaBerge instructed Elisabeth Murray Obertein to "make the number work;"
5. That Elisabeth Murray Obertein believed that she was merely a "pawn" and that regardless of her recommendation, the low administrative fine was predetermined;
6. That Elisabeth Murray Obertein told John Hair that she believed that Mr. Deal "got away with murder;"
7. That according to Elisabeth Murray Obertein and John Hair, LaBerge often bragged about her relationship with the Governor and his office;

8. That LaBerge claimed to have “an unusually close” relationship with the Governor, describing him as her “real boss;”
9. That while the investigation into the Deal Campaign finance act complaints were being investigated LaBerge frequently spoke privately about the investigation with individuals in the Governor’s office;
10. That LaBerge claimed to be handpicked by the Governor to be the Executive Secretary and that she knew she had the job prior to the interview process;
11. That after the conclusion of the Deal Investigation, LaBerge claimed that she made Mr. Deal’s legal problems “go away” and, as a result, the Governor’s office “owed [her].”

Defendant shows that the items set forth above, and any other evidence related to the resolution of the Deal Campaign complaints by the Defendant should not be admitted into evidence because (1) the evidence is not relevant to or probative of any disputed issue in this case and, thus, is not permitted under O.C.G.A. § 24-2-402; and (2) the evidence is excludable because the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, misleading the jury and waste of time under O.C.G.A. § 24-2-403.”

Plaintiff’s employment is a separate and distinct issue from the ultimate resolution of complaints against the Deal Campaign. The record shows that the resolution of the complaints occurred July 23, 2012, a full year and one month after Plaintiff resigned her employment. In that span of time, the record shows that Joshua Belinfante and Patrick Millsaps had resigned their positions as

Commissioners. The two actions are not tied to each other. The resolution of the complaints is too remote from the actions of the Commissioners complained of by Plaintiff and the decision-makers in July 2012 were different than the decision-makers who made decisions impacting Plaintiff's employment.

Neither LaBerge, the Governor's Office, nor any staff member of the Governor's Office is a defendant in this case. Any evidence concerning any alleged "bad acts" of these individuals, a year after Plaintiff resigned her employment, is not probative of any of her allegations against this Defendant. The only purpose for presenting the evidence to the jury would be to inflame them against "government" itself and attempt to infer improper motive upon this Defendant through the alleged activity of others who had nothing to do with Plaintiff's employment. In essence what Plaintiff seeks is to establish a shadow defendant who was not a part of the employment decision about which she claims. There is no evidence in the record that any of the allegations concerning LaBerge, the Governor's Office, or any staff member of the Governor's Office about activity occurring in July 2012 impacted the decision-making of Defendant's Commissioners in May-June 2011.

The opinion of Elisabeth Murray Obertein about what she believed any fine should have been in the resolution of the complaints against the Deal Campaign is also not relevant or material to the issues concerning Plaintiff's employment. Ms.

Murray Obertein's statements concerning her opinion are simply her opinion and nothing more. The opinion has nothing to do with the ultimate issue in the instant case. Further, neither Ms. Murray Obertein nor LaBerge were the final decision-makers as to the resolution of the Deal Campaign complaints and their motivation to act in any way is not at issue in this case.

Simply put, the inquiry for the jury in the instant case is to determine whether those individuals who served as Commissioners in May and June 2011 took an adverse employment action against Plaintiff because of her alleged protected activity. The introduction of evidence concerning matters occurring a year later and determined by a different group of Commissioners in July 2012 is not material or relevant to this ultimate inquiry.

In addition to being irrelevant, submission of this evidence to the jury would result in many of the negative factors identified in O.C.G.A. § 24-2-403. In order to minimize the prejudicial effect of the evidence, Defendant would be required to defend each and every irrelevant decision made after Plaintiff's employment ended concerning the Deal Campaign investigation, thereby diverting the jury's attention from the limited issue at trial. This process would significantly lengthen the trial by prompting, in essence, numerous mini-trials over whether the resolution of the Deal Campaign investigation was proper when that is not the issue to be determined by the jury. Moreover, the danger of admitting evidence of decision-

making of a different set of Commissioners and the alleged bad acts of non-defendants on a matter unrelated to Plaintiff's employment is particularly acute because of the potential influence the allegations would have on a jury.

In Georgia evidence is relevant if it tends "to make the existence of a fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." *McEachern v. McEachern*, 260 Ga. 321 (1990). Evidence may be excluded when in the discretion of the presiding judge it is determined that the probative value is substantially outweighed by the risk that its admission will create substantial danger of undue prejudice or of misleading the jury. *Friedman v. Friedman*, 259 Ga. 530 (1989). Evidence that does not bear directly or indirectly on the questions being tried should be excluded as irrelevant. *Ballew v. Kiker*, 2192 Ga. App. 178, 179 (1989).

The evidence sought to be excluded by Defendant is not relevant to the inquiry. But even if this Court were persuaded that it has some relevance, it should still be excluded because the probative value is substantially outweighed by the risk that its admission will create danger of undue prejudice or of misleading the jury. The evidence adds nothing to the case on the ultimate issue.


Respectfully submitted, this 7th day of February, 2013.


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CERTIFICATE OF SERVICE

I hereby certify that on February 7th, 2014, I served the foregoing
DEFENDANT'S MOTION IN LIMINE upon opposing counsel in this case by
sending a copy via the United States Mail with adequate postage affixed and
addressed as follows:

Kimberly Worth
Barton Black
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Five Concourse Parkway
Suite 2600
Atlanta, Georgia 30328

This 7th day of February, 2014.



Bryan K. Webb
Counsel for Defendant
State Bar No.: 743580

EXHIBIT O

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

STACEY KALBERMAN,)
)
 PLAINTIFF,)
) CIVIL ACTION FILE
 VS) NO. 2012CV216247
)
 GEORGIA GOVERNMENT)
 TRANSPARENCY AND CAMPAIGN)
 FINANCE COMMISSION, et al.,)
)
 DEFENDANTS.)
) PRETRIAL MOTIONS

Transcript of EXCERPTED proceedings, pretrial motions,
heard before the Honorable Ural Glanville on Monday, March 31,
2014, by Amy McKee, Certified Court Reporter B-1041, at
Courtroom 5F, Fulton County Justice Center, Atlanta, Georgia.

APPEARANCES:

ON BEHALF OF THE PLAINTIFF: KIMBERLY WORTH, ESQ.
D. BARTON BLACK, ESQ.
MARY C. DAVIS, ESQ.

ON BEHALF OF THE DEFENDANT: BRYAN K. WEBB, ESQ.
LAURA MCDONALD, ESQ.

AMY MCKEE,
OFFICIAL COURT REPORTER
(404) 612-0525

1 P R O C E E D I N G S

2 (Excerpted testimony, pretrial motions, held on Monday,
3 March 31, 2014, in open court.)
4

5 THE COURT: Okay. All right. Now I think I've
6 gotten rid of all the housekeeping. I'm sorry. Go right
7 ahead, Mr. Webb.

8 MR. WEBB: My name is Brian Webb, and what we have
9 before you is just -- it's a simple evidentiary motion,
10 your Honor. What we contend, as the defendant, is that
11 this case really boils down to a certain period of time,
12 and that is is that there's actions taken by the Ethics
13 Commission -- right now it's called the Georgia Government
14 Transparency and Campaign Finance Commission, but for the
15 purposes of the trial I hope everybody can just call it
16 the Ethics Commission because that will be a lot
17 shorter -- but there were certain employment actions that
18 were taken back in May or June of 2011; that's what's at
19 issue today in this trial.

20 What has happened is that throughout the discovery
21 what we have been faced with is having to deal with
22 evidence coming in and evidence being discovered having to
23 do with separate issues. And the way that I would frame
24 it for you is that what we've got is we've got an
25 employment issue having to do with Miss Kalberman, we've

1 got an employment issue having to do with Miss Holly
2 LaBerge, her replacement, and then we also have an issue
3 having nothing to do with employment, but with the
4 resolution of the Nathan Deal ethics charges that were
5 before the commission back in 2011, when all of this was
6 occurring.

7 Very simply, your Honor, this is a very simple
8 motion. We contend that what is at issue in the case --
9 and as you pointed out quite rightly in your motion to
10 quash order -- is what were the members of the commission
11 who made the employment decision about Miss Kalberman, the
12 reduction of her salary, her eventual resignation from the
13 commission, what was in their minds at the time that they
14 made that decision? Why did they do that?

15 We say that it was because of a budget issue. They
16 contend that it was because of something else. They
17 believe it was an effort to get rid of her, to get her out
18 of the commission, in order to more easily resolve these
19 Deal investigations that were pending before the
20 commission.

21 What we believe is not proper to have as evidence
22 in this case is they will -- they are slated, based upon
23 the pretrial order, to put up at least three witnesses;
24 one of them is Jon Hair, another one is Elisabeth
25 Murray-Obertein, the former staff attorney there, and the

1 other is a Miss Gwendolyn Jones.

2 One thing we want to keep out of this is anything
3 having to do with Miss LaBerge's treatment of them on the
4 job. They can come up, they can say that they believe
5 that they've been retaliated against for any number of
6 reasons, for their own whistleblowing, and we say, number
7 one, that's not material evidence, it's not relevant to
8 anything that has to be decided having to do with the
9 commission as a consistent back in 2011, and if it were
10 material or relevant, we believe it's highly prejudicial,
11 because the only thing that that does is probe the mind
12 and probe the actions of Miss LaBerge, whose mindset,
13 whose state of mind, is not at issue in the case.

14 The second thing that we would like to have taken
15 away from this case is anything having to do with the
16 resolution of the Deal campaign allegations. That
17 happened, your Honor, I think back in July of 2012, a year
18 and -- about a year and a month after the activity that
19 happened with Miss Kalberman. Not only was it a year and
20 a half or a year and a month afterward, you also had at
21 least two new commissioners that were on the commission at
22 the time that those things were resolved. The only link,
23 your Honor, between 2011 and 2012, according to the
24 plaintiff's testimony, is going to be that Holly LaBerge
25 was hired and Holly LaBerge was there.

1 Now, they're going to have some statements that
2 might come out in the case that Holly LaBerge says, you
3 know, I've done the Governor a favor, he owes me, that
4 kind of stuff. We contend that that evidence is just
5 statements made by Miss LaBerge; it doesn't say anything
6 about the intent of the commissioners a year earlier, when
7 they were making an employment decision about Miss
8 Kalberman. Not only that, there is no linkage between
9 Holly's statements, alleged statements, which she denies,
10 and any of the commissioners making a decision.

11 Again, if it were to be material, if it were to be
12 relevant -- and we believe it's highly prejudicial
13 because, again, it probes the state of mind of the
14 individual, Miss LaBerge, and not the state of mind of the
15 individuals that were on the commission at the time. And
16 I would submit to you, your Honor, as you see the case go
17 forward, there is two bad guys in this case: One of them
18 is Josh Belefonte and the other is Mr. Milsaps, Patrick
19 Milsaps.

20 I remember the motion for summary judgment
21 argument. Miss Worth talked a lot about Mr. Milsaps,
22 Mr. Milsaps, Mr. Milsaps, Mr. Milsaps. Both of those
23 individuals were gone, they were off the commission within
24 months of what happened to Miss Kalberman and they were
25 not there at the time that any of this other evidence is

1 going to come forward. There is no linkage whatsoever,
2 your Honor.

3 That's basically what we've got.

4 THE COURT: Okay. Let me hear from Miss Worth.

5 MS. WORTH: Thank you, your Honor.

6 We disagree, and I'd like to tell the Court why,
7 and I'd like to put on the record a couple things, if I
8 may, with respect to our response to this.

9 In the pleadings, in the motion in limine seeking
10 to exclude this information -- this evidence -- from the
11 trial of this case, there have been several arguments made
12 that the subsequent evidence that we have sought to
13 include go to an effort by Miss Kalberman to bolster her
14 claims.

15 I think it's been written that Miss Kalberman has
16 alleged a conspiracy theory and has brought Mr. Deal into
17 this case to try to strengthen her case, bolster her
18 facts, inflame everybody, prejudice everybody, and make
19 the case a lot more interesting than it sounds.

20 Mr. Deal is not a defendant in this case, period.
21 Mr. Webb, in their pleadings, have alleged that we have
22 sought to include the Governor as a shadow defendant, and
23 I submit to you, your Honor, that that is patently false.

24 There is one extremely important -- two extremely
25 important facts that I would like your Honor to consider,

1 and they are as follows: At the beginning of this case
2 that we filed on behalf of Miss Kalberman, it was our
3 belief that the commissioners inside the walls of the
4 commission took actions against Miss Kalberman to stop the
5 Deal investigation from going forward. We had our ideas,
6 based on the evidence that we had before us at the time,
7 who it was, but we really didn't know.

8 It wasn't until the depositions were taken and we
9 subpoenaed documents that we found out that Holly
10 LaBerge -- and we found this out through her
11 testimony -- testified under oath that somebody from the
12 Governor's office called her and said: Hey, would you be
13 interested in Miss Kalberman's job? It's not working out.

14 Miss Kalberman had the job, had no idea she was
15 about to lose it, neither did Sherry Streicker, and the
16 most important part -- two parts. No. 1, the job was not
17 posted; No. 2, the rest of the commissioners didn't know
18 about it.

19 When Kent Alexander found out about it at his
20 deposition when I showed him the private e-mails, he
21 resigned two days later, okay?

22 So Holly LaBerge comes in -- and I sound more
23 emotional than I intend to be right now, your Honor,
24 because this particular part bothers me -- in the
25 Governor's motion to quash, he alleged: I don't have any

1 connection to this; I have no connection to this.

2 This woman testified that: Hey, the Governor's
3 office called me. Within a month or so of Miss LaBerge's
4 sworn testimony, the Governor put a statement on the
5 record through his spokesperson with the AJC, and his
6 spokesperson said the person that called Miss LaBerge was
7 Ryan Teague. Ryan Teague was the Governor's chief of
8 staff -- or excuse me, chief legal counsel -- and some of
9 the commissioners called us for help.

10 What I cannot get my mind around, both in the
11 filing and in the motions that have been pending before
12 this Court, is that how anybody can say that
13 Miss Kalberman has created out of thin air these theories
14 that we didn't even know about until these third parties
15 testified -- we had no idea this was even the case -- the
16 connection that brought the Governor into this case
17 directly, your Honor, is Holly LaBerge, not Stacey
18 Kalberman. We didn't know this when we filed the case.
19 We had no idea.

20 THE COURT: Let me ask you something -- and this
21 goes back to one of my rulings on the motion to quash --
22 is that: Why not depose the Governor?

23 MS. WORTH: I will tell you why, your Honor.

24 THE COURT: And then you'll know for certain
25 whether or not you do have linkage or you don't --

1 MS. WORTH: Well, we know we have linkage.

2 THE COURT: -- or how much you can, you know,
3 verify.

4 MS. WORTH: Well -- did I cut you off? I'm sorry.

5 The linkage the Governor gave us, it was his
6 attorney, Ryan Teague, so they admit to that, okay? And
7 apparently the evidence will show -- which Mr. Webb is not
8 trying to exclude -- that Mr. Teague called
9 Miss LaBerge -- although when she was at her deposition,
10 she refused to name who called her.

11 We didn't take the Governor's deposition for
12 several reasons; first, that it would be disruptive; he is
13 the sitting Governor; two, we did not believe that the
14 Governor was going to have his deposition taken and admit
15 to knowing anything about this. But what we hoped during
16 the course of this trial is if we called enough people in
17 here -- because everybody's going like this
18 (indicating) -- That hopefully the truth would come out.
19 I would submit to your Honor that we might never know.
20 And it's unfortunate, I think, for Miss Kalberman that
21 we'll never really know who the puppet master was.

22 But what we know, your Honor, is this: The
23 defendants have relied on federal case law, and the
24 federal case law for the burden shifting analysis they say
25 should apply. But as your Honor knows, the federal case

1 law that guides us in all of this includes, first -- and
2 this is not Me to Evidence or Same Supervisor evidence.
3 But in the Supreme case, the Mendelson case, you had
4 employees who were harassed and retaliated against by
5 different supervisors. And what the United States Supreme
6 Court held in that case was if it goes to the context and
7 the theory of the case, it's admissible, even if it's
8 different supervisors, even if it's to --

9 COURT REPORTER: Slow down a little bit. Thank
10 you.

11 MS. WORTH: I'm sorry.

12 Even if it's different supervisors, even if it's a
13 different plaintiff, because why? And here's why: The
14 argument that we have in this case, your Honor, and what
15 the evidence, I would submit to your Honor, already shows
16 is the pretext. The employment cases that Mr. Webb asked
17 this Court to look to are what comes after are just as
18 important, your Honor, as what came before.

19 For example, we cited a case in our brief -- and I
20 turn your Honor's attention to it -- and we have a copy,
21 if you would like it.

22 And in the Gardner case, which is 454 Fed App 724
23 at 728, the court reversed the district court exclusion of
24 evidence, and what the plaintiff had essentially tried to
25 include at the lower court level was evidence of -- that

1 things had happened after she left. And what happened in
2 that case was that the defendants fired her and they said
3 budget reasons. Okay?

4 Way down the line, after she left, there was
5 evidence that, not only was her position eliminated, they
6 filled it. And the court said: You have to look at what
7 comes later.

8 How do you, in a race case, if you have an
9 African-American woman saying: They got rid of me for
10 somebody white, how do you look at the bookends of what
11 Mr. Webb is asking this Court to confine us to, how do you
12 look at that and say: What evidence do you have of that?

13 You will never have a smoking gun. So what you
14 look at is: What did the employer do later? And what the
15 employer did later, if it's a case of an African-American
16 plaintiff, what the employer did later, they staffed the
17 position with a white woman.

18 So you look at what comes later. The reason why
19 this evidence is relevant, in terms of the pretext, is
20 that Stacey Kalberman's argument and her position -- and
21 the evidence has already showed -- is that she lost her
22 job and so did Sherry Streicker, because somebody was
23 trying to shut down the Deal investigation. Somebody.

24 All right? At first we just thought it was the
25 commissioners: Maybe it was the commissioners, maybe it

1 was the Governor, we don't know, but somebody sought to
2 shut it down.

3 So we get to Holly LaBerge. Holly LaBerge gets a
4 phone call, she is hand picked by somebody in the
5 Governor's office, she has these secret interviews, job's
6 not posted, other commissioners don't know. And the only
7 reason why we stumbled upon this, your Honor, is we
8 subpoenaed her private e-mail. And we see these e-mails,
9 where she is with two of the commissioners saying: I'd
10 love to interview for the job; here is my resume.

11 And there is a series of events which come later,
12 which, again, Mr. Webb is not trying to exclude, she's
13 changing her resume, she's blind copying the
14 commissioners, and all this is taking place.

15 But the best part -- the best part of the pretext,
16 the core of our argument, is that Holly LaBerge comes in
17 there, and anybody who gets in her way gets in trouble.
18 Within months of Sherry Streicker losing her job, she
19 comes in and says: I want a staff attorney. She posted
20 the position for a staff attorney within a month of her
21 being there, and guess who applies? Sherry Streicker.
22 Sherry Streicker doesn't even get an interview. And at
23 her deposition, Holly says: I don't think it's a good
24 idea. Doesn't even give her an interview.

25 Hires a woman named Elisabeth Murray-Obertein. And

1 what does Elisabeth Murray-Obertein do? She comes in,
2 already deposed, and she testified: I found serious
3 violations pertaining to Mr. Deal. Here's what I said to
4 do. And she testified on the record, under oath: Holly
5 LaBerge said to me: This isn't going to work; back into
6 this number; they're not going to go for this.

7 The testimony also shows from Miss Murray-Obertein,
8 the attorney at the commission, that there was meetings
9 between Miss LaBerge and members of the Governor's office,
10 to which Miss Murray-Obertein was not invited, and in the
11 end, Mr. Deal paid a \$3,000 fine and change, as opposed to
12 the penalty of 70 or \$80,000 that she recommended.

13 And this is the most important point that I'm
14 making of all to your Honor: Nathan Deal is not a
15 defendant in this case. He is not. What he did or didn't
16 do at the Campaign Finance Commission is irrelevant. It
17 is irrelevant to my argument. But what is relevant is --
18 and I will tell you this with the greatest respect -- if
19 Nathan Deal was prosecuted by the attorney general's
20 office or if he faced serious, serious, serious exposure
21 because of what he did, I feel very confident that the
22 defendants would be here today saying: This is admissible
23 because it shows a lack of intent. These women lost their
24 jobs and, see, we still went forward.

25 But what happened, your Honor, a year later, is

1 just what Stacey Kalberman said was going to happen: The
2 Deal matter went away. Stacey Kalberman and Sherry
3 Streicker prepared packages of subpoenas, and when they
4 presented them to the commission, within weeks she
5 said that she was told: Your salary will be cut and
6 Sherry Streicker's out.

7 THE COURT: Okay. Well, get back to LaBerge, okay?

8 MS. WORTH: Okay. So LaBerge, in our opinion, her
9 conduct is probative as to pretext and as to the
10 constructive termination claim, which are both intentional
11 claims that the jury must consider. Now, Miss LaBerge had
12 a pattern of anybody that was in the office that would not
13 comply with what she wanted, she retaliated against and
14 got rid of: Elisabeth Murray-Obertein and Jon Hair.

15 Now, Jon Hair is a media specialist who came to
16 work for Miss LaBerge, and within a couple months of his
17 being there, he was told to alter documents relating to
18 Deal. He refused. He was also told to destroy
19 documents -- and he's already been deposed -- relating to
20 this case. He said no, and he was fired.

21 So how Defendants can say that a year later all of
22 this is irrelevant, this is the core of Stacey Kalberman's
23 case. I mean, this is her case. Because it's the core of
24 the pretext and everything that happened that shows, just
25 as she said it would, it all bore out.

1 So we submit, your Honor, that the burden in this
2 court is not that this is prejudicial, because truly,
3 prejudicial evidence as harmful to the case of a defendant
4 is always prejudicial. It's hurtful. We submit that the
5 standard, as your Honor knows, is whether or not it has
6 the probative value, such that it should be admitted. I
7 can't imagine anything more probative than this. I
8 cannot. Because this -- what happened later, this woman
9 that was picked by somebody, somebody we don't know, did
10 exactly as somebody planned to make this go away: The
11 subpoenas were never issued, they never went out, and it
12 all went away.

13 And that's our position, your Honor, and we
14 respectfully request that the motion to exclude be denied.

15 THE COURT: Okay. This is kind of one of these
16 things --

17 Mr. Webb, go right ahead, sir. I'm sorry.

18 MR. WEBB: I just have a very small reply, your
19 Honor.

20 THE COURT: Yes.

21 MR. WEBB: You'll note Miss Worth indicted that I
22 wasn't seeking to exclude certain evidence, and that
23 certain evidence is indeed the contact with Miss LaBerge
24 from the Governor's office, the way that she was recruited
25 and hired -- that was all stuff happening at the time when

1 these decisions about Miss Kalberman's employment were
2 made.

3 And these cases about looking at stuff that
4 happened afterward, those are all related to employment
5 decisions. In other words, how are you going to know when
6 you have a race case whether or not you have a claim? You
7 look sometime afterward: They hired the white guy instead
8 of another African-American. That's not what we have
9 here, your Honor. They're looking to put forward evidence
10 of something that occurred in a completely different
11 context. I mean, I am not here to defend the Governor; I
12 am not here to defend the Governor's office. They have
13 not sued the Governor; they're not a defendant. The
14 Ethics Commission is.

15 And the point of this trial is to figure out what
16 those guys were thinking at that time, not what somebody
17 else was thinking on behalf of the Governor's office a
18 year later. It's not probative of anything, your Honor,
19 certainly not the state of mind of individuals in May of
20 2011, individuals who were no longer on the commission at
21 the time that this evidence occurred.

22 And whatever she's done with regard to her
23 employees, you know, whatever she's done with regard to
24 them, if she's a retaliator, they've got lawsuits coming
25 up later on after this that we can probe that activity,

1 but what Holly LaBerge does with her employees has nothing
2 to do with whether or not the commissioners were
3 sanctioning it.

4 And, in fact, you know, she talked about Kent
5 Alexander getting off the commission right after his
6 deposition? While he was confronted with some of the
7 things that are alleged that Miss LaBerge did, there is
8 nothing that links any of her activity to any of the
9 current commissioners or any of the former commissioners.
10 I can't think of anything that's less probative than the
11 evidence that they seek to come in.

12 THE COURT: Okay. To the extent that Miss
13 LaBerge's testimony is going to go to pretext or this
14 constructive termination claim, yeah, it's -- I'm going to
15 probably allow it. However, this is kind of one of these
16 things I've got to wait and see what -- how the evidence
17 develops as to whether or not it's relevant to some of the
18 other things that have been postured between the parties.

19 So at this point in time what I'm going to do is
20 I'm going to deny the motion to exclude at this point, but
21 you can certainly object, Mr. Webb, and you certainly --
22 to the extent it does not go to those two -- those
23 allegations that need to be proven, and I will rule,
24 depending upon the circumstances. But -- and I would
25 also -- I would also kind of ask the plaintiffs to keep it

1 related to those particular things and not just go far
2 afield of what you think of where it may go, okay?

3 MS. WORTH: I'll do my best, your Honor.

4 THE COURT: Well, if not, it's subject to being
5 excluded; I will just exclude her testimony, okay? So
6 unless you evidence craft and get to those particular
7 points, it is going to be subject to exclusion for
8 relevance, okay?

9 MS. WORTH: I understand, your Honor. I suppose I
10 need a little more direction from the Court, because it's
11 our position that, with all due respect, several of the
12 commissioners are still on the commission. Kevin
13 Abernathy is now the chairman. I mean, we can agree to
14 disagree forever, but --

15 THE COURT: I'll give you a prime example: Did she
16 have any conversations with him?

17 MS. WORTH: I'm sorry, who?

18 THE COURT: Did Miss LaBerge have any conversations
19 with the current chairman?

20 MS. WORTH: I believe that she did.

21 THE COURT: Well, I would hope you would know at
22 this point in time if she did or didn't. That's why I'm
23 saying -- that's why I'm saying, okay? She's your
24 witness, right?

25 MS. WORTH: Yes. I do --

1 THE COURT: Okay. So I would suspect at this point
2 in time, as long in the tooth that we are, that you would
3 know whether or not she had had any conversations with him
4 and would get right to the point of it.

5 MS. WORTH: Right. And we're calling her on cross,
6 so I don't --

7 THE COURT: Okay.

8 MS. WORTH: But we will heed your Honor's
9 instruction.

10 THE COURT: Yeah, I just don't want you to kind
11 of -- I mean, to make this a protracted -- I mean, if you
12 do have -- if she had a conversation with him, it's
13 relevant, okay, if it proves or goes to establishing one
14 of those elements. But if it doesn't, it's not.

15 MS. WORTH: And we agree, your Honor.

16 THE COURT: Okay. All right.

17 MS. WORTH: We absolutely agree. I mean, we
18 understand the Court's ruling and we agree. We just --
19 it's our position, as I said to your Honor, that all of it
20 goes to the pretext and intent that Miss Kalberman has to
21 show.

22 THE COURT: Okay. All right.

23 MS. WORTH: I mean, what -- perhaps, before we call
24 a particular witness, we can tell your Honor what we
25 intend that he will testify to before he comes on the

1 stand, make a proffer.

2 THE COURT: If it becomes necessary to make a
3 proffer, I will go ahead and do that --

4 MS. WORTH: Okay.

5 THE COURT: -- and Mr. Webb, if that suits you,
6 we'll just go ahead and do that.

7 MR. WEBB: Yes, your Honor. That's a safe way to
8 go; I appreciate it.

9 THE COURT: Okay? All right. Because once stuff's
10 out of the bag, I can't do anything about it, so --

11 MS. WORTH: Well, that's why I don't --

12 THE COURT: -- okay. So proffer, I think, would
13 probably be appropriate, okay?

14 MS. WORTH: Okay.

15 THE COURT: All right. Anything else?

16 MR. WEBB: Just one thing, your Honor -- and I know
17 this is not going to the jury, this document --

18 THE COURT: Yes.

19 MR. WEBB: -- but it still lists Mr. Milsaps as a
20 defendant, and just so the Court is aware, Mr. Milsaps
21 was -- he was dismissed as an individual defendant in the
22 case. So in terms of him being a witness, and if we're
23 talking to the jury, I would appreciate him not being
24 referred to as a defendant.

25 THE COURT: Okay. I will -- we'll just mark off

1 Defendant and then we will also -- do you all have a
2 consolidated list of witnesses that you think you're going
3 to call in this case?

4 MR. WEBB: There was one in the pretrials, your
5 Honor.

6 THE COURT: Okay. I'm going to flip to that and
7 find it. Just hold on one second.

8 MR. WEBB: That's correct, your Honor.

9 MS. WORTH: Yes, your Honor, and I think that
10 Mr. Webb and I can endeavor to start taking some people
11 off that list, too, and make it a lot shorter.

12 THE COURT: What I'll do is usually I -- we usually
13 ask, and it may be in this particular case, if any of the
14 people know any of the witnesses in this case, and --
15 yeah, it's question No. 3.

16 What I usually do is I will just laundry list: Do
17 any of you know any of these particular individuals that
18 may be called for trial in this case?

19 And I'll just -- I'll just go through them, and if
20 they hit positive, they'll raise their card. If you don't
21 plan on using them, then certainly culling down your
22 witness list after I've called the master list, once we
23 get started, would be helpful, okay? But what I will just
24 do is I'll take it from pages 29 and 30 -- actually, it's
25 29 through 31 -- let's see -- yeah, 31 -- or you both got

1 witnesses listed -- so I will just name all those folks
2 and that should cover us.

3 And I will -- I have marked off Mr. Milsaps being a
4 defendant.

5 Okay. Anything else? Any other motions on behalf
6 of --

7 MR. WEBB: No, your Honor, that was the single
8 motion that we had.

9 THE COURT: Okay. Miss Worth, anything on your
10 behalf, madam?

11 MS. WORTH: No, sir.

12 THE COURT: Okay. All right. Then what we'll do
13 at this point in time is I will go ahead and we will just
14 recess. I need to call for our jurors and get our jury
15 clerk up here from the clerk's office, so it should take
16 me probably about 15 minutes, is what I'm thinking, or
17 thereabouts, so don't go too far, but -- we'll make those
18 calls right now, so as soon as we are able to do that,
19 we'll go ahead and do that.

20 (Conclusion of excerpted testimony.)

21 *****
22
23
24
25

EXHIBIT P

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

STACEY KALBERMAN,

Plaintiff,

vs.

GEORGIA GOVERNMENT
TRANSPARENCY AND
CAMPAIGN FINANCE
COMMISSION, ET AL.,

Defendants.

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Civil Action No.:
2012CV216247

MOTION TO QUASH

NOW COMES the Honorable Nathan Deal, Governor of the State of Georgia, by and through counsel, and moves to quash the trial subpoena served by Plaintiff. Governor Deal makes this motion on the following grounds: (1) he has no personal knowledge material to the relevant facts of this case; (2) the subpoenas are unduly burdensome and harassing; and (3) compelling the head of the Executive Branch of Georgia's government raises separation of powers concerns.

WHEREFORE, Governor Deal respectfully requests that his Motion to Quash Subpoena be granted. A brief in support of this Motion is filed concurrently herewith.

This 17th day of March, 2014.


[Signature block on following page]

CERTIFICATE OF SERVICE

I hereby certify that on March 17th, 2014, I served the foregoing **MOTION TO QUASH** upon opposing counsel in this case by sending a copy via the United States Mail with adequate postage affixed and addressed as follows:

Kimberly A. Worth, Esq.
Thrasher Liss & Smith, LLC
One Concourse Pkwy, Ste 2600
Atlanta, GA 30328

This 17th day of March, 2014.



Kelly Campanella
Ga. Bar No. 360501
Counsel for the Office of the Governor

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

STACEY KALBERMAN,

Plaintiff,

vs.

GEORGIA GOVERNMENT
TRANSPARENCY AND
CAMPAIGN FINANCE
COMMISSION, ET AL.,

Defendants.

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Civil Action No.:
2012CV216247

BRIEF IN SUPPORT OF MOTION TO QUASH

I. INTRODUCTION

On or about March 5, 2014, the Office of the Governor received a subpoena directed toward Governor Nathan Deal.¹ The subpoena ostensibly calls for the Governor personally to attend the trial of this matter on March 31, 2014 and be sworn as a witness. (*See Exhibit A hereto*). Despite taking discovery from several public officials and deposing numerous former and current Georgia Government Transparency and Campaign Finance Commission (the “Commission”) members, Plaintiff did not endeavor to pursue discovery from any member of the Governor’s Office, and with good reason: the Governor has no direct factual knowledge relevant to the allegations in Plaintiff’s Complaint or Amended Complaint. That Plaintiff is only seeking the Governor’s testimony now, on the eve of a highly publicized and politically charged trial

¹ The Office of the Governor also received a subpoena directed at the Governor’s Executive Counsel, Ryan Teague (the “Teague Subpoena”). Although the Office of the Governor is not formally moving to quash the Teague Subpoena, the Office, of course, adamantly objects Plaintiff soliciting any information from Mr. Teague that could encroach on the attorney-client privilege he shares with the Governor.

underscores the real motivation behind the subpoena: the desire to openly harass the Governor, unfairly dramatize the trial before the media, and leverage Plaintiff's claims with a jury.

This case involves allegations that, reducing the salary of Plaintiff's Executive Director Position in June 2011, the Commission retaliated against her in violation of Georgia's "Whistleblower" statute, O.C.G.A. § 45-1-4. Though the Governor was the subject of complaints made to the Commission in late 2010 and early 2011, the Governor has no direct factual knowledge of the day-to-day functions of the Commission or the information that eventually led the Commission to reduce the salary of Plaintiff's position. Only the Commission members and Commission staff can testify to that information. The Governor thus has no firsthand knowledge of the facts relevant to this action and seeks to quash this subpoena as improper, unreasonable, and patently oppressive. Even the "brief and succinct outline of the case and contentions" section of Plaintiff's Pretrial Order does not allege any direct knowledge on the part of the Governor, in particular.

Because the Governor is not alleged to have any direct factual knowledge relevant to the Complaint or Amended Complaint, and Plaintiff has not sought his testimony sooner, the subpoena is merely an attempt to harass the Governor and unfairly dramatize an already politically charged trial open to the public. Additionally, the subpoena is uniquely improper and burdensome given the Governor's weighty public responsibilities. The subpoena should be quashed.

II. ARGUMENT AND CITATION OF AUTHORITY

Code Section 9-11-45(a)(1) permits quashing a subpoena that is unreasonable and oppressive. *See also* O.C.G.A. § 24-10-22(b); *Washburn v. Sardi's Restaurants*, 191 Ga. App. 307, 310 (1989). The instant subpoena is clearly unreasonable and oppressive because the

Governor has no firsthand knowledge of the relevant facts of this case. Further, the subpoena presents an undue burden on the extremely hectic schedule of Georgia's chief executive officer.

1. The Governor Has No Personal Knowledge of the Relevant Facts, and Any Testimony Would be Immaterial.

The Governor is the head of the executive branch and oversees the day-to-day operation of the State. *See Ga. Const. Art. V, Sec. I, Para. I; Art. V. Sec. II, Para. I; Art. V. Sec. III, Para. I.* Nothing in the Amended Complaint requires or depends on the testimony of the Governor. The Governor is not alleged to have any personal knowledge of the Commission's personnel and budgetary decisions made on or about June 2011. The Governor is not alleged to have been involved in or consulted about the reduction in Plaintiff's salary, the creation of the staff attorney position, or generally how to allocate the Commission's budget during that time period. The allegations, true or false, regarding the conduct of the Commission members and staff depend on the *Commission members and staff* having personal knowledge of those actions, not the Governor. Thus what *de minimis* information the Governor may have on the background of the case, if any, can be supplied by other witnesses and is far outweighed by the burden of having the Governor testify. (*See Section 2 below.*)

If the Governor had information that is crucial enough to require the attendance of the Governor at trial (and he does *not*), there is no reason Plaintiff could not have obtained it earlier through deposition or written discovery. Plaintiff did not do so and only now seeks trial testimony from the Governor in an attempt to publically harass the Governor and unfairly prejudice the Governor as well as the Defendants before a jury. The Governor has no knowledge material enough to warrant his presence at this trial.

2. The Burden on Calling on the Governor to Testify Far Outweighs Any Possible Probative Value of that Testimony.

While any subpoena should be quashed if it is “unreasonable and oppressive,” a subpoena on the Governor of the State of Georgia is exceptionally burdensome. Courts have routinely refused subpoenas on even lower-ranking state officials. For instance, in the case *Irene Stephens v. Georgia Dept. of Transportation*, 1:02-CV-1608-RWS in the United States District Court for the Northern District of Georgia, the Plaintiff tried to subpoena Chief Administrative Law Judge Lois Oakley. (See Exhibit B.) The court rejected the subpoena, quoting prior decisions:

In general, high ranking government officials enjoy limited immunity from being deposed in matters about which they have no personal knowledge. The immunity is warranted because such officials must be allowed the freedom to perform their tasks without the constant interference of the discovery process. [Cits. omitted] Before the involuntary depositions of high ranking government officials will be permitted, the parties seeking the depositions must demonstrate that the particular official's testimony will likely lead to the discovery of admissible evidence and is *essential to that party's case*. [Cits. omitted] In addition, the evidence must not be *available through an alternative source or via less burdensome means*." *Warzon v. Drew*, 155 F.R.D. 183 (E.D. Wis. 1994). See also *In re: United States of America*, 985 F.2d 510 (11th Cir. 1993).

(emphasis added) (Order at p. 3 quoting *Smith v. State of Ga. Dept. of Children & Youth Svcs*, 179 F.R.D. 644, 645-46 (N.D. Ga. 1998)).

The *Smith* decision, quoted by the court in the *Stephens* matter, involved a subpoena on the head of the Georgia Department of Juvenile Justice. 179 F.R.D. at 645. The *Warzon* case, which both *Smith* and *Stephens* cite, involved subpoenas on the Governor of Wisconsin and the Secretary of the Department of Administration of Wisconsin. 155 F.R.d. at 184. *In re: United States of America*, again relied upon by *Smith* and *Stephens*, 985 F.2d, involved a subpoena on Dr. David Kessler, Commissioner of the FDA. 985 F.2d at 511. In all of these cases the

subpoenas were quashed due to the immunity of high ranking governmental officials from such subpoenas.

The Governor is no less immune from such an improper subpoena. Nothing in the Complaint or Amended Complaint suggests that the Governor *must* be called to testify on these issues, or that he is the *only one* with relevant knowledge. Nothing suggests that the extraordinary step of calling a Chief Executive to testify must be exercised. Indeed, the burden imposed on the Governor here is greater than that imposed on the witnesses in the above cases. In short, the burden presented by the subpoena in the present case far outweighs any probative value.²

3. Respect for a Co-Equal Branch of Government Counsels in Favor of Quashing The Subpoena.

The Governor is head of the Executive Branch of state government, a branch of government co-equal with the Judicial Branch. The principles of separation of powers are at the foundation of our system of state government, just as they are in our federal system. *See, e.g.,* Ga. Const. Art. 1, Para. 2, Sec. 3. The federal courts have long recognized that subjecting the head of the Executive Branch to all but the most vital discovery – much less compulsory testimony during trial – raises separation of powers concerns. *See, e.g., United States v. Burr, 25 F. Cas. 187, 192, F. Cas. No. 14694 (No. 14,694) (CC Va 1807) (Chief Justice Marshall sitting as trial judge).* Plaintiff's failure to articulate any need at all for the Governor's testimony in this case does not remotely overcome such concerns here.

Because he subpoena should be quashed for the reasons articulated above, however, the Court need not address this thorny issue.


² The burden is especially great given the imminent conclusion of the 2014 Session of the Georgia General Assembly and the magnitude of the Governor's duties immediately after that conclusion. Specifically, the March 31 through April 4, 2014 trial dates would fall directly in the middle of the 40-day window when the Governor must review all bills passed by the General Assembly and determine whether to sign or veto them.

CERTIFICATE OF SERVICE

I hereby certify that on March __, 2014, I served the foregoing **BRIEF IN SUPPORT OF MOTION TO QUASH** upon opposing counsel in this case by sending a copy via the United States Mail with adequate postage affixed and addressed as follows:

Kimberly A. Worth, Esq.
Thrasher Liss & Smith, LLC
One Concourse Pkwy, Ste 2600
Atlanta, GA 30328

This 17th day of March, 2014.



Kelly Campanella
Ga. Bar No. 360501
Counsel for the Office of the Governor

EXHIBIT A



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LISS & SMITH^{LLC}

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MICHELLE S. BUDD, PARALEGAL
d: 404-760-0217
mbudd@tlslaw.com

March 5, 2014

VIA HAND DELIVERY

Governor Nathan Deal
Office of the Governor
203 State Capitol Avenue
Atlanta, Georgia 30334

Re: Stacey Kalberman v. Georgia Government Transparency and Campaign Finance
Commission f/k/a Georgia State Ethics Commission et al.
In the Superior Court of Fulton County, Georgia
Civil Action File No. 2012CV216247

Dear Governor Deal:


This law firm represents Plaintiff Stacey Kalberman in the above-referenced civil action that is currently scheduled for trial calendar beginning Monday, March 31, 2014. Please find enclosed a Witness Subpoena (the "Subpoena") requiring your appearance and testimony until either the Court or our office releases you from the Subpoena.

Although the Subpoena states that you are required to appear beginning at 9:00 a.m. on March 31, 2014, the actual date and time that you will be called to testify by our office will differ. Accordingly, please do not appear until you receive confirmation from our office of the specific date and time that your testimony will be required. In order for us to provide confirmation to you of the date and time for you to appear, please have your office call me immediately to provide a name and phone number of the person for me to contact for the purpose of coordinating your appearance so that we can minimize any inconvenience that this may pose to your schedule.

Thank you for your time and attention to this matter.

Sincerely,

THRASHER LISS & SMITH, LLC


Michelle S. Budd
Paralegal

/msb
Enclosure

STATE OF GEORGIA
FULTON COUNTY



CIVIL CASE
WITNESS SUBPOENA

Cathelene Robinson

Clerk of Superior Court

136 PRYOR STREET, ROOM C-103, ATLANTA, GEORGIA 30303

Civil Action No. # 2012CV216247

YOU ARE HEREBY COMMANDED,
that laying all other business
aside you be and appear at the
Fulton County

TO: Name: GOVERNOR NATHAN DEAL
OFFICE OF THE GOVERNOR
Address 203 STATE CAPITOL AVENUE
ATLANTA, GEORGIA 30334

Superior Court, Civil Division, before Ural D. Glanville, Judge of the
Superior Court, in court room 5F of the Fulton County Courthouse at _____ o'clock a.m./p.m.
the 31st day of March, 20 14, to be

sworn as a witness for the Plaintiff in the case of Stacey Kalberman v. Georgia Government
Transparency and Campaign Finance Commission f/k/a Georgia State Ethics Commission et al., Case # 2012CV216247

HEREIN FAIL NOT, UNDER THE PENALTY OF LAW by authority of Ural D. Glanville

Judge of said court this 5th day of March, 20 14.

If you have questions contact attorney for
plaintiff/defendant

Kimberly A. Worth, Esq.
Thrasher Liss & Smith, LLC
Five Concourse Parkway, Suite 2600
Atlanta, Georgia 30328

Phone: 404-760-6000

Honorable Cathelene "Tina" Robinson
Clerk of Superior Court

By 
Deputy Clerk

EXHIBIT B

both the Plaintiff and Defendant in this case and the adverse employment actions of which Plaintiff complains were never the subject of a state administrative hearing before the OSAH. As the head of an executive agency of the State of Georgia, Judge Oakley states that a deposition would be unduly burdensome, harassing, and oppressive. Although Plaintiff's complaint against Defendant was never the subject of an administrative hearing, Plaintiff appears to assert that Defendant violated certain Personnel Board Rules of the OSAH.

Federal Rule of Civil Procedure 26(c) allows a protective order "where justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." A party seeking a protective order must include "a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court intervention" Here, counsel for movant attempted to confer with Plaintiff to determine what information Plaintiff is seeking from Judge Oakley. Plaintiff's only response was a letter stating that a deposition would not be necessary if Judge Oakley would stipulate that the Georgia Department of Transportation violated Personnel Board Rules.

First, Judge Oakley is a non-party with no personal knowledge of

Plaintiff's case. Second, Plaintiff has not demonstrated the relevance of the rules of the OSAH since the actions of which she complains were never the subject of a hearing in the OSAH. Finally, to the extent that Plaintiff asserts that the rules are relevant the rules are published.


In general, high ranking government officials enjoy limited immunity from being deposed in matters about which they have no personal knowledge. The immunity is warranted because such officials must be allowed the freedom to perform their tasks without the constant interference of the discovery process. Before the involuntary depositions of high ranking government officials will be permitted, the parties seeking the depositions must demonstrate that the particular official's testimony will likely lead to the discovery of admissible evidence and is essential to that party's case. In addition, the evidence must not be available through an alternative source or via less burdensome means.

Smith v. State of Ga. Dept. of Children & Youth Servs., 179 F.R.D. 644, 645-46 (N.D. Ga. 1998) (quoting Warzon v. Drew, 155 F.R.D. 183 (E.D. Wis. 1994)). See also In re United States of America, 985 F.2d 510 (11th Cir. 1993).

Plaintiff has failed to demonstrate that Judge Oakley's testimony is relevant, must less essential to her case. Furthermore, she has failed to show

that the evidence is not available through an alternative source. Accordingly, the Objection and Motion for Protective Order on Behalf of Judge Lois Oakley [77-1] is hereby **GRANTED**.

SO ORDERED this 23rd day of March, 2004.


RICHARD W. STORY
UNITED STATES DISTRICT JUDGE

ENTERED ON DOCKET

MAR 26 2004

LUTHER D. THOMAS
By: Deputy Clerk

EXHIBIT Q

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

FILED IN OFFICE

MAR 31 2014

DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

STACEY KALBERMAN,
Plaintiff,

vs.

GEORGIA GOVERNMENT TRANSPARENCY
AND CAMPAIGN FINANCE COMMISSION,
et al.,

Defendants.

Civil Action No. 2012CV216247

Honorable Ural D. Glanville

Motion to Quash Subpoena

ORDER

The above-captioned matter is presently before the Court on the "Motion to Quash Subpoena" filed by the Honorable Nathan Deal, Governor of the State of Georgia.¹ (Doc. no. 133). Plaintiff opposes the instant motion. (Doc. no. 136). For the reasons set forth, *infra*, the instant motion is **GRANTED**. (Doc. no. 133).

I. BACKGROUND

The above-captioned case is scheduled for trial on Monday, March 31, 2014. Governor Deal contends that, on March 5, 2014, the Office of the Governor received a subpoena, calling for Governor Deal to testify in the trial scheduled in the above-captioned case. (Doc. no. 134, Gov. Deal Br., p. 1). Furthermore, Governor Deal argues that he has no personal knowledge of any relevant facts, and thus, his testimony would be immaterial. (*Id.* at 3). As such, Governor Deal maintains that the burden of calling him to testify outweighs the probative value of the testimony. (*Id.* at 3-5).

¹ Because the Clerk of the Court does not furnish copies of filings as directed by Uniform Superior Court Rule 6.1, the parties are **ORDERED** to submit copies of all future filings to the Chambers of the Judge assigned to the above-captioned case.

Finally, Governor Deal concludes that principles of separation of powers also warrant quashing the subpoena. (Id. at 5-6).

Plaintiff counters that Governor Deal has personal and first-hand knowledge of information needed to establish the elements of Plaintiff's claim. (Doc. no. 136, pp. 4-8). Plaintiff also argues that, despite Governor Deal's assertions concerning separation of powers, the fact that Governor Deal is the Governor of Georgia does not preclude his testimony in the above-captioned case. (Id. at 8). Plaintiff concludes that Governor Deal's "office does not place him above the law for purposes of relevant testimony at trial in this Court." (Id. at 4).

II. DISCUSSION OF LAW

As an initial matter, the Court will address the motion to quash based upon the nature and scope of the subject subpoena. O.C.G.A. § 9-11-43 provides, "In all trials[,] the testimony of witnesses shall be taken orally in open court unless otherwise provided by this [C]hapter or by statute." O.C.G.A. § 9-11-43(a). In this regard, O.C.G.A. § 24-13-22 provides, "At the request of any party, subpoenas for attendance at a hearing or trial shall be issued under the authority of the clerk of court in which the hearing or trial is held." O.C.G.A. § 24-13-22. However, upon written motion made promptly before the time specified in the subpoena for compliance therewith, the court may "[q]uash or modify the subpoena if it is unreasonable and oppressive." O.C.G.A. § 24-13-23(b). Although Georgia has recently adopted a new evidence

code, it remains clear that, when a motion to quash is filed, the serving-party has the initial burden of demonstrating that the sought-after evidence is relevant and then the burden shifts to the moving-party to establish that the subpoena is unreasonable and oppressive. E.g., Walker v. State, 323 Ga. App. 558, 568 (2013); Bazemore v. State, 244 Ga. App. 460, 463 (2000). Ultimately, the decision to quash a subpoena depends on the nature and scope of the request. Walker, 323 Ga. App. at 568.

Plaintiff submits,

Plaintiff is charged with proving that she was retaliated against for protected activity under the Georgia Whistleblower Act, and that includes establishing that she disclosed actual violations of law by the Governor. Governor Deal has personal and firsthand knowledge of his violations of Georgia campaign finance law. Additionally, evidence will show that the Governor's Office recruited [Plaintiff's] replacement even before the Commission constructively terminated [Plaintiff].

(Doc. no. 136, p. 1 (emphasis added)). Under Georgia's Whistleblower Statute, Plaintiff is required to prove that: (1) Plaintiff was a public employee; (2) Defendant Georgia Government Transparency and Campaign Finance Commission ("Commission") is a public employer; (3) Plaintiff disclosed violation of, or noncompliance with, a law, rule, or regulation to her supervisor or Defendant Commission; (4) Plaintiff's disclosure was not made with reckless disregard for its veracity; and (5) Defendant Commission retaliated against Plaintiff based upon the disclosure. O.C.G.A. § 45-1-4(d)(2); Colon v. Fulton County, 294 Ga. 93, 95 (2013). In this regard, Plaintiff need not prove or establish that Governor

Deal actually violated any campaign finance law. Rather, Plaintiff essentially must prove that she disclosed a purported violation to the Commission, resulting in retaliation. Indeed, it is unclear whether Governor Deal can offer any relevant testimony. As it relates to the issue of retaliation, it would appear that, as an employee of the Commission, the best source of any information or testimony concerning the basis of Plaintiff's purported termination would be the members of the Commission, not Governor Deal. Nothing in the record, save Plaintiff's assertions, suggests that Governor Deal was involved in the decisions related to Plaintiff's employment. Certainly, Governor Deal cannot be expected to testify in every purported employment matter involving the State of Georgia, even those purportedly related to an investigation into his campaign. Finally, the Court is left with one salient question. If Governor Deal's testimony is crucial to Plaintiff's case, why was Governor Deal not deposed or otherwise served with discovery requests prior to the eve of trial? Simply put, the Court finds that Plaintiff has failed to demonstrate that Governor Deal's testimony is relevant or that the sought-after information cannot be obtained from other, less burdensome sources. As such, the Court need not address Governor Deal's remaining arguments concerning separation of powers or the importance of the Governor's Office.

III. CONCLUSION

For the reasons stated, *supra*, the instant motion is **GRANTED**. (Doc. no. 133). Accordingly, the subject subpoena served upon Governor Deal is **HERBY QUASHED**. However, the Court may re-visit the instant motion and this Order based upon the issues and testimony proffered during the course of the trial in the above-captioned case.

SO ORDERED this 23rd day of March, 2014, at Atlanta, Georgia.



Ural D. Glanville, Judge
Fulton County Superior Court
Atlanta Judicial Circuit

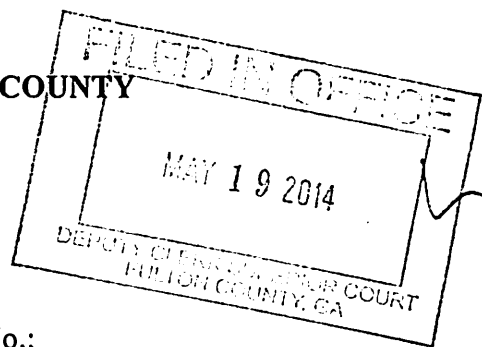
Copies to:

BRYAN K. WEBB
40 Capital Square, SW
Atlanta, Georgia 30334

KIMBERLY A. WORTH
Five Concourse Pkwy, NE, Suite 2600
Atlanta, Georgia 303028

EXHIBIT R

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

CONSENT ORDER ACKNOWLEDGING SETTLEMENT

WHEREAS, Plaintiff Stacey Kalberman (“Plaintiff”) and Defendants Georgia Government and Campaign Finance Commission and Holly LaBerge in her official capacity (“Defendants”) (collectively, the “Parties”), by and through their undersigned counsel of record, have advised the Court that they have reached an agreement to settle the above-captioned civil action, and the terms of their settlement have been memorialized in a written Settlement Agreement which has been duly executed by each of the Parties, a copy of which is attached hereto as Exhibit “A.” Having reviewed the Parties’ Consent Order Acknowledging Settlement and having found its terms to be acceptable in all respects, the Court hereby approves and adopts the Consent Order Acknowledging Settlement.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED as follows:

1. That the parties have consented and agreed that Defendants owe Plaintiff the amount of \$1,150,000.00 (the "Settlement Amount"), to be paid according to the terms and conditions set forth herein and in the Settlement Agreement, in compromise and settlement of the non-wage compensatory damages, attorneys' fees, and litigation costs;
2. That by July 1, 2014, Defendants shall deliver two settlement checks that total the Settlement Amount, as set forth in the Settlement Agreement: the first check made payable to Plaintiff in the amount of \$725,111.79 and the second check made payable to Thrasher Liss & Smith, LLC IOLTA in the amount of \$424,888.21 (collectively, the "Settlement Checks"). Both settlement checks shall be delivered to:

Kimberly A. Worth
Thrasher Liss & Smith, LLC
5 Concourse Parkway, Suite 2600
Atlanta, Georgia 30328

3. That, in the event Defendants should default with respect to the payment of the Settlement Checks due hereunder and in the Settlement Agreement, Plaintiff shall be entitled to an ex parte Judgment against Defendants for: (i) the Settlement Amount in the amount of \$1,150,000.00, minus any interim payments made by Defendants; and (ii) post-judgment interest calculated from the from the date of Defendants' default hereunder, pursuant to O.C.G.A. § 7-4-12 on the total amount owed by Defendants to Plaintiff under sub-paragraph (i) of this Paragraph;
4. That the Court retains jurisdiction of this matter through and until either (1) Plaintiff receives the Settlement Checks from Defendants and enters a Dismissal with Prejudice as set forth below in Paragraph 6, or (2) Plaintiff enters and enforces upon an ex parte

Judgment that Plaintiff obtains based on Defendants' default as detailed in Paragraph 3 above;

5. That all notices shall be delivered by overnight delivery, hand delivery, or regular U.S. mail, with copy via electronic mail or facsimile, addressed to the parties' respective counsel of record as provided below;
6. That upon receipt of payment in full of the Settlement Amount of \$1,150,000.00, Plaintiff shall promptly file with the Clerk of the Court of the Fulton County Superior Court, an appropriate and proper Dismissal with Prejudice of this action; and
7. That this Order shall be effective immediately upon entry by this Court.

IT IS SO ORDERED, this 19th day of May, 2014.



HON. URAL D. GLANVILLE
JUDGE, FULTON COUNTY SUPERIOR COURT

CONSENTED TO BY:



THRASHER LISS & SMITH, LLC

Kimberly A. Worth
Georgia Bar No. 500790
D. Barton Black
Georgia Bar No. 119977
Mary C. Davis
Georgia Bar No. 559990

Five Concourse Parkway
Suite 2600
Atlanta, Georgia 30328
Telephone: (404) 760-6000
Facsimile: (404) 760-0225

Attorneys for Plaintiff

ATTORNEY GENERAL'S OFFICE



Bryan K. Webb
Georgia Bar No. 743580
40 Capitol Square, SW
Atlanta, GA 30334-1300
Telephone: 404-656-5331
Facsimile: 404-657-9932

Attorney for Defendants

**Prepared with equal input from all
counsel of record and presented by:**

A handwritten signature in black ink, appearing to read "D. Barton Black", with a long horizontal line extending to the right from the end of the signature.

D. Barton Black
Georgia Bar No. 119977

Thrasher Liss & Smith, LLC
Five Concourse Parkway
Suite 2600
Atlanta, Georgia 30328
Direct: (404) 760-6000
Facsimile: (404) 760-0225

**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

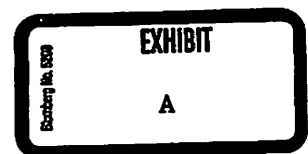
STATE OF GEORGIA

COUNTY OF FULTON

SETTLEMENT AGREEMENT AND FULL AND FINAL RELEASE OF CLAIMS

1.

FOR AND IN CONSIDERATION of the agreements set forth herein below, the receipt and sufficiency of which are hereby acknowledged, **Stacey Kalberman**, (hereinafter referred to as "Plaintiff"), for herself, her attorneys, her heirs, her executors, administrators, successors and assigns, does hereby fully, finally and forever release and discharge the **Georgia Government Transparency and Campaign Finance Commission and Holly LaBerge** in her official capacity, and all administrators, directors, supervisors, and other officials and employees thereof



(hereinafter collectively referred to as “Defendants”), of and from all claims, demands, actions, causes of action, suits, damages, losses and expenses of any and every nature and description whatsoever, including, but not limited to, those claims of unfair or illegal employment practices and breach of contract asserted or which might have been asserted by or on behalf of Plaintiff against the Defendants referenced in the case of *Stacey Kalberman vs. Georgia Government Transparency and Campaign Finance Commission, et al.*, Civil Action No.: 2012-CV-216247, pending in the Superior Court of Fulton County, except as provided herein.

2.

This settlement agreement is a full and final release of claims (hereinafter “Release”) and it specifically includes, but not by way of limitation, all claims asserted by or on behalf of Plaintiff against Defendants, together with any and all claims which might have been asserted by or on behalf of Plaintiff in any suit, claim, charge of discrimination, or grievance against Defendants for or on account of any matter or things whatsoever up to and including the date of this Release (hereinafter “Released Claims”). This Release includes, but not by way of limitation, any claims, suits, causes of action or grievance Plaintiff may possess against Defendants arising under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (as amended), 42 U.S.C. § 1983, O.C.G.A. § 45-1-4, and any other of the several state and federal statutes relating to claims, suits, causes of action or grievances for employment discrimination and/or employment-related deprivations of rights.

3.

Plaintiff represents and warrants that no one person other than herself is entitled to assert any claims of any kind or character based on or arising out of and alleged to have been suffered by her as a consequence of her employment, contracts and relationships to date with Defendants.

Plaintiff agrees to protect and hold harmless the Defendants against any claims based upon, arising out of, or in any way connected with any actual or purported transfer or assignment of any claims asserted on behalf of the Plaintiff for equitable relief, damages, compensation, attorneys fees, or any alleged violation of any right owed to Plaintiff prior to the effective date of this Release.

4.

In consideration for the mutual promises, covenants and agreements contained herein, Defendants shall pay to Plaintiff, on or before July 1, 2014, the sum of \$1,150,000.00 ("Settlement Amount"), the amount to be paid as non-wage compensatory damages, attorneys' fees, and litigation costs in settlement of the Released Claims. The Settlement Amount shall be delivered in two checks, as follows:

1. The first check shall be in the amount of seven hundred twenty-five thousand, one hundred eleven dollars and seventy-nine cents (\$725,111.79) and made payable to "Stacey Kalberman."
2. The second check that shall be in the amount of four hundred twenty-four thousand, eight hundred eighty-eight dollars and twenty-one cents (\$424,888.21) and made payable to "Thrasher Liss & Smith, LLC IOLTA."

Both checks shall be delivered to the attention of Kimberly A. Worth at the offices of Thrasher Liss & Smith, LLC, Five Concourse Parkway, Suite 2600, Atlanta, Georgia 30328.

5.

Defendants agree to issue an IRS Form 1099 to Plaintiff for the amount of check made payable to her as set forth in the prior paragraph and an IRS Form 1099 to Thrasher Liss & Smith, LLC for the amount of check made payable to her as set forth in the prior paragraph, and

Plaintiff and Thrasher Liss & Smith, LLC each agree to be responsible for and pay all federal, state, and local taxes applicable to such payment (“taxes”). Plaintiff and Thrasher Liss & Smith, LLC both agree to defend, indemnify, and hold Defendants harmless from and against any and all third-party claims, together with any interest, penalties, fines or sanctions, or other remedies assessed or imposed against Defendants that arise out of or are related to Plaintiff’s or Thrasher Liss & Smith, LLC’s failure to pay any taxes applicable to the settlement proceeds.

6.

The terms and conditions set out above are in compromise settlement of disputed claims of employment related retaliation, the validity, existence or occurrence of which is expressly denied by the Defendants.

7.

Plaintiff affirms that the only consideration for signing this Release is the terms stated above; moreover, that no other promise or agreement of any kind has been made to or with her by any persons or entity whomsoever to cause her to execute this agreement, and that she fully understands the meaning and intent of this Release, including but not limited to its final and binding effect.

8.

This agreement may not be altered, amended, or modified in any respect or particular whatsoever, except by writing, duly executed by all parties hereto.

9.

All agreements and understandings embodied and expressed in the terms of this agreement are contractual and are not mere recitals.


THE UNDERSIGNED FURTHER STATE THAT THEY HAVE CAREFULLY READ THE WITHIN AND FOREGOING SETTLEMENT AGREEMENT AND FULL AND FINAL RELEASE OF CLAIMS AND KNOW AND UNDERSTAND THE CONTENTS THEREOF AND THAT THEY EXECUTE THE SAME AS THEIR OWN FREE ACT AND DEED.

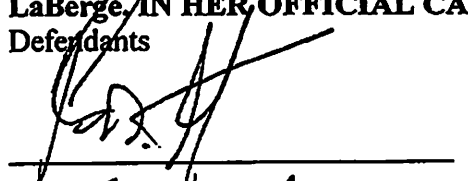
IN WITNESS thereof, the undersigned have hereunto set their hands and seal this

12th day of May, 2014.

STACEY KALBERMAN
Plaintiff

**GEORGIA GOVERNMENT
TRANSPARENCY AND CAMPAIGN
FINANCE COMMISSION and HOLLY
LaBerge, IN HER OFFICIAL CAPACITY**
Defendants



Stacey Kalberman

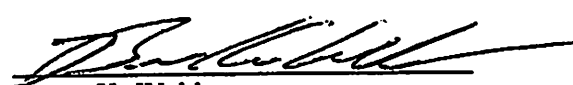

By: Kenneth D. Ashworth

Title: GNAR

Date: 5/11/14

Date: 5/19/14


Kimberly Worth
Thrasher Liss & Smith, LLC
Attorney for Plaintiff


Bryan K. Webb
Attorney for Defendants

Date: 5/12/2014

Date: 5-19-14



Lisa Pratt
DOAS
Director, Risk Management

EXHIBIT S



Exclusive Interv Holly LaBerge who says Governor Deal's staff threatened her

Posted: Jul 14, 2014 4:11 PM EDT
Updated: Jul 15, 2014 7:16 AM EDT

By Dale Russell, FOX 5 I-Team - bio | email

The woman at the center of the controversial Governor Deal campaign finance investigation is fighting back. Holly LaBerge, the head of the state ethics commission, says she has done nothing wrong and she is not the governor's patsy.

In an exclusive interview with the FOX 5 I-Team, Holly LaBerge said: "If I'm a puppet put there to make his legal problems go away, why would his legal counsel have to call me up and threaten me? Shouldn't his legal counsel be able to say, remember the deal, you're the puppet, we're pulling the strings."

Holly LaBerge says a top member of the Governor's cabinet threatened her and her agency during negotiations to resolve the campaign finance investigation of Governor Deal back in July of 2010.

LaBerge says the threat came one week before the Nathan Deal campaign finance investigation was scheduled for a public hearing.

She says, while on vacation, she got a text from Governor Deal's chief of staff Chris Riley, asking if the case can be resolved before the hearing.

LaBerge says "it was a little odd that the chief of staff was interested in this."

Then, she says she received a phone call from the governor's executive attorney, Ryan Teague. She wanted a record of the call and summarized it in a memo to the file.

The memo quotes Teague as saying: "it was not in the agency's best interest for these cases to go to a hearing Monday; nor was it in their best political interest either."

In the FOX 5 exclusive interview, Ms. LaBerge said, "I was mad, that the Governor's legal counsel thought he could call me up and threaten me and threaten my agency."

Neither Ryan Teague nor Governor Deal would comment.

Randy Evans, who represented Governor Deal during the ethics investigation, says there was nothing improper about the texts or phone call.

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Pharmacist arrested



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Comment



Joyce Hood · Top Commenter · LPN Nurse at Retired

It seems from his Congressional career, Governor Deal has always had ethics issues. He has much more power as the governor. If you do your own research, I think you can find a lot of unanswered questions.

Reply · Like · 1 · July 16 at 6:22am



Cheryl C. Courtney-Evans · Top Commenter · No one's business

"Governor Deal's office did nothing to influence the investigation???" What did they think firing her did??? LMAO @ their duplicity...

Reply · Like · July 15 at 2:00pm



Nate Dogii · Top Commenter
GOP

Reply · Like · July 15 at 9:10am

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Updated: 7:00 p.m. Monday, July 14, 2014 | Posted: 2:31 p.m. Monday, July 14, 2014

Memo: Gov. Deal's staff interfered with ethics case



Related

By Jodie Fleischer

ATLANTA — The executive secretary of Georgia's ethics commission says two of Gov. Nathan Deal's top advisers interfered in his then-pending ethics case, urging her to agree to settlement terms before a public hearing.

The governor and his staff have repeatedly denied any interference with the case, which settled for \$3,350 in fines. Deal initially faced a proposed \$70,000 in fines stemming from alleged violations during his 2010 campaign.

Deal said last fall, "There was no involvement, no improper involvement whatsoever." FULL STATEMENT HERE.

When asked Monday about alleged involvement he told Channel 2's Lori Geary, "The only thing I know is if we wanted to have these cases brought before the campaign finance commission in a timely fashion. We felt that two years was long enough."

Ethics Commission Executive Secretary Holly LaBerge documented the contact from Deal's chief counsel Ryan Teague and Chief of Staff Chris Riley in a July 2012 memo.

She told then-chairman of the ethics board, Kevin Abernethy, she felt threatened by a call from Teague, the same staffer who had initially approached her about applying for the ethics job months before it became vacant.

The memo, obtained by Channel 2 Action News Monday, also details several text messages from Riley, urging LaBerge to settle Deal's case.

In a text message LaBerge claims Riley wrote, "Ryan said of two issues, legal fees and aircraft are not even on the table for discussion."

LaBerge also documented a call from Teague in which he was "acting as an intermediary to try to come to a resolution on the Deal complaints ahead of Monday's [Ethics] Commission meeting."

LaBerge wrote that Teague informed her "it was not in the agency's best interest for these cases to go to a hearing on Monday, nor was it in their best political interest either."

LaBerge went on to document that she felt Teague threatened her by saying the Ethics Commission might not receive a promised increase in its authority if the case wasn't resolved that weekend.

"I know of no communications along those lines," Deal told Geary on Monday, "I haven't seen anything that would evidence that."

The memo was likely turned over to federal prosecutors with other subpoenaed records in January of this year.

LaBerge was one of five current and former ethics staffers who received grand jury subpoenas for all records relevant to the governor's case, after former staffers John Hair and Elisabeth Murray-Obertein claimed LaBerge ordered the destruction of records and bragged about the governor "owing her" because she helped make his case go away.

Those statements came to light during depositions in two recently settled lawsuits.

Former State Ethics Commission secretary Stacey Kalberman and deputy secretary Sherilyn Streicker both sued after suddenly losing their jobs while pursuing the ethics investigation against Deal. They alleged he directed their ousting and replaced them with LaBerge to affect his case.

Deal responded in September saying, "All of these allegations, are totally unsubstantiated and primarily are false."

But in May, the state agreed to pay Kalberman \$1.15 million after a Fulton County jury agreed with her claim that she was forced from office for investigating Deal's case.

The state also agreed to settle Streicker's case for \$1 million, Hair's case for \$410,000 and Murray-Obertein will be paid \$477,500.

The settlement money comes from the state's self-funded insurance program funded with taxpayer dollars.

Deal, Riley, and Teague were all on the potential witness list for Streicker's case before it settled.

LaBerge's attorney says the attorney general's office, which provided the memo to Channel 2 Monday, urged her not to mention the memo during her testimony in the Kalberman case.

Deal told Geary he hasn't seen the memo and could not comment specifically about it until he sees what it says.

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[?]

EXHIBIT U

Suite 2800, 1100 Peachtree Street NE
Atlanta, GA 30309-4528
t 404 815 6500 f 404 815 6555

July 23, 2014

direct dial 404 815 6038
direct fax 404 541 3359
TClyde@kilpatricktownsend.com

By Hand Delivery

Hon. Samuel S. Olens
State Law Department
40 Capitol Square, S.W.
Atlanta, GA 30334-1300

Re: Open Records Act Violation by the Georgia Government Transparency and
Campaign Finance Commission

Dear Attorney General Olens:

On behalf of The Atlanta Journal-Constitution and its reporter, Aaron Gould Sheinin, we write regarding an apparent Open Records Act violation by the Georgia Government Transparency and Campaign Finance Commission (“the Commission”).

Specifically, on July 26, 2012, Mr. Sheinin sent an Open Records Act request to the Commission’s Executive Director Holly LaBerge seeking the following: “Access to and copies of all records, including interviews, audits, e-mails, faxes, and any and all documents including case files related to Case 2010-0039 and Case 2010-0033c.”

Case 2010-0039 involved allegations that Governor Deal improperly used state campaign funds to pay for his legal defense relating to a U.S. House of Representatives investigation, and Case 2010-0033c involved allegations that Governor Deal’s campaign improperly paid a company in which Deal had an ownership interest for air travel. Both cases were resolved at a July 23, 2012 Commission meeting.

In response to the Journal-Constitution’s request, Ms. LaBerge responded on behalf of the Commission by providing the Journal-Constitution with some records on August 8, 2012, and with additional records on August 23, 2012.

Recent disclosures, however, demonstrate that the production of records by the Commission was woefully incomplete. As you know, it has now come to light that Ms. LaBerge memorialized certain text messages and phone conversations with the Governor’s staff in a “Memorandum of Record” dated July 17, 2012. Additionally, Ms. LaBerge apparently forwarded certain text messages related to the cases to a personal email.

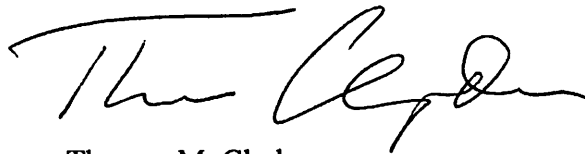
Hon. Sam Olens
July 23, 2014
Page 2

Neither the "Memorandum of Record" nor any other records memorializing such communications were provided to the Journal-Constitution in response to its Open Records Act request despite being clearly responsive.

Based on the facts set forth above, we submit that the Commission violated the Open Records Act through its incomplete production of records. We acknowledge your recent statement explaining that your office is still in an "attorney-client relationship" with Ms. LaBerge thereby limiting your ability to discuss this matter. Nonetheless, we ask that your Office take all necessary measures to enforce compliance with the Open Records Act.

We have included herewith a copy of the Memorandum and relevant correspondence. If we can provide any further information, please do not hesitate to contact either of us.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Clyde". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Thomas M. Clyde

A handwritten signature in black ink, appearing to read "Lesli N. Gaither". The signature is cursive and somewhat stylized.

Lesli N. Gaither

Attachments

Tab 1: July 26, 2012 Open Records Act Request

Tab 2: July 30, 2012 Email from H. LaBerge to A. Gould Sheinin

Tab 3: H. LaBerge "Memorandum of Record" dated July 17, 2012

EXHIBIT V

For immediate release:

July 15, 2014

Statement by Attorney General Olens on Ethics Commission Matters

My office has received a number of questions regarding the news this week about the Ethics Commission and Holly LaBerge's Memorandum of Record. I want to address as many of them as I can now.

From the outset, though, I want to make clear that many of those questions relate directly to the legal representation this office has provided Ms. LaBerge and the Ethics Commission in the context of litigation. This office is still in an attorney-client relationship with Ms. LaBerge in her official capacity, and that means the full answer to some of the questions you have would require the disclosure of attorney-client privileged information. Yesterday, we formally requested that she waive that privilege so that we could set the record straight, but to date we have not received that waiver. Unless and until that privilege is waived, I am severely limited in the extent to which I can fully answer some questions.

I know this is frustrating to you; I can assure you, I find it even more frustrating.

Ms. LaBerge's memo is dated July 17, 2012. After our office was given the memo in August 2013, our civil trial team reviewed the memo to determine if it was subject to the pending discovery requests. Our chief prosecutor also reviewed it the week we received it to determine if any criminal laws had been violated if the allegations in the memorandum were true. I was made aware of the memo after our chief prosecutor concluded his review and determined that the allegations in the memorandum did not constitute crimes under state law. In addition, our civil lawyers determined it was not responsive to the discovery request in the civil litigation.

In late 2013, federal subpoenas were issued to current and former employees of the Commission. Our office explained to Ms. LaBerge that we did not represent her with respect to responding to the subpoena and explained to her and her private lawyer that the only thing we could tell her is to cooperate fully, and that the memo was responsive.

There have been several questions about the responsiveness of the memo to certain specific discovery requests:

- Ms. Kalberman requested "correspondence" between Ms. LaBerge and the Governor's Office. The memo is not correspondence; it is a document written by Ms. LaBerge and retained by her. It did not become correspondence when she gave us a copy 13 months later.
- Ms. Streicker requested documents "concerning the violation of any law, rule, or regulation" by Governor Deal, "including all complaints filed with the Defendant, all files concerning the investigation of such complaints, and all documents obtained as part of such investigations." The memo was not about violations of law, rule, or regulation, it was not a

complaint, it was not concerning the investigation of a complaint, and it was not a document obtained as part of an investigation.

I recognize that this may seem like a technical response. Let me be clear – I wish that a request had been issued to which the memorandum was responsive. That would have been easier for the office. But the lawyers in my office represent the State and its agencies, and have a legal duty to do so zealously. Their obligation is to work with our clients to produce all documents responsive to a plaintiff's request; it is not their obligation to produce documents that plaintiffs haven't asked for. I also recognize that plaintiffs' counsel may disagree with our office's position on this. I am not surprised. Lawyers can and often do disagree about almost anything.

I will say this – it is in the public record that these matters were testified to in some detail by Ms. Murray-Oberlein in her deposition (excerpt attached). Following Ms. Murray-Oberlein's testimony, Plaintiffs' lawyers chose not to ask Ms. LaBerge any questions about this issue either in discovery or at trial.

The news reports of the last day may well have uncovered a different discovery-related problem, however. During the interview of Ms. LaBerge on Fox 5 last night, Ms. LaBerge said that she forwarded text messages from the Governor's Office to her personal email – and an image of one of those messages was then shown on the screen. That concerns me, because no one in my office was aware that such emails exist. After an agreement with Plaintiffs to produce all work-related emails from Ms. LaBerge's personal email account, our office turned over to plaintiffs every personal email that Ms. LaBerge provided to us. The text messages in Ms. LaBerge's email account shown in the interview last night would almost certainly have been responsive and should have been produced. My office is taking immediate steps to learn why we never received the emails.

We have been asked a number of questions about how our office prepared Ms. LaBerge for her testimony with regard to the memo. Any suggestion that any employee of our office advised anyone to testify less than truthfully in any way is categorically false. As much as I want to respond more specifically on this point, attorney-client privilege prevents me from doing so.

I am aware of renewed requests to appoint some sort of independent attorney to investigate these matters. As I have previously stated, two other investigations – one federal, one state – are currently pending. This office has been representing Ms. LaBerge and the Ethics Commission in related matters. The only reasons to interject this office into the investigations at this point are political.

Xxx

Lauren Kane
Office of the Attorney General
Georgia Department of Law
(404) 463-7540
lkane@law.ga.gov

EXHIBIT W

A. Lee Parks, Jr.
lparks@pcwlawfirm.com

July 16, 2014

Via First Class Mail and E-mail: bwebb@law.ga.gov

Bryan K. Webb
Senior Assistant Attorney General
State of Georgia, Office of the Attorney General
40 Capitol Square, SW
Atlanta, GA 30334

RE: Holly LaBerge

Mr. Webb:

This letter responds to your July 15, 2014 e-mail correspondence, as well as to General Olen's press release that was provided to the media shortly after our receipt of your e-mail yesterday.

Our client met with you in June 2013, when discovery for the Kalberman and Streicker matters was still open. At that time, she informed you of the existence of the Memorandum. Ms. LaBerge offered to return to her office to obtain a copy of the Memorandum, but you stated that you did not want to review it at that time. Sometime not long thereafter, you called Ms. LaBerge and told her that you "were ready to see the Memo." Ms. LaBerge then delivered the Memorandum to your office by hand that same day.

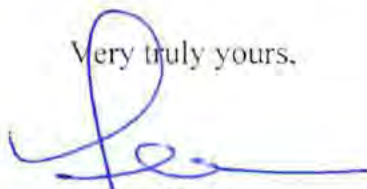
General Olen's reliance on a technical explanation as to why the Memorandum, a document admittedly central to pending cases involving allegations of improper pressure tactics by Governor Deal's office to force the Ethics Commission to make complaints pending against him relating to certain contributions to fund his 2010 Deal For Governor Campaign "go away", was not produced falls far short of the duty of candor owed to the courts by attorneys, particularly the Attorney General, who is elected to represent all the citizens of Georgia. At the very least, the Attorney General should have requested that the Court conduct an in camera review of the document (meaning outside the presence of the plaintiff's attorneys) so that a judge, and not an interested party, could determine whether, in the interests of justice, it should be produced. That is the straight-forward and most common way lawyers handle such matters. But, instead, the Memorandum was kept secret.

Ascribing to the old maxim that the best defense is to be on the offense, General Olens has now attacked Ms. LaBerge, claiming she did not produce to his office the e-mails and texts that she provided the media. As you are aware, the Memorandum that admittedly was provided to you from Ms. LaBerge as a representative of the Attorney General expressly **REFERENCES, DESCRIBES AND QUOTES** the text messages at issue, going as far to provide the date, time, content and sender of the multiple text messages from Chris Riley and Ryan Teague. They were not hidden or concealed by Ms. LaBerge. But no one from the Office of the Attorney General ever asked Ms. LaBerge for the original text messages after they received the Memorandum, no doubt fearing such a request would only generate more documents that might well defeat the questionable decision to withhold the Memorandum based on the reed thin claim that it was not "correspondence" or part of the Ethics Commission's Deal investigation file.

With respect to the personal e-mails containing the text messages, our client is adamant that she told the Office of the Attorney General about those e-mails when providing you with other e-mails that were responsive to the subpoena related to her personal Gmail account. But the e-mails containing the bodies of the text messages were sent from Ms. LaBerge's telephone to her personal e-mail account. She was told by the Office of the Attorney General that the e-mails containing the text messages were not responsive to the subpoena because the "e-mails" did not originate from Chris Riley or Ryan Teague. This advice certainly seems consistent with the Attorney General's willingness to parse words when determining the responsive nature of documents like the Memorandum at the heart of this matter.

Ms. LaBerge was being represented by the Office of the Attorney General in her official capacity as the Executive Director of the Ethics Commission. She informed the Office of the Attorney General of the relevant information and documentation, and she reasonably relied on her legal counsel's recommendations and advice. The overriding question remains: why would the Office of the Attorney General ever become complicit in this cover-up of evidence documenting wrongdoing by the Governor, and/or those speaking for him, in trying to get the cases pending before the Ethics Commission either dismissed or settled for a song?

Very truly yours,



A. Lee Parks

- Cc: Georgia Government Transparency and Campaign Finance Commission Members
- Hillary Stringfellow, Esq., Vice Chair, hstringfellow@gilbertharrelllaw.com
 - Heath Garrett, Esq., Member, heath@ssg-south.com
 - Dennis T. Cathey, Esq., Member, dcathey@catheyandstrain.com
 - R. Lawton Jordan III, Esq., Member, rljordan3@gmail.com
 - Mary Paige Adams, Esq., Member, marypaigeadams@gmail.com

EXHIBIT X

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

STACEY KALBERMAN,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	
GEORGIA GOVERNMENT)	FILE NO. 2012CV216247
TRANSPARENCY AND CAMPAIGN)	
FINANCE COMMISSION, f/k/a GEORGIA)	
STATE ETHICS COMMISSION, et al.,)	
)	
Defendants.)	
)	

AFFIDAVIT OF KIMBERLY A. WORTH

My name is Kimberly A. Worth and I give this Affidavit willingly and under no duress. I am over the age of eighteen (18) and a resident of the State of Georgia, and competent to give oaths. All statements in this Affidavit are made based upon my personal knowledge and review of itemized records. I give this Affidavit for use in any hearing or other court proceedings regarding the above-styled action.

My Background and Experience

1.

I am an attorney licensed to practice law in the State of Georgia and am a partner with the law firm of Thrasher Liss & Smith, LLC. I was admitted to the State Bar of Georgia in 1991 and have twenty-three (23) years of experience in handling both civil and criminal cases.

2.

I am a member in good standing of the State Bar of Georgia. I am admitted to practice in all state and superior courts in Georgia, the United States District Courts for the Northern and Middle Districts of Georgia, and the United States Court of Appeals for the Eleventh Circuit of

Georgia. I am admitted in good standing in each of the courts listed above and have never been the subject of any disciplinary proceeding.

3.

In 1991, I received my Juris Doctorate degree from Georgia State University.

4.

I served as a Chief Senior Assistant District Attorney for Fulton County, Georgia from 2000 to 2001, where I served as a felony prosecutor for the State of Georgia. Since leaving the District Attorney's office to pursue private practice, I have been employed by two (2) large employment law firms. I joined the firm of Thrasher Liss & Smith, LLC in 2005 and have focused my practice primarily in commercial litigation with a focus on employment litigation.

5.

During my twenty-three (23) years of legal practice I have personally handled numerous employment related litigation matters as lead counsel for plaintiffs and defendants in both state and federal courts throughout Georgia. In 2014, I was lead counsel in a multi-plaintiff employment defense case, where I successfully obtained a defense verdict after four years of protracted litigation. This case was then followed by the instant action, wherein I obtained a plaintiff's verdict, which awarded compensatory damages to Ms. Kalberman of \$700,000.

My Hourly Rate

6.

My current hourly rate, for employment related cases, set by the firm based upon my skill and experience, is \$300 to \$350 per hour.

7.

Based upon my experience and the hourly rates of attorneys with comparable experience and skill practicing in the metro Atlanta area, I am seeking an hourly rate of \$300 per hour in this case. I believe this rate is commensurate with the market rates for attorneys of my experience and expertise in the metro Atlanta area.

My Work on this Case

8.

I have served as lead counsel in this matter since June 2011 and have been responsible for strategic decisions in this case during the pendency of the matter.

9.

My work in this matter, in concert with my colleagues, included fact investigation, representation at hearings, preparation of pleadings, conducting discovery, taking and defending depositions, preparing and responding to motions, pretrial preparations and strategy, trial work, and post-trial work.

10.

During my representation of Ms. Kalberman from June 2011, through the trial and post-trial work completion in June 2014, my firm incurred \$627,759.25 in attorney's fees.

11.

Additionally, Ms. Kalberman incurred \$9,478.39 in litigation expenses.

12.

Ms. Kalberman agreed to compromise her claim for attorneys' fees and litigation expenses, which she was due as a prevailing party in this matter, in exchange for Defendants' agreement to forego an appeal in this matter.

13.

Under that same agreement, Ms. Kalberman agreed to compromise her claim of \$65,000 in back pay, which she was due as a prevailing party.

14.

Thus, under this agreement, Ms. Kalberman agreed to compromise her remaining damages of \$702,237.64 (attorneys' fees in the amount of \$627,759.25, litigation expenses in the amount of \$9,478.39, and back pay in the amount of \$65,000.00), for a total of \$450,000.00 to be paid by Defendants.

15.

In July 2014, three months following the conclusion of the trial of this case, I learned through media reports that LaBerge had additional responsive, probative documentation that was not produced to me or my client during the litigation.

16.

Based on this newly discovered evidence, my client instructed me to file a motion seeking sanctions against Defendants and/or their Counsel for these grave discovery abuses and fraud upon the Court.

17.

Thus, Ms. Kalberman has incurred additional attorneys' fees in responding to this newly discovered evidence and drafting a motion seeking sanctions.

18.

All the time for which I have billed since July 2014 was in my judgment reasonable and necessary to provide proper representation to Stacey Kalberman in this matter. Time records

reflecting the time I devoted to the representation of Ms. Kalberman since the revelation of the discovery abuses and fraud upon the Court are attached hereto as **Exhibit KW-1**.

My Billing Practices and Plaintiff's Time and Expense Records

19.

It is my normal practice to contemporaneously record my billable time using our firm's time-keeping software, and I followed that practice during this case.

20.

All the time which I have billed was, in my professional judgment, necessary to provide effective representation to my client.

21.

I have personally reviewed all of our firm's time and billing records in this matter and have exercised billing discretion in adjusting those records to remove excessive, redundant or otherwise unnecessary time. All of the remaining time billed by our firm on this matter was, in my professional judgment, necessary to provide proper representation to Ms. Kalberman.

22.

The time records attached at Exhibit KW-1 reflect time recorded contemporaneously at the time services were rendered or shortly thereafter and input into a computer program that maintains those records for our firm. It is my firm's standard procedure and practice to keep track of attorney and paralegal time spent on a daily basis as to each matter. The entries recorded provide the best evidence as to the time and efforts expended in this matter.

23.

I carefully reviewed all the time billed for each lawyer and paralegal in this firm and removed any time spent which, in my judgment, was not necessary or was duplicative or

excessive. After reducing our fees and deducting time, we reduced our fees 10% and wrote down over \$5,000. In fact, Mr. Thrasher reduced his rate from \$350 per hour to \$300 per hour for the work he performed in this matter, which is a substantial reduction in his fee.

24.

H. Grady Thrasher IV is a partner with our law firm and we billed his time in this matter at \$300 per hour. Mr. Thrasher received his Bachelor of Arts degree from the University of Georgia in 1992 and received his J.D. degree from Mercer University School of Law in 1995. Mr. Thrasher was admitted to practice law in Georgia in 1995. The rate billed for Mr. Thrasher is reasonable and customary for an attorney with his experience and skills in the metro Atlanta area.

25.

D. Barton Black is an associate with our law firm and we bill his time at \$240 per hour. Mr. Black graduated with honors from Georgia Institute of Technology in 2000 with a degree in Industrial Engineering and received his J.D. with honors from Walter F. George School of Law at Mercer University in 2007. Mr. Black was admitted to practice law in Georgia in 2007 and works in our firm's civil litigation group representing clients in a wide range of complex civil litigation matters including employment related disputes. The rate billed for Mr. Black is reasonable and customary for an attorney with his experience and skills in the metro Atlanta area.

26.

Erin V. Elwood is an associate with our law firm and we bill her time at \$175 per hour. Ms. Elwood received her Bachelor of Arts degree, *magna cum laude*, from Agnes Scott College in 2006 and received her J.D. degree, *summa cum laude*, from Georgia State University College

of Law in 2010. Ms. Elwood was admitted to practice law in Georgia in 2010 and works primarily in our commercial litigation group, including employment matters and contract disputes. The rate billed for Ms. Elwood is reasonable and customary for an attorney with her experience and skills in the metro Atlanta area.

27.

Katy Aultman is an associate with our law firm and we bill her time at \$225 per hour. Ms. Aultman received her Bachelor of Science degree with highest honors from Georgia Institute of Technology in 2001 and received her J.D. degree, *magna cum laude*, from Wake Forest University College of Law in 2010. Ms. Aultman was admitted to practice law in Georgia in 2014 and works primarily in our employment litigation group. The rate billed for Ms. Aultman is reasonable and customary for an attorney with her experience and skills in the metro Atlanta area.

28.

I believe I am competent to form an opinion concerning the range of rates and the fees available for employment-related and retaliation cases in Georgia. In my opinion, the rates charged for each lawyer and paralegal and the amount of time spent by our firm was reasonable and customary for the various tasks performed and the level of skill and expertise required for this matter.

29.

The total amount of fees incurred by our firm since the revelation of newly discovered evidence is \$47,349.84 through August 3, 2014. We will supplement this amount for all additional fees incurred after August 3, 2014, if the Court deems that sanctions are appropriate.

30.

Finally, our firm incurred reasonable costs and expenses in the total amount of \$174.34 while pursuing these sanctions against Defendants and/or their Counsel.

31.

The hourly rates and fees billed and the costs and expenses set forth above and in the attached records are reasonable and necessary given the effort that was required to review the entire record of this case and prepare a motion for sanctions.

The Proceedings Were Expanded Unnecessarily

32.

During the discovery period, I was contacted by an employee at the State Ethics Commission who told me that LaBerge (and possibly several other employees) were using their personal email accounts at the Commission to circumvent the Open Records Act.

33.

Upon learning this information, I contacted Assistant Attorney General Bryan Webb and advised Mr. Webb that I planned to subpoena LaBerge's personal Gmail account so that I could determine if there were documents relevant to my client's claims that were not maintained in LaBerge's state-issued Commission email account.

34.

Mr. Webb asked that we consider withdrawing the subpoenas as there were sensitive materials maintained on the employees' personal e-mail accounts that were not relevant to my client's claims.

35.

In a showing of good faith, and in the interest of trying to be respectful of personal information not relevant to Ms. Kalberman's claims, I agreed to resolve this discovery dispute with Mr. Webb. The agreement provided that I would withdraw the subpoenas seeking access to all of the employees' personal e-mail accounts in exchange for their agreement to produce their work related emails. Because LaBerge was a party to this action who had been served with discovery requests that had been propounded directly to her, we agreed that, in addition to the work-related emails in her Gmail account, LaBerge would also review the Gmail account to identify and produce all documents that were responsive to the discovery requests that had been propounded directly to her.

36.

Thereafter, Defendants produced a disc which purportedly included all of the documents that were identified on the employees' personal e-mail accounts in addition to the emails that were responsive to LaBerge's discovery requests.

37.

At that time, Defendants represented to me that all responsive e-mails had been produced pursuant to this agreement and under Defendants' discovery obligations.

38.

Many of the decisions that I made in trying to prosecute Ms. Kalberman's claims were a direct result of the lack of information that I had at the time. For example, I did not take the deposition of Governor Nathan Deal in this action as I had no direct link between his office and LaBerge.

39.

As my client was responsible for payment of all costs incurred in this action, I also tried to be very careful that I did not increase her costs unnecessarily and therefore I focused on the evidence that had been produced to me in this action.

40.

I have since learned from media reports and investigations that LaBerge did not produce several responsive e-mails, including e-mails preserving text message correspondence between herself and representatives of the Governor's Office which she has described as "threats" from the Governor's Office to settle the Governor's cases before the Commission. In addition, LaBerge failed to produce any of the emails or materials documenting her receipt of a recommendation to Leadership Georgia by Governor Deal, and a jocular exchange between herself and Chris Riley suggesting that the Governor's Office preferred LaBerge over her predecessor, Ms. Kalberman.

41.

These documents were responsive to our discovery requests seeking correspondence between LaBerge and the Governor's Office and should have been produced by Defendants.

42.

Additionally, these documents should have been produced pursuant to the agreement with Defendants, wherein Ms. Kalberman withdrew her subpoena seeking these e-mails in exchange for Defendants' promise that they would produce all such e-mails from LaBerge's private e-mail account.

43.

Prior to trial, Defendants filed a motion in limine seeking to exclude evidence relating to LaBerge's resolution of the Deal complaints, despite having exclusive knowledge that LaBerge felt "threatened" by the Governor's Office mere days before the hearing resolving those complaints.

44.

During the hearing on Defendants' Motion in Limine, the Court instructed me to be careful about LaBerge's testimony or it could be subject to exclusion based on relevance.

45.

The Court's instruction affected my trial strategy as I did not want to create grounds for an appeal. I warned several witnesses to avoid testifying about the specific areas Defendants sought to exclude.

46.

I was very cautious in my questioning of the witnesses to avoid causing a mistrial or creating a basis for an appeal. In fact, I specifically did not examine LaBerge on the resolution of the Deal complaints at trial as I was concerned that this evidence would create a basis for appeal.

47.

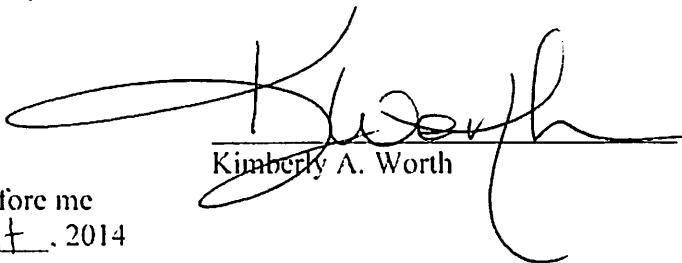
Following the verdict, many of the jurors explained to me that they initially had a higher number in damages to award to Ms. Kalberman but they had to agree to reduce the number.

48.

In addition and more importantly, had Ms. Kalberman known about the substance of the withheld evidence, her negotiating posture would have been stronger, and possibly a trial could have been avoided altogether.

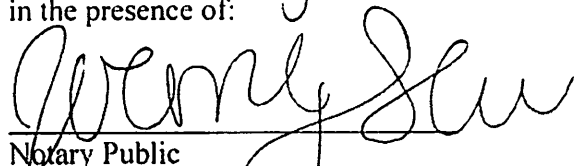
Furthermore, I hereby certify that I conferred with opposing counsel in a good faith effort to resolve the matters concerning the evidence withheld during discovery, in accordance with U.S.C.R. 6.4. I conferred with opposing counsel in the form of a letter attached hereto as **Exhibit KW-2** and again in various telephone conversations and emails.

FURTHER, Affiant sayeth not.



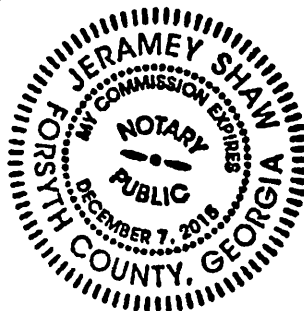
Kimberly A. Worth

Subscribed to and sworn before me
on this 8 day of August, 2014
in the presence of:



Notary Public

[NOTARIAL SEAL]



Thrasher Liss & Smith, LLC

Five Concourse Parkway
Suite 2600
Atlanta, GA 30328

Ph:(404) 760-6000

Fax:(404) 760-0225

Stacey Kalberman

August 4, 2014

Attention:

File #: 3201-004

Inv #: Settle

RE:

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Jul-10-14	Reviewed documents/discs produced in case.	5.20	910.00	EVE
Jul-11-14	Office conference with Ms. Worth [REDACTED] [REDACTED] [REDACTED] review legal resources	2.50	750.00	HGT
	Courtesy Discount	-1.80	-540.00	HGT
	Confer with K. Worth, Esq., G. Thrasher, Esq., and E. Elwood, Esq. on several Kalberman/Deal issues	2.80	672.00	DBB
	Conferences with K. Worth, B. Black, and G. Thrasher.	2.20	385.00	EVE
	Office conference with Mr. Thrasher [REDACTED] [REDACTED] review legal resources	3.00	900.00	KAW
Jul-13-14	Review and analyze the RPDs and ROGGs to Holly LaBerge and correspond with K. Worth, Esq. concerning same	0.50	120.00	DBB
Jul-14-14	Office conference with Ms. Worth; review newly disclosed evidence of potential discovery violations	1.50	450.00	HGT
	Courtesy Discount	-0.50	-150.00	HGT
	Confer with K. Worth, Esq., E. Elwood, Esq., and K. Aultman, Esq. on the Deal	6.20	1,488.00	DBB

EXHIBIT

KW-1

tabbles

	Investigation and related issues; review and analyze documents from H. LaBerge; research the duty to supplement and confer with K. Worth and E. Elwood on same			
	Conference with K. Worth. Performed legal research.	3.70	647.50	EVE
	Review and calls [REDACTED] [REDACTED]	2.90	870.00	KAW
	Conference with K. Worth regarding [REDACTED] [REDACTED]	0.80	180.00	KEA
Jul-15-14	Review legal resources; office conference with Ms. Worth	2.00	600.00	HGT
	Courtesy Discount	-1.50	-450.00	HGT
	Confer numerous times with E. Elwood, Esq., K. Worth, Esq., G. Thrasher, Esq., and K. Aultman, Esq. on the LaBerge interview and the Attorney General's statements; prepare [REDACTED] [REDACTED] with Elwood, K. Worth, and K. Aultman,	9.30	2,232.00	DBB
	Conferences with K. Worth and B. Black. Phone conference with S. Kalberman and K. Worth. Various phone conferences. Performed legal research. Reviewed articles [REDACTED] [REDACTED]	5.70	997.50	EVE
	Meetings and draft release with respect to discovery violations against the Attorney General's office	3.90	1,170.00	KAW
	Conference with K. Worth, B Black, E. Elwood	2.50	562.50	KEA
Jul-16-14	Review legal resources; office conference with Ms. Worth	1.10	330.00	HGT
	Performed legal research. Conferences with K. Worth, B. Black, and K. Aultman. Reviewed press articles.	3.40	595.00	EVE
	In office review of issues with counsel to discuss legal options	2.30	690.00	KAW
Jul-17-14	Office conference with Ms. Worth; review [REDACTED] [REDACTED]	1.20	360.00	HGT
	Review recent information and news articles [REDACTED] [REDACTED]	8.10	1,944.00	DBB

	times with K. Worth, Esq. and others on the next steps to take in this case; [REDACTED] [REDACTED] Open Records Act and the penalties for failing to comply with same; research Open Records Act, violations, and remedies			
	Conferences with K. Worth, K. Aultman, D. Black. Performed legal research. [REDACTED] [REDACTED]	2.60	455.00	EVE
	In office meetings with counsel to [REDACTED] [REDACTED]	3.00	900.00	KAW
	Courtesy Discount	-1.50	-450.00	KAW
	Conference with K. Worth, B. Black, E. Elwood regarding [REDACTED] discovery violations	3.00	675.00	KEA
	Researching case law on motions filed pursuant to OCGA 9-15-14 in cases resolved pursuant to a settlement agreement	2.30	517.50	KEA
Jul-18-14	Review case law from E. Elwood, Esq. and confer with her on same; review correspondence with B. Webb in March/April 2013 concerning the subpoena to the gmail account of H. LaBerge; [REDACTED] [REDACTED] confer numerous times with K. Worth, Esq. E. Elwood, and K. Aultman, Esq. concerning the current strategy; review new information concerning this case	4.20	1,008.00	DBB
	Courtesy Discount	-1.40	-336.00	DBB
	Continued legal research and began drafting motion.	5.60	980.00	EVE
	Telephone conference; review legal resources incident to decision to seek Sanctions against the Attorney General's office for abusive litigation	3.60	1,080.00	KAW
	Conference with K. Worth and E. Elwood; Research effect of settlement agreement on motions under OCGA 9-15-14; Consult with [REDACTED] [REDACTED]	2.50	562.50	KEA
Jul-19-14	Continued drafting motion for sanctions. Continued legal research.	8.00	1,400.00	EVE

Jul-20-14	Continued drafting motion for sanctions and legal research.	1.40	245.00	EVE
	Prepare supporting documents for motion for sanctions; Phone conference with E. Elwood	1.20	270.00	KEA
Jul-21-14	Office conference with Ms. Worth: review news reports and investigate [REDACTED]	1.50	450.00	HGT
	Courtesy Discount	-0.50	-150.00	HGT
	Review news articles and new information concerning the LaBerge memo and the Deal response; confer with E. Elwood, Esq., K. Worth, Esq., K. Aultman, Esq., and G. Thrasher, Esq. on the Motion for Sanctions and the evidence supporting same; analyze the defenses asserted by the Attorney General's office and compare to Plaintiff's Document Requests and Subpoena	5.80	1,392.00	DBB
	Courtesy Discount	-2.20	-528.00	DBB
	Continued drafting motion for sanctions.	8.20	1,435.00	EVE
	In office meetings with respect [REDACTED]	2.90	870.00	KAW
	Confer with C. Miceli regarding fee statement in support of sanctions motion; conference with K. Worth, E. Elwood, and D. Barton Black regarding sanctions motion research and arguments	2.50	562.50	KEA
Jul-22-14	Office conference with Ms. Worth to discuss motion strategy	1.00	300.00	HGT
	Strategize several times with K. Worth, Esq., G. Thrasher, Esq., E. Elwood, Esq. and others on [REDACTED]	3.70	888.00	DBB
	Courtesy Discount	-1.50	-360.00	DBB
	Continued drafting motion.	7.40	1,295.00	EVE
	In office meeting to discuss [REDACTED]	3.00	900.00	KAW
	Courtesy Discount	-0.80	-240.00	KAW

Jul-23-14	Conference with Ms. Kalberman and Ms. Worth; review legal resources	2.00	600.00	HGT
	Review and analyze new articles and information on the LaBerge memo; confer with K. Worth, Esq. and others on the [REDACTED]	5.30	1,272.00	DBB
	Completed initial draft of motion. Phone conference with [REDACTED] Conference with [REDACTED] Performed legal research.	5.80	1,015.00	EVE
	Conference with [REDACTED] follow-up with Ms. Kalberman; prepare letter	6.90	2,070.00	KAW
	Courtesy Discount	-1.00	-300.00	KAW
	Research case law on [REDACTED]	2.50	562.50	KEA
Jul-24-14	Review and revise good faith letter and confer with Ms. Worth	1.40	420.00	HGT
	Courtesy Discount	-1.40	-420.00	HGT
	Confer several with K. Worth, Esq., K. Aultman, Esq. and E. Elwood, Esq. on the [REDACTED]	3.20	768.00	DBB
	Conference with K. Aultman and K. Worth. Reviewed and began revisions to correspondence.	1.20	210.00	EVE
	Review letter to Mr. Webb and changes to same	2.40	720.00	KAW
	Confer with K. Worth, E. Elwood, and B. Black regarding letter [REDACTED] Revisions to letter to [REDACTED]	3.60	810.00	KEA
Jul-25-14	Phone conference with [REDACTED] office conference with [REDACTED]	0.70	210.00	HGT
	Review and finalize the good faith letter to Attorney General; confer numerous times with K. Worth, Esq., K. Aultman, Esq., E. Elwood, Esq., and A. Gerardo on same	2.40	576.00	DBB
	Final review of letter. Reviewed correspondence and documents.	0.40	70.00	EVE

	Calls and emails regarding [REDACTED] [REDACTED] review final of same and transmit; receive and review response to same; correspondence with [REDACTED] as to same	2.90	870.00	KAW
	Revisions to letter to [REDACTED]	1.10	247.50	KEA
Jul-26-14	Correspond with [REDACTED] follow up with Mr. Black as to issues concerning Motion for Sanctions	0.80	240.00	KAW
Jul-28-14	Confer several times with K. Worth, Esq. and E. Elwood, Esq. on the [REDACTED]	2.40	576.00	DBB
	Brief conference call; in office meeting as to status of moving forward; confer with Ms. [REDACTED] for same; draft correspondence to [REDACTED] as to same; begin review of [REDACTED]	2.90	870.00	KAW
Jul-29-14	Office conference with Ms. Worth regarding [REDACTED]	1.00	300.00	HGT
	Confer several times with K. Worth, Esq., E. Elwood, Esq. and K. Aultman, Esq. on the conversation [REDACTED]	1.80	432.00	DBB
	Conferences with K. Worth and B. Black regarding [REDACTED] Performed legal research.	2.60	455.00	EVE
	Conference with [REDACTED] and review [REDACTED]	2.00	600.00	KAW
	Confer with K. Worth, B. Black, E. Elwood regarding [REDACTED]	1.00	225.00	KEA
Jul-30-14	Conference with K. Worth regarding [REDACTED]	0.40	70.00	EVE
	Begin edits to Motion for Sanctions	1.10	330.00	KAW
Jul-31-14	Office conference with Ms. Worth regarding [REDACTED]	1.60	480.00	HGT
	Courtesy Discount	-0.60	-180.00	HGT

	Review and revise the Kalberman Affidavit; confer with E. Elwood, Esq. on same	0.60	144.00	DBB
	Drafted affidavits of S. Kalberman and K. Worth.	3.90	682.50	EVE
	Conference calls with [REDACTED] and other [REDACTED] for use in [REDACTED] review and edit Ms. Kalberman's affidavit in support of Motion for Sanctions and other issues; [REDACTED] law for [REDACTED] review courts order related to quashing the subpoena of Governor Deal; in office meeting with Mr. Thrasher [REDACTED] follow up on several occasions with Ms. Kalberman [REDACTED]	2.90	870.00	KAW
	Courtesy Discount	-0.70	-210.00	KAW
	Confer with K. Worth and E. Elwood regarding [REDACTED]	0.40	90.00	KEA
Aug-01-14	Office conference with Ms. Worth [REDACTED]	1.00	300.00	HGT
	Conference with K. Worth. Phone conference with [REDACTED] Continued revisions to motion.	2.70	472.50	EVE
Aug-03-14	Revised [REDACTED]	2.70	472.50	EVE
Aug-04-14	Continued motion.	2.40	420.00	EVE
	Totals	204.80	\$47,175.50	

DISBURSEMENTS

Jul-21-14	Court Reporting Services - pretrial motions 03/31/2014	174.34
	Totals	\$174.34

Total Fee & Disbursements for all charges on this matter

\$47,349.84

TAX ID Number 38-3648345



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July 25, 2014

VIA FIRST CLASS MAIL, FACSIMILE,
AND ELECTRONIC MAIL

Bryan K. Webb, Esq.
Senior Assistant Attorney General
Sam Olens, Esq.
Attorney General
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Re: *Stacey Kalberman v. Georgia Government Transparency and Campaign
Financial Commission, et al.*; Superior Court of Fulton County, Georgia;
Civil Action File No. 2012-CV-216247

Mr. Webb and Mr. Olens:

This letter is to advise you and your office that my client, Stacey Kalberman, intends to seek sanctions against your office and the Defendants under O.C.G.A. §§ 9-11-37, 9-15-14, and 15-1-3. While we do not believe that correspondence under U.S.C.R. 6.4 is required in this particular case, we write this letter out of an abundance of caution, in light of the fact that your discovery violations serve as the predicate for the filing of our motion for sanctions based on bad faith and abusive litigation, ethical misconduct, and fraud upon the Court.

As an officer of the Court, I am shocked at the tactics your office employed in this case, as they reveal a concerted effort to conceal information relevant to my client's claims. I would submit further that the Office of the Attorney General represents the citizens of this State and should conduct itself in a manner that other lawyers should aspire to emulate. Instead, in this case, the pattern of concealment and bad faith, coupled with the more recent attempts by your office to offer half-truths to the public, parse words, and ascribe technical explanations for your failure to disclose relevant evidence that clearly was subject to production, is indefensible.

As you know, I personally was notified in the Spring of 2013 that Holly LaBerge was using her Gmail account to circumvent the Open Records Act. When I received this information, I immediately called to notify you that I planned to subpoena Ms. LaBerge's personal Gmail account. Thereafter, you filed a Motion to Quash the Subpoena on behalf of Ms. LaBerge wherein you contended, *inter alia*, that "the subpoena seeks information that is neither relevant or material to the Plaintiff's cause of action against Defendants and seeks information that post-dates any of the alleged unlawful actions of Defendants." In an effort to avoid the expense of protracted litigation on the issue of the subpoena, we entered into an agreement whereby I



agreed to withdraw the subpoena, and Ms. LaBerge would produce all work-related emails from her Gmail account (“Email Agreement”).³

While we have no way of knowing which documents Ms. LaBerge produced in response to the Email Agreement, or which documents were produced in response to the discovery requests, we submit that not one single email in Ms. LaBerge’s Gmail account that was remotely relevant to Ms. Kalberman’s case justifiably could have been withheld from production to us. The Email Agreement did not limit the scope of our prior discovery requests, as Ms. LaBerge was already under a duty to locate personal emails that were responsive to our discovery requests. Neither did our discovery requests limit the Email Agreement, as the agreement was for her to locate and produce all work-related emails regardless of whether they were responsive to our discovery requests.

The relevant discovery requests are as follows:

Request for Production of Documents No. 2 (propounded to the Commission):

Please produce the Commission’s entire investigative file concerning Nathan Deal, including all correspondence relating to that investigation into alleged ethical violations committed by his campaign for governor in the 2010 election cycle. Plaintiff acknowledges the sensitive nature of this request and agrees to the production of the responsive documents subject to a privilege log and offers that the documents will be viewed by counsel and Plaintiff only.

Request for Production of Documents No. 2 (propounded to Ms. LaBerge):

Please produce any and all correspondence, including e-mails to and from your Personal E-mail Account(s) and/or your Commission E-mail Account(s), between yourself and any other person(s) (e.g., without limitation, Lisa Dentler, Elisabeth Murray-Obertein) and/or entity(ies)/agency(ies)/department(s) of the government of the State of Georgia, concerning any issue relating to this lawsuit filed by Plaintiff, including correspondence pertaining to, without limitation, the Commission’s budget, the Commission’s investigation into alleged ethics violations by Nathan Deal (the “Deal Investigation”), the employment of Plaintiff and this resulting lawsuit, the employment of Sherlyn Streicker and her resulting lawsuit against Defendants, Defendant Millsaps’ appointment to the Commission, Defendant Millsaps’ role as Chair of the Commission, Defendant Millsaps’ departure from the Commission, the manner in which Defendant Millsaps obtained his position with Mr. Newt Gingrich’s presidential campaign, Randolph “Randy” Evans, Todd Markle, the State of Georgia Governor’s Office, Deborah Wallace, and/or the Office of the State Inspector General and its investigation into Plaintiff’s departure from the Commission.

Request for Production of Documents No. 5: (propounded to Ms. LaBerge):

³ Ms. LaBerge was well aware of this Email Agreement, as I examined her on this issue at her deposition. In fact, Ms. LaBerge testified specifically that she gave you everything that was responsive to our requests.

Please produce any and all correspondence, including e-mails to and from your Personal E-mail Account(s) and/or your Commission E-mail Account(s), between yourself and any employee or representative of the State of Georgia Governor's Office, since July 1, 2011.

You did not object to any of these discovery requests, file a privilege log, or indicate that you intended to pursue an *in camera* inspection of any questionable documents before Judge Glanville.

In addition to seeking relevant and responsive documents through the discovery process, on July 23, 2013, Ms. Kalberman sought documents under the Open Records Act, which is even broader in scope than the Civil Practice Act and requires strict compliance by state agencies, pursuant to O.C.G.A. § 50-18-70, *et seq.* In this Open Records Act request, Ms. Kalberman sought, *inter alia*:

Any and all e-mails sent to or received by holly.laberge@gmail.com . . . since September 2011, containing communications, information, documents, discovery requests, files, or data related to Complaints filed with the Georgia State Ethics Commission and the Georgia Government Transparency and Campaign Finance Commission concerning Nathan Deal and the subsequent investigation/consent orders/fines . . . that were prepared, maintained or received in the performance of a service or function for or on behalf of the Commission.

In response, Ms. LaBerge informed Ms. Kalberman that all of the requested documents had "already been submitted to you in the context of the discovery of the cases."

Accordingly, Defendants, through your office, were under a legal obligation to provide emails out of Ms. LaBerge's Gmail account from three different avenues: (1) through the Email Agreement, (2) through discovery requests propounded under O.C.G.A. 9-11-34, and (3) through the Open Records Act. As we now know, we did not receive all of the responsive documents nor did we receive any of this newly publicized evidence in response to our specific requests to Ms. LaBerge or to the Commission.

In July 2013, we received two discs from your office that contained tens of thousands of pages of documents purportedly responsive to our discovery requests. We also received more than 20 emails from Ms. LaBerge's private email account. We now know that documents central to our case were not included on these discs and the first time we heard that such evidence existed was when Ms. LaBerge appeared on the Channel 5 news. During this interview, Ms. LaBerge showed pictures of emails that she had maintained in her Gmail account dating back to July 2012, and that included text message correspondence that she had received from Chris Riley and Ryan Teague. The same interview included another piece of evidence purportedly created by Ms. LaBerge in the form of a memorandum, which included dates, times, and the exact content of this text message correspondence ("Memorandum"). In the Memorandum, Ms. LaBerge states that she felt threatened by the Governor's Chief of Staff and his Counsel to settle the Governor's cases.

I am at a loss as to how to convey my feelings as an attorney regarding your failure to produce all of this evidence when you knew it was central to my client's claims.

Ms. Kalberman's focus from the inception of this litigation was not only that she lost her job because of the Deal matters but also that she lost her job so that another person could be brought into the office whom the Governor (or someone in his office) believed could be influenced. The Memorandum is central to this issue and proves Ms. Kalberman's claim outright. In addition, as this Memorandum was created by the Executive Secretary of the Commission in relation to the Governor's cases, it should have been included in the Deal file and not hidden away. There is no legal justification for this document not to have been placed in the Deal file and produced during discovery. When you discovered the existence of the Memorandum, you were immediately on notice that your response to our Request to Production No. 2 to the Commission requesting the entire Deal file was no longer accurate and that you were obligated to update this response pursuant to O.C.G.A. § 9-11-26(e)(2)(B). To argue now that it was not physically in the Deal file belies your obligation under the Civil Practice Act and would signify that any litigant could maintain responsive documents in a separate physical location to avoid production during suit.

With respect to the emails that Ms. LaBerge sent to herself that contained the text message correspondence that she received from the Governor's representatives, these emails were in Ms. LaBerge's email account since July 2012. Because there is no way that you can argue these were not work-related emails, these emails were similarly subject to production under the private agreement to produce e-mails. You did not produce these documents, and they were central to Ms. Kalberman's claims.

In addition, the text messages and the emails containing the text message correspondence also were subject to production to Ms. Kalberman's discovery requests. If you had any doubt that these materials were not responsive to our requests, your obligation was to request an *in-camera* inspection from Judge Glanville so that he could review the documents to determine if they were responsive to our requests. As the Attorney General of this State, it defies reason and violates the spirit and intent of the Civil Practice Act to argue that these emails were not subject to production because they were not sent to Ms. LaBerge from the Governor's office but to Ms. LaBerge from Ms. LaBerge. Presumably, under your logic, if I have a text message and I take a picture of it to preserve it, I do not have to produce it because it is not a text message anymore – it is a picture. We both know this is a self-serving argument that should not withstand scrutiny before any judge in this State. The fact that the physical properties of the document has changed does not change the character or content of the underlying piece of evidence.

Moreover, and more importantly, when you received the Memorandum, you were then on notice of the text messages. You had an absolute duty to produce them at that time because you knew that they were responsive to our requests seeking correspondence between Ms. LaBerge and the Governor's office or correspondence related to the consent orders/fines in the Governor's cases. If you believed that the Memorandum was non-responsive, which we dispute, you could have redacted the portions that you did not believe were subject to production. Instead, you withheld critical documents and argued throughout this case that what happened after Ms. Kalberman left the Commission had no bearing on her case, while having exclusive knowledge that there was evidence that the Governor's Office threatened Ms. Kalberman's replacement after Ms. Kalberman left. I would go so far as to say you perpetrated a fraud on the Court by arguing there was no evidence before the Court that showed a link to the Governor's Office when you knew of the existence of the exact evidence that was the linchpin to our case.

To hear the Office of the Attorney General now state that we did not ask the "right" questions is disgraceful. You were well aware that we had a private agreement for Ms. LaBerge

to produce work-related emails, and I think we can all agree that emails containing messages from the Governor's Office that Ms. LaBerge interpreted as threatening – while she was the head of the Commission – are most certainly work-related.

Finally, the fact that Ms. Kalberman prevailed on her claim does not relieve either you or your office from the rules that govern our profession. You and I had dozens of conversations about my theory of the case, which I tried to approach from numerous angles. It is inconceivable to me that you could sit on evidence this relevant and fail to produce it in (or after) discovery. Now I understand why you argued that Ms. Kalberman's intention to introduce evidence of the events that transpired after her departure were not "relevant"; indeed, not only was it relevant, it was damning to the Defendants. You even filed a Motion in Limine presenting this argument to the Court, when the Court did not have all of the evidence before it to fairly decide that Motion. Ultimately, your conduct significantly expanded the proceedings and substantially increased the attorney time and effort required to prosecute Ms. Kalberman's case.

As stated herein, Ms. Kalberman intends to proceed with her Motion for Sanctions. If you would like to provide a meaningful response to these issues, please do so by close of business on Tuesday, July 29, 2014. If your response is merely to parse words as your office has to the press, please do not bother to respond.

THRASHER LISS & SMITH, LLC

Kim Worth/KEA

Kimberly A. Worth

KAW/kea

EXHIBIT Y

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

STACEY KALBERMAN,)
)
 Plaintiff,)
)
 v.)
)
 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)
 Government Transparency and Campaign)
 Finance Commission, and **PATRICK**)
 MILLSAPS, in his Individual capacity,)
)
 Defendants.)

**CIVIL ACTION
FILE NO. 2012CV216247**

AFFIDAVIT OF STACEY KALBERMAN

Fulton County

Georgia

Personally appeared before the undersigned officer, duly authorized by law to administer oaths, STACEY KALBERMAN, who, after first being duly sworn, states the following under oath:

1.

My name is Stacey Kalberman, and I give this Affidavit willingly and under no duress.

2.

I am over the age of twenty-one (21) and a resident of the state of Tennessee, and I am laboring under no disabilities whatsoever.

3.

I give this Affidavit in connection with the above-referenced matter, for use in any other court proceeding.

4.

I have personal knowledge of the facts and circumstances stated herein, surrounding the above-referenced matter.

5.

I have been given an opportunity to review the contents of this affidavit and to edit it and make any revisions I deem appropriate

6.

I have not been offered, nor have I received any compensation of any sort in exchange for my statement.

7.

No one has threatened me or promised me anything to obtain this affidavit. I have been given a copy of this affidavit for my records.

8.

I am the Plaintiff in the civil suit, Civil Action Number 2012CV216247 currently pending before the Superior Court of Fulton County.

9.

I served as the Executive Secretary of the Georgia Government Transparency and Campaign Finance Commission ("the Commission") from April 2010 through September 2011.

10.

As Executive Secretary of the Commission, I was solely responsible for ensuring that the Commission complied with requests for records received under the Open Records Act, O.C.G.A. § 50-18-70, *et seq.*

11.

As Executive Secretary of the Commission, the Open Records Act would have prohibited me from withholding from the public any document created within the scope of my duties as Executive Secretary.

12.

As Executive Secretary of the Commission, the Open Records Act would have prohibited me from storing any type of “personal file” wherein I personally would maintain sensitive documents relating to the business of the Commission so as to prevent their production to the public under the Open Records Act.

13.

As Executive Secretary of the Commission, the Open Records Act would have prohibited me from storing Commission documents at my home or any location away from the Commission.

14.

As Executive Secretary of the Commission, the Open Records Act would have prohibited me from utilizing my personal e-mail account or cell phone to conduct Commission business for the purpose of circumventing the production of those communications upon request.

15.

As Executive Secretary of the Commission, if I had engaged in communications regarding Commission business through my personal e-mail account or cell phone, I would have been obligated to preserve those communications through the Commission's paper file or electronic file.

16.

As Executive Secretary of the Commission, if I had engaged in communications regarding Commission business through my personal e-mail account or cell phone, I would have been prohibited from preserving those communications separately from the Commission.

17.

Moreover, during my tenure as Executive Secretary of the Commission, I oversaw the investigation into certain ethics complaints filed against the 2010 Nathan Deal for Governor Campaign ("the Deal Investigation").

18.

As Executive Secretary, I oversaw the creation and maintenance of the Deal Investigation file, which would have included all documents created in the scope of Commission business that related to the complaints against Mr. Deal, such as investigative notes, evidence, research, drafts, correspondence and memorializations of communications with Mr. Deal's representatives, interoffice memoranda, motions filed by Mr. Deal, settlement negotiations, resolutions, and consent orders.

19.

I have had the opportunity to review the Deal Investigation file, following the completion of the investigation against Mr. Deal, as it was produced to my attorney during discovery in the

litigation against Defendant LaBerge and the Commission. The file contained the types of documents described in the above paragraph, among others, as would be expected for any Commission file. For instance, the produced file included memoranda, photocopies of sticky notes jotted down by Commission staff, and handwritten notes reflecting conversations and messages from Mr. Deal's counsel.

20.

I have had the opportunity to review a memorandum prepared by my successor at the Commission, Ms. Holly LaBerge, and which was not produced as part of the Deal Investigation file during the course of my employment litigation against Defendant LaBerge and the Commission. This memorandum is attached at Exhibit A to this Affidavit ("the LaBerge Memorandum").

21.

The LaBerge Memorandum is the type of document in its content and purpose (of memorializing a conversation with Mr. Deal's representatives regarding the resolution of the complaints) that I would have kept in the voluminous Deal Investigation file.

22.

Having reviewed the Deal Investigation file as actually maintained by the Commission following my termination, the LaBerge Memorandum is the type of document in its content and purpose that should have been maintained among the other documents described above within the Deal Investigation file.

23.

Based on my experience as former Executive Secretary of the Commission, there was no appropriate place other than the Deal Investigation file, either physically or administratively, to maintain the LaBerge Memorandum.

24.

As Executive Secretary of the Commission, the Open Records Act would have prohibited me from alienating the LaBerge Memorandum from the Deal Investigation file.

25.

I first learned of the existence of withheld evidence and associated discovery abuses when viewing news reports during the week of July 14, 2014, following an interview between Defendant LaBerge and television reporter Dale Russell.

26.

During the news report with Mr. Russell, Defendant LaBerge showed e-mails dated 2012 that she had preserved, which contained text message correspondence between herself and representatives of the Governor's Office.

27.

This e-mail correspondence was not produced to me during the discovery of my case, despite being responsive to my discovery requests to Defendant LaBerge.

28.

Additionally, during the course of the litigation, I had instructed my attorney to withdraw a subpoena seeking access to Defendant LaBerge's personal e-mail account, in exchange for LaBerge's agreement to provide all work-related e-mails from that account.

29.

However, the first time I saw these responsive e-mails was during the news report with Mr. Russell because the e-mails were not produced pursuant to the agreement to withdraw the subpoena.

30.

These e-mails demonstrate the theory of my case, namely, that I was terminated and replaced by an individual, Defendant LaBerge, that the Governor's Office believed it could manipulate and "threaten" to resolve the complaints in his favor.

31.

Yet, Defendant LaBerge waited two years, until the trial in my case was over, to make this information public.

32.

As the Executive Secretary of the Commission, had I received similar text messages and a "threatening" phone call from the Governor's Office, I would not have hid that information from the public for more than two (2) years.

33.

As the Executive Secretary of the Commission, had I received a similar "threatening" phone call from the Governor's Office, I would have contacted the appropriate authorities about the inappropriate communication, including the Attorney General's Office.

34.

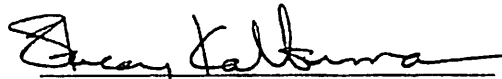
As the Executive Secretary of the Commission, had I created a memorandum memorializing the "threatening" phone call with a representative of the Governor's Office, I

would have maintained that memorandum in the corresponding file of that case as a public record created within the scope of my duties as a public officer.

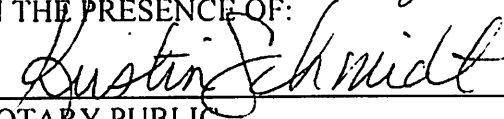
35.

As the Executive Secretary of the Commission, had I created a memorandum memorializing the "threatening" phone call with a representative of the Governor's Office, I would have produced the memorandum upon receiving a request under the Open Records Act, Civil Practice Act, or as otherwise required by law.

FURTHER. Affiant sayeth not.


Stacey Kalberman

SUBSCRIBED TO AND SWORN BEFORE ME
ON THIS 4 DAY OF August, 2014
IN THE PRESENCE OF:


NOTARY PUBLIC

MY COMMISSION EXPIRES: 5/30/17



Memorandum of Record

COPY

July 17, 2012

On July 16, 2012 at 4.44 pm CST I received a text message to my personal cell phone from Chris Riley:

So since you are at the beach, with your feet in the sand and probably something cold to drink. Does this mean we can resolve all DFG issues by Monday? :)

I replied via text at 8.46 pm CST:

Well I am on vacation but it's apparently a "working" one. A realistic counter by noon tomorrow is the best chance of a resolution. Otherwise it will be out of my hands and resolved on Monday.

At 8.50 pm CST Chris Riley responded via text:

That will be difficult, Ryan said two of issues, legal fees and aircraft are not even on the table for discussion. How can we give you a realistic counter when not all issues are ready? My non legal opinion. Have a good vacation. I wouldn't worry about having to work thru it.

I did not respond.

On July 17, 2012 at 6.31 am CST I received a text message to my personal cell phone from Ryan Teague:

Holly - Its Ryan. Would like to chat soon when you are in the office. I can walk over. Thanks.

I replied at 6.35 am CST:

Hi Ryan. I'm on vacation this week so if you need to talk before Monday it will need to be by phone. I apologize for the inconvenience.

He replied at 6.36 am CST:

Ok. Let's talk by phone then. Are u free this afternoon?

I replied at 6.38 am CST:

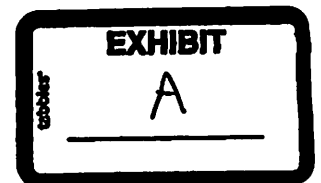
I will be on the beach but if you can give me an approximate time I will be near my phone.

He replied at 6.41 am CST:

1 pm?

I replied at 6.42 am CST:

Sounds good. I will wait to hear from you then.



COPY

At 1.04 pm CST, Ryan Teague called my personal cell phone. He proceeded to let me know how he was only acting as an intermediary to try to come to a resolution on the Deal complaints ahead of Monday's Commission meeting. He made an offer of \$1,500 settlement, no admission of violations and everything else to be dismissed. I explained that we offered Ben Vinson \$5,400 the day before for the CDR and PFD complaint technical defects and violations which was 75% off the initial consent order amount. Ryan informed me that that amount was more than Perdue (former Governor) had paid for a much worse violation. I tried to explain that the fine amount was based on the number of violations. I also tried to explain that the legal fees and aircraft complaints were not included in these consent orders because we were still awaiting the Commission's vote on the AO's and that this had been previously discussed at length with Randy Evans. Ryan informed me that it was not in the agency's best interest for these cases to go to a hearing Monday; nor was it in their best political interest either and that our rule making authority may not happen if the complaints were not resolved prior to Monday. I responded by expressing my surprise that the threat of rule making being withheld was being used to make the complaints go away.

The conversation continued with his lack of regard for my vacation that was planned months prior to the Commission meeting date being set for July 23rd. I informed Ryan that I would respond to voicemails and texts but I would not continue to carry my phone in my hand all day while on vacation and surely he didn't expect me to do so. This was met with the remark that he was still required to be in contact when he was on vacation. I replied that I was in contact with my staff regarding issues that needed to be addressed prior to my return but that the current scenario was not my emergency in light of the fact that we (the agency) had been waiting for a month for the Respondent to negotiate on the consent order.

Due to the nature of the contact from Chris Riley and then Ryan Teague, I felt it necessary to inform the Chairman of the Commission, Kevin Abernethy, about what had transpired since our phone conversation the day before with the staff attorney (Elisabeth Murray-Obertein) and the Respondent's counsel (Ben Vinson). After relaying the texts and phone conversation, Kevin stated that he would be passing this along to the Vice-Chairperson, Hillary Stringfellow and fellow commissioner, Kent Alexander.

Holly LaBerge
Executive Secretary
Georgia Government Transparency & Campaign Finance Commission

EXHIBIT Z

FOR IMMEDIATE RELEASE

August 6, 2014

**HOLLY LABERGE RESPONDS TO MEDIA REPORTS REGARDING
TEXT MESSAGES WITH GOVERNOR'S OFFICE**

ATLANTA, GA – On July 11, 2014, Holly LaBerge, Executive Secretary of the Georgia Government Transparency and Campaign Finance Commission (“Commission”), informed the Commission Members that she had given an interview to Dale Russell of Fox 5 News Atlanta. Ms. LaBerge explained that she did so in order to take a public stand against the fraud, waste, and abuse that occurred in connection with the trial and settlement of the litigation and threats of litigation related to the Commission’s handling of complaints stemming from the 2010 campaign of Governor Nathan Deal (the “Deal Complaints”). On July 14, 2014, Fox 5 News Atlanta aired a segmented news feature that included Ms. LaBerge’s documentation of the pressure that she received from the office of Governor Nathan Deal (the “Governor’s Office”) to resolve the Deal Complaints on terms favorable to the Governor. The news feature included a Memorandum that Ms. LaBerge created, at the request of Ethics Commission Chair Kevin Abernethy, to document the text messages and oral communications she received from representatives of the Governor’s Office, specifically Chris Riley and Ryan Teague. Ms. LaBerge provided the Memorandum to the Office of the Attorney General during discovery for the Stacy Kalberman and Sherry Streicker whistleblower litigation. The Memorandum contained verbatim quotations of the text messages that Ms. LaBerge received from Mr. Riley and Mr. Teague on June 16-17, 2012. The Atlanta Journal Constitution and other media outlets have disseminated copies of the Memorandum to the public.

Questions have arisen concerning the dates and times that some of the text messages were sent and received. On July 16 and July 17, 2012, Ms. LaBerge received the text messages referenced and quoted in the Memorandum. On July 17, 2012, Ms. LaBerge forwarded these text messages to her personal e-mail account in an effort to preserve the messages. Later during the evening of July 17, 2012, Ms. LaBerge also forwarded earlier text messages that she had received from Chris Riley on July 5, 2012 to her personal e-mail account in order to preserve those

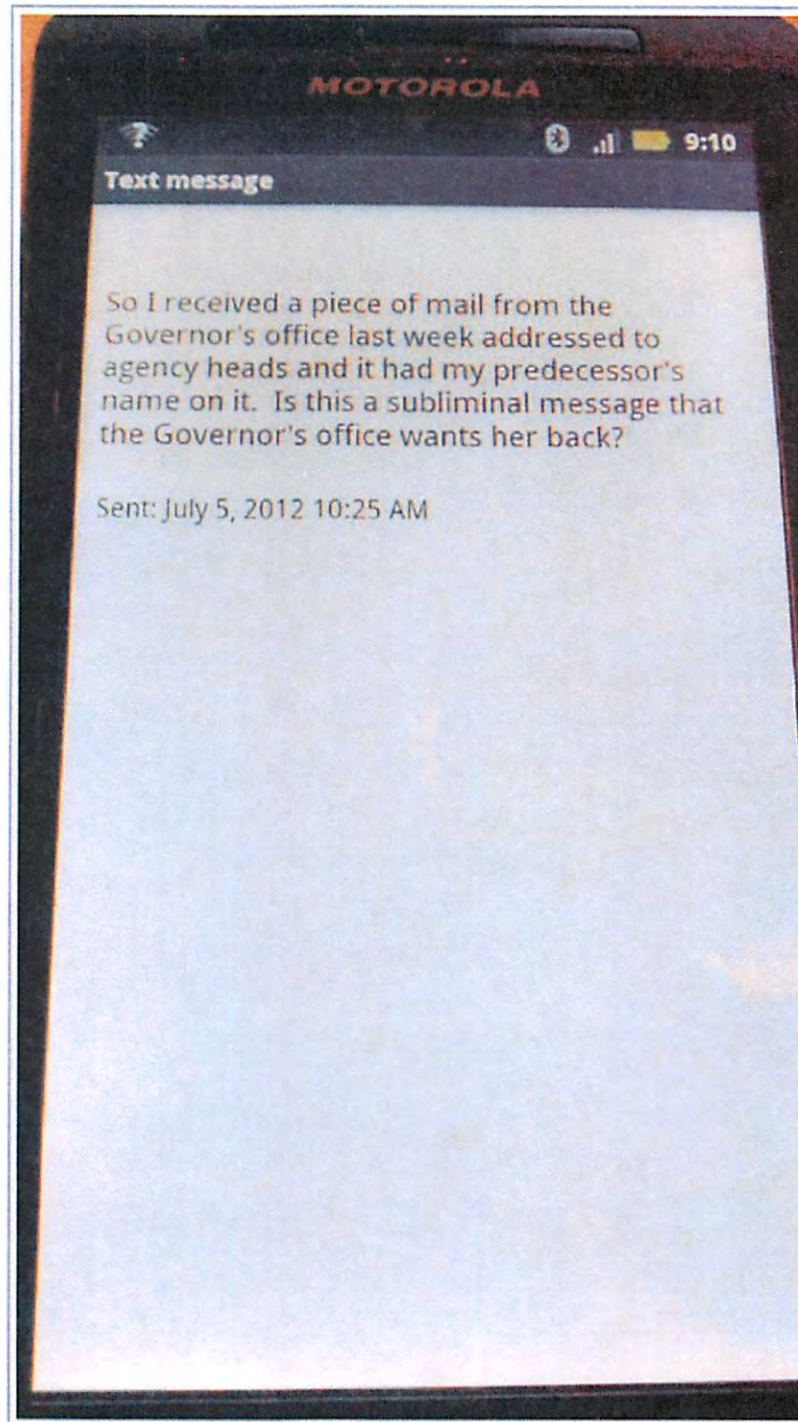
messages. The time stamps on the e-mails containing the text messages do not show the date or times that Ms. LaBerge exchanged the text messages with Mr. Riley or Mr. Teague of the Governor's Office. Rather, all of the July 17, 2012 e-mails containing the forwarded text messages have a time stamp showing when Ms. LaBerge forwarded the texts from her personal telephone to her personal e-mail account. Copies of these e-mails have now been produced in response to Open Records Act requests.

On July 21, 2014, the Atlanta Journal Constitution and WSB-TV Channel 2 News published news pieces stating that additional text messages produced by Ms. LaBerge called into question Ms. LaBerge's claims that she felt pressured by the Governor's Office to dismiss the Deal Complaints or settle them on terms favorable to the Governor. These reports were based on the false or mistaken assertion that the July 5, 2012 text messages between Mr. Riley and Ms. LaBerge were exchanged on the evening of July 17, 2012. Both reports wrongly relied on the time stamps on the e-mails showing when Ms. LaBerge forwarded the text messages to her e-mail account in order to support their published opinions that Ms. LaBerge was exchanging friendly text messages just a few hours after being pressured to resolve the Deal Complaints on terms dictated by the Governor.

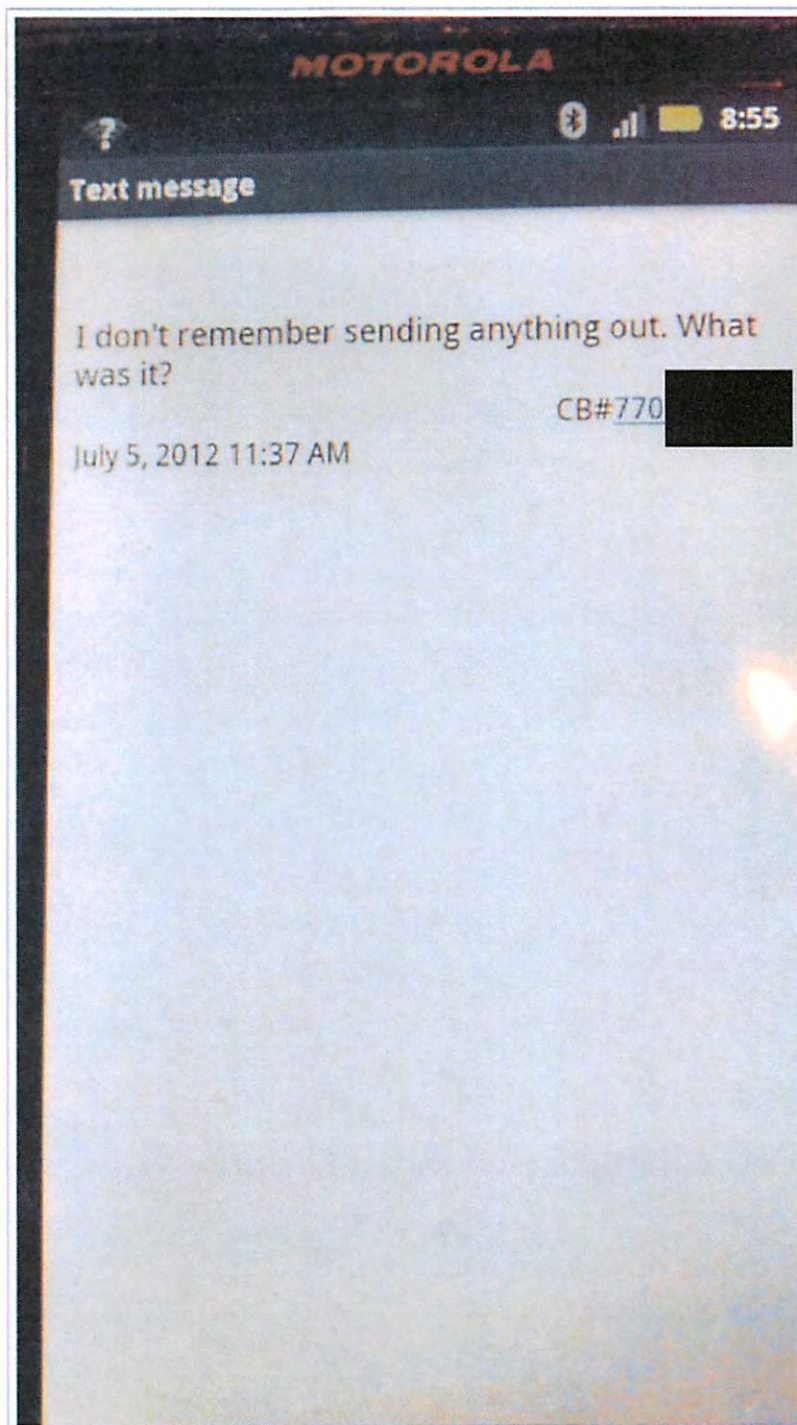
Ms. LaBerge now has been able to obtain the original text messages from her previous telephone. Photographs of those text messages showing the accurate sent and received dates and times are attached to this press release. The first four text messages in the attachment are the messages exchanged between Ms. LaBerge and Mr. Riley on July 5, 2012. These are the messages that the Atlanta Journal Constitution and Chanel 2 News reported as being exchanged on the evening of July 17, 2012, based on the e-mail time stamps. The next three messages are those exchanged between Mr. Riley and Ms. LaBerge on July 16, 2012. The final six messages are those exchanged between Mr. Teague and Ms. LaBerge on July 17, 2012. This should resolve any confusion regarding the dates of the text messages.

Ms. LaBerge is represented by attorney A. Lee Parks of Parks, Chesin & Walbert, P.C. in Atlanta, Georgia. Mr. Parks can be reached for questions at 404-873-8000.

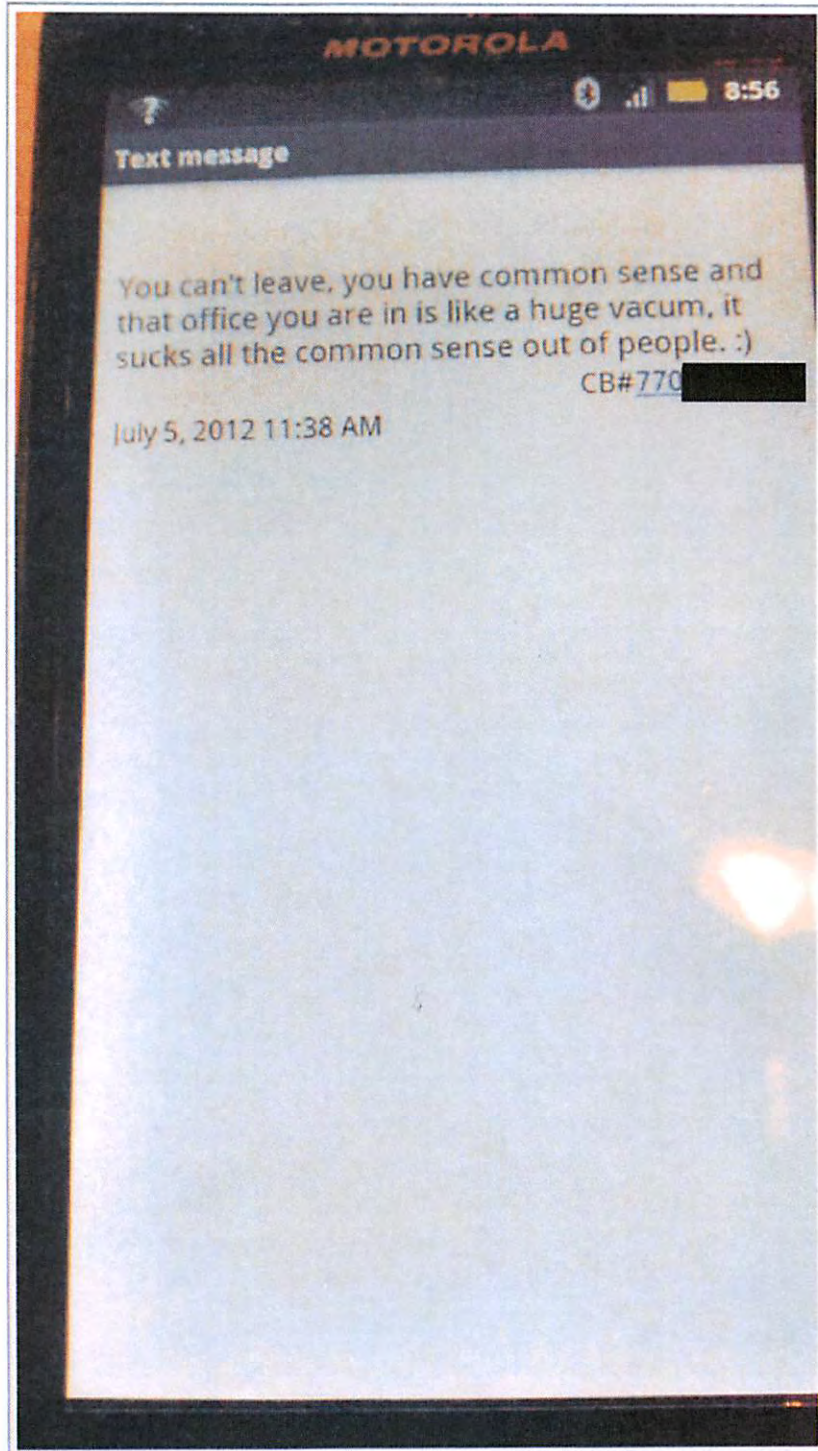
Message Dated July 5th, 2012 - 10:25 AM:



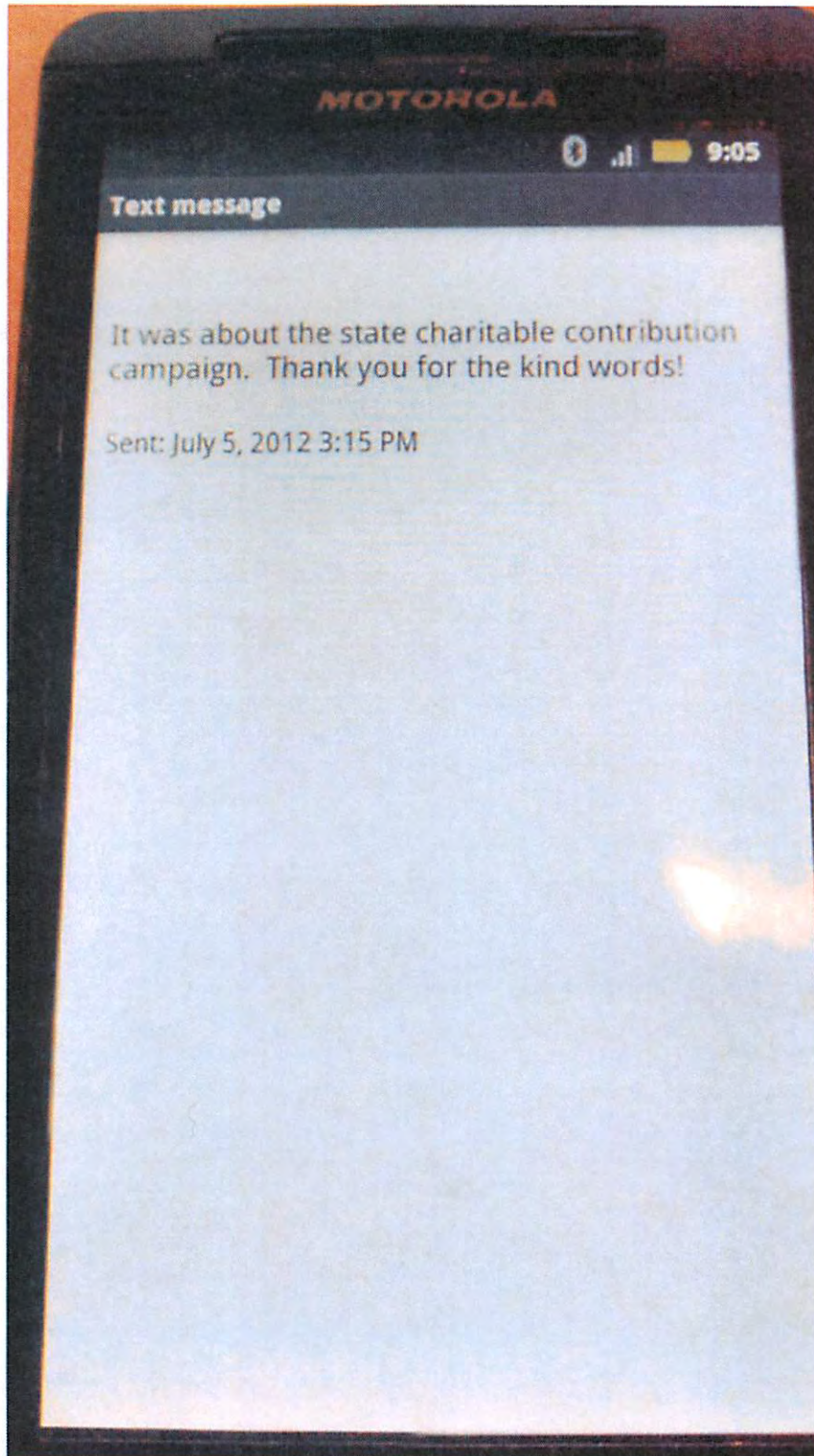
Message Dated July 5th, 2012 - 11:37 AM:



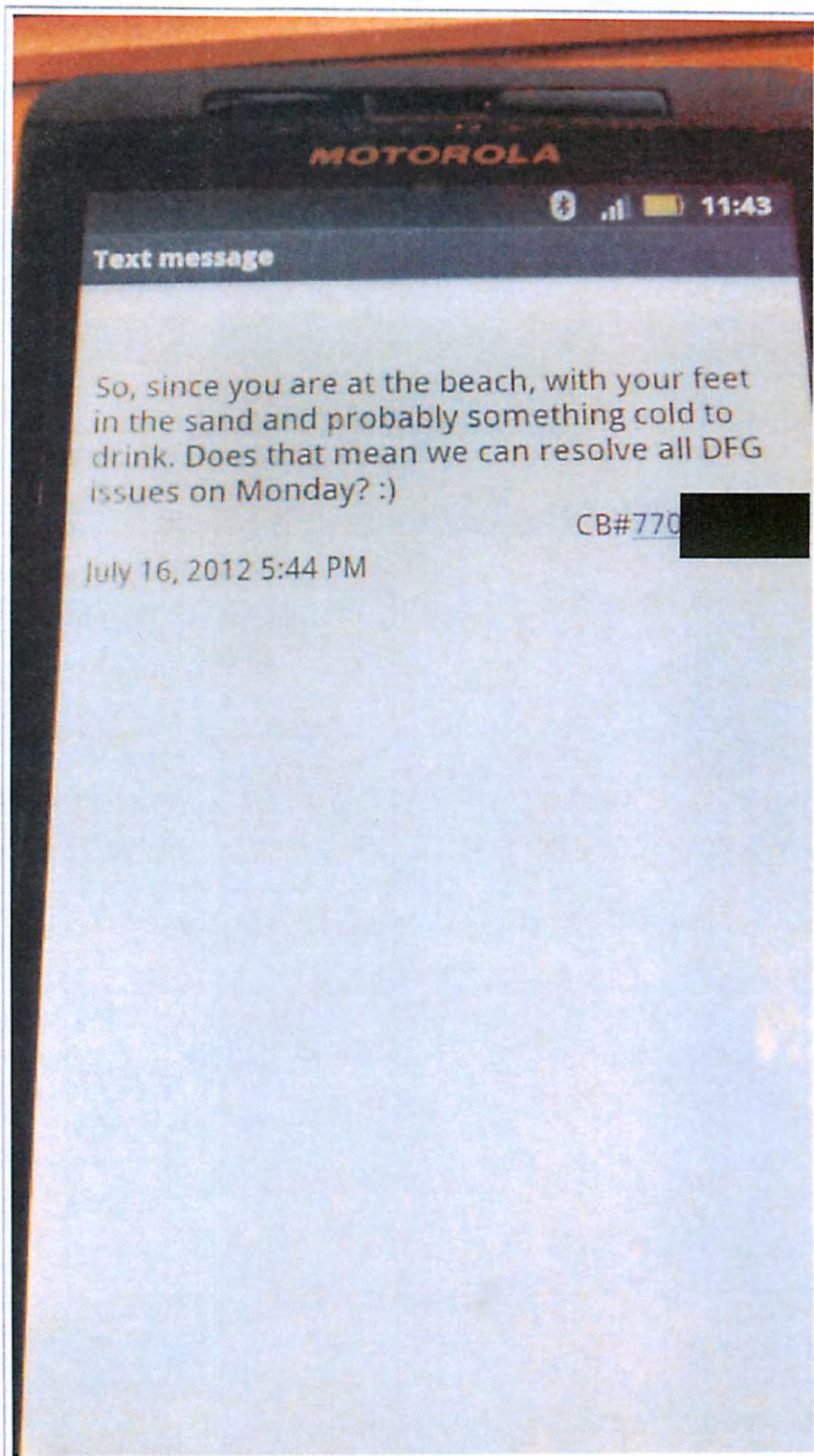
Message Dated July 5th, 2012 - 11:38 AM:



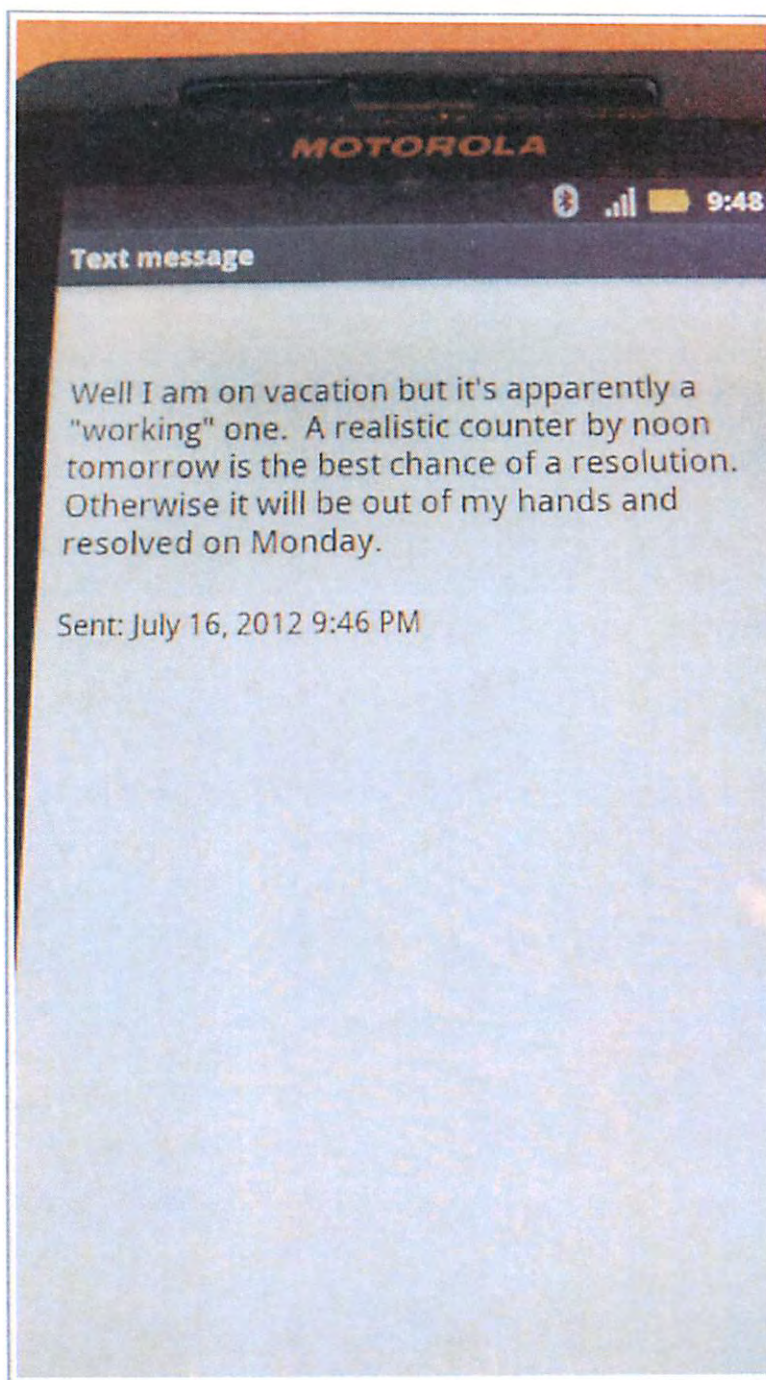
Message Dated July 5th, 2012 - 03:15 PM:



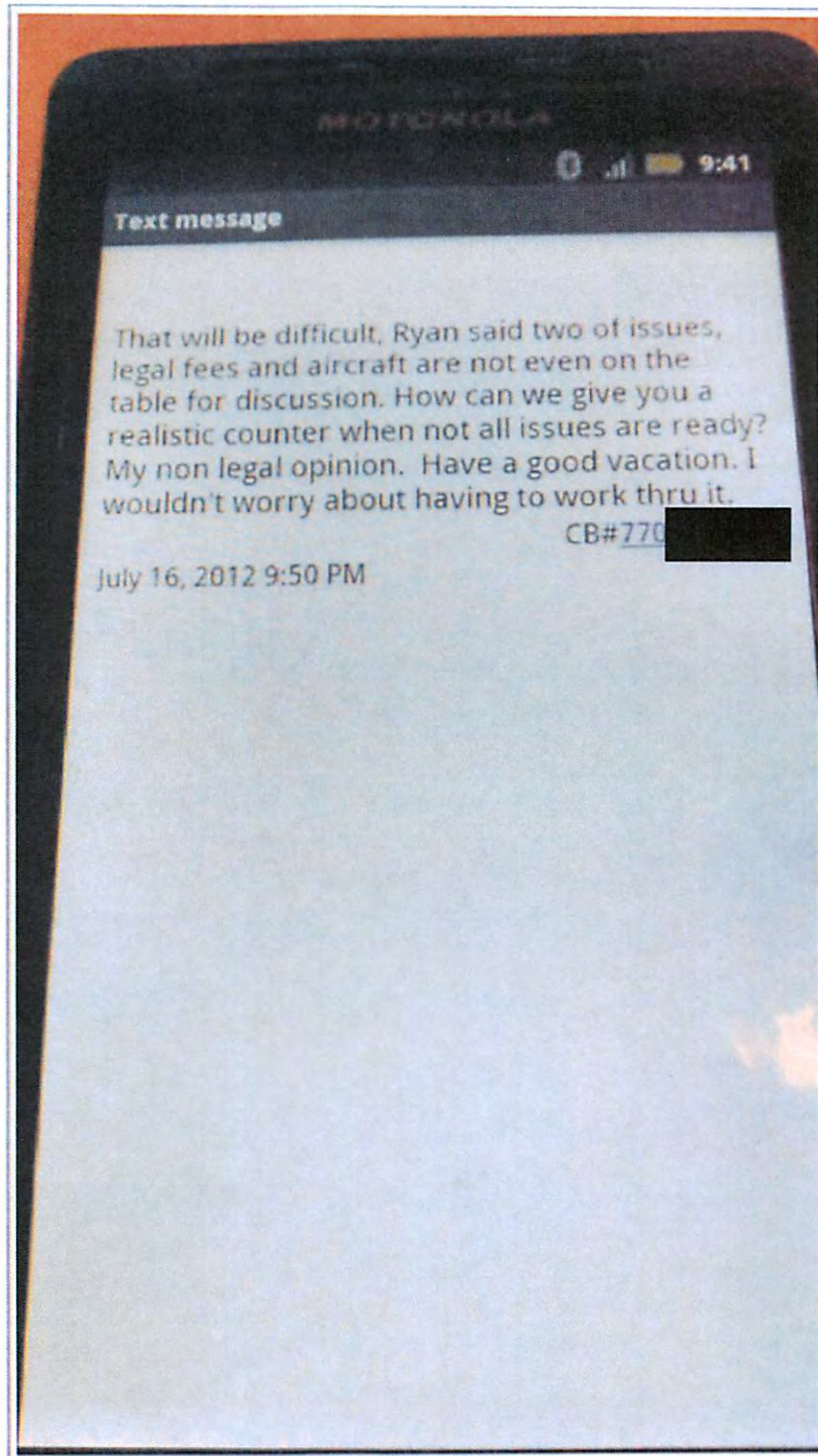
Message Dated July 16th, 2012 - 5:44 PM:



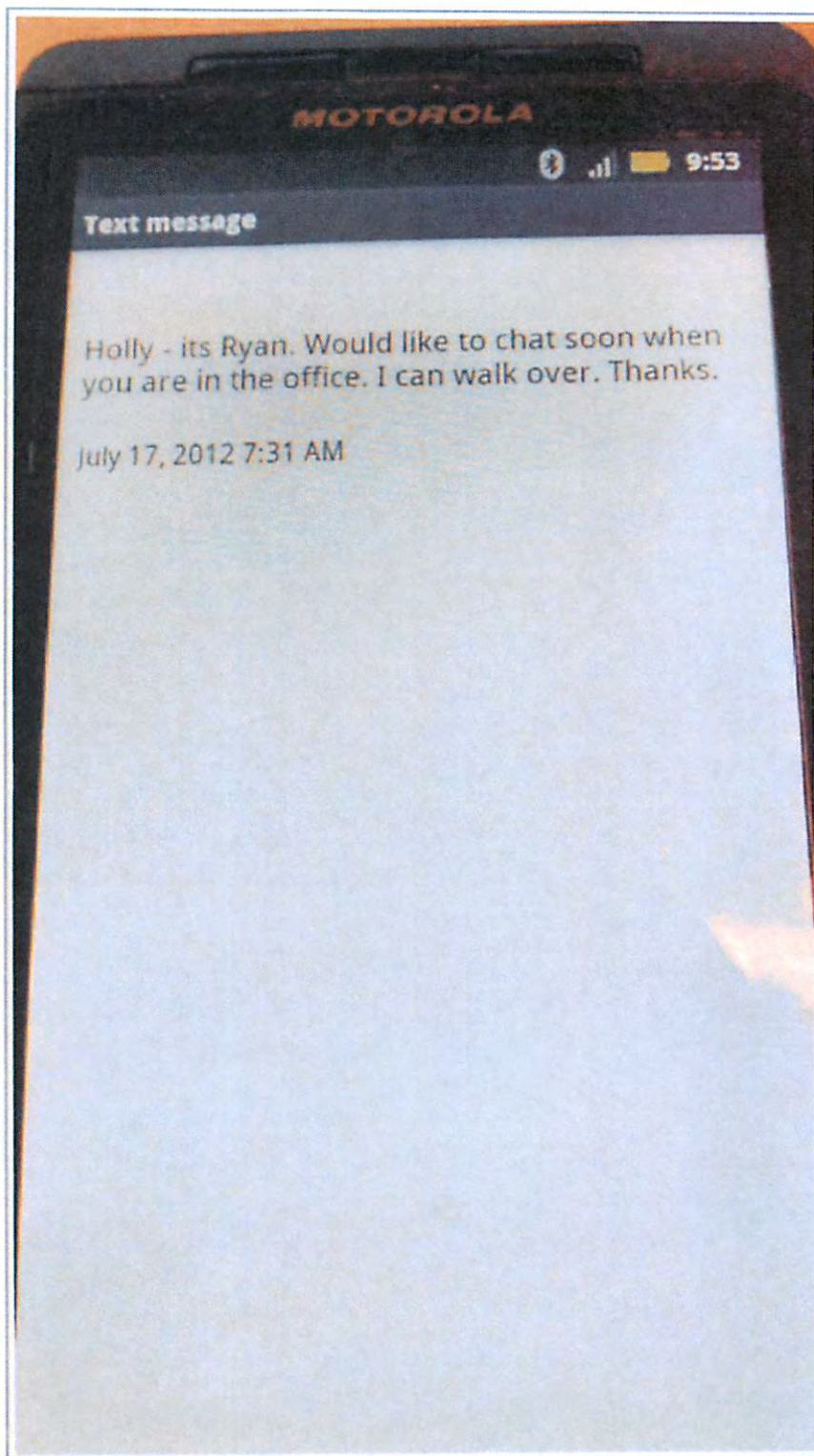
Message Dated July 16th, 2012 - 9:46 PM



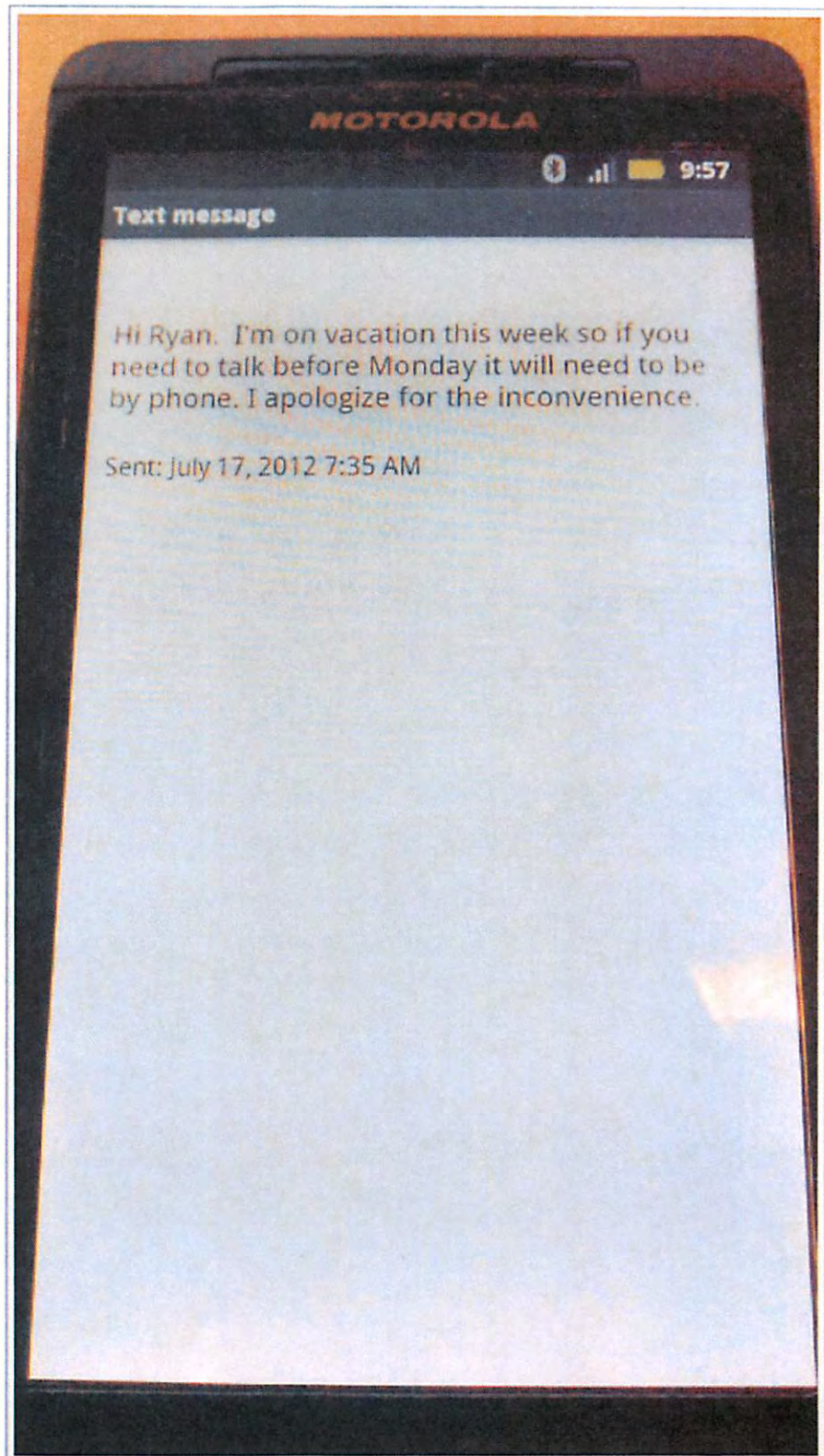
Message Dated July 16th, 2012 - 9:50 PM:



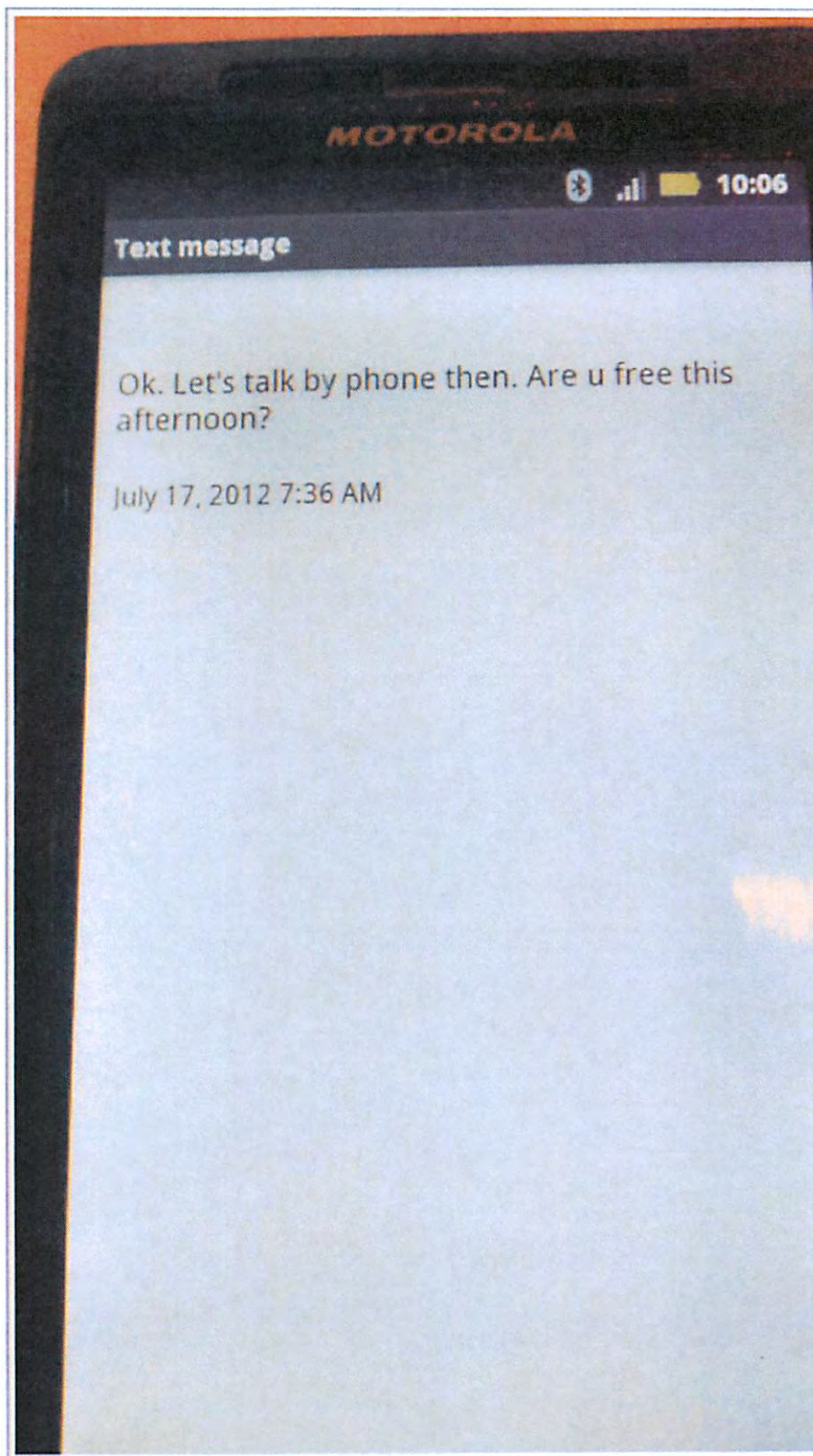
Message Dated July 17th, 2012 - 7:31 AM:



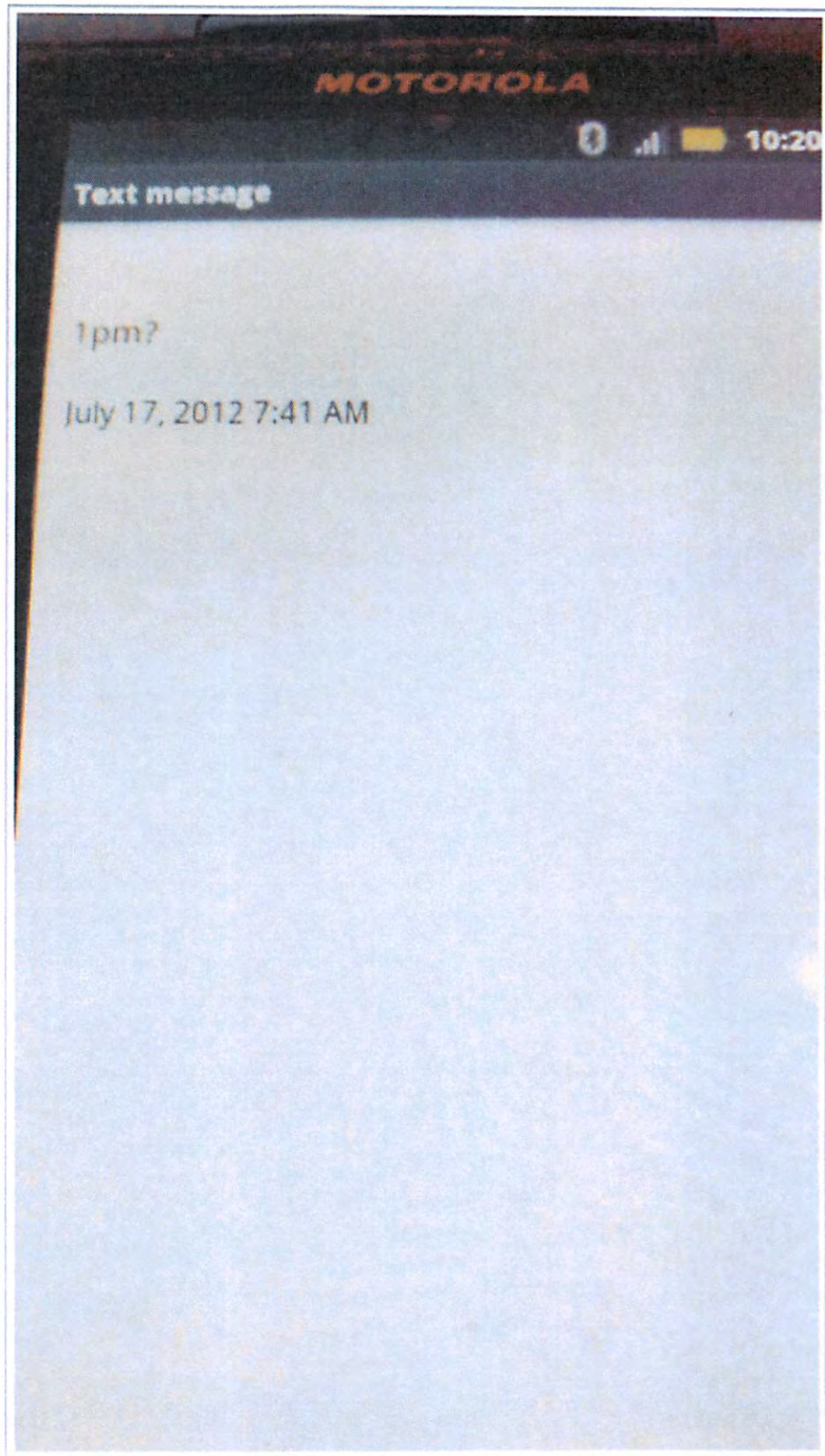
Message Dated July 17th, 2012 - 7:35 AM:



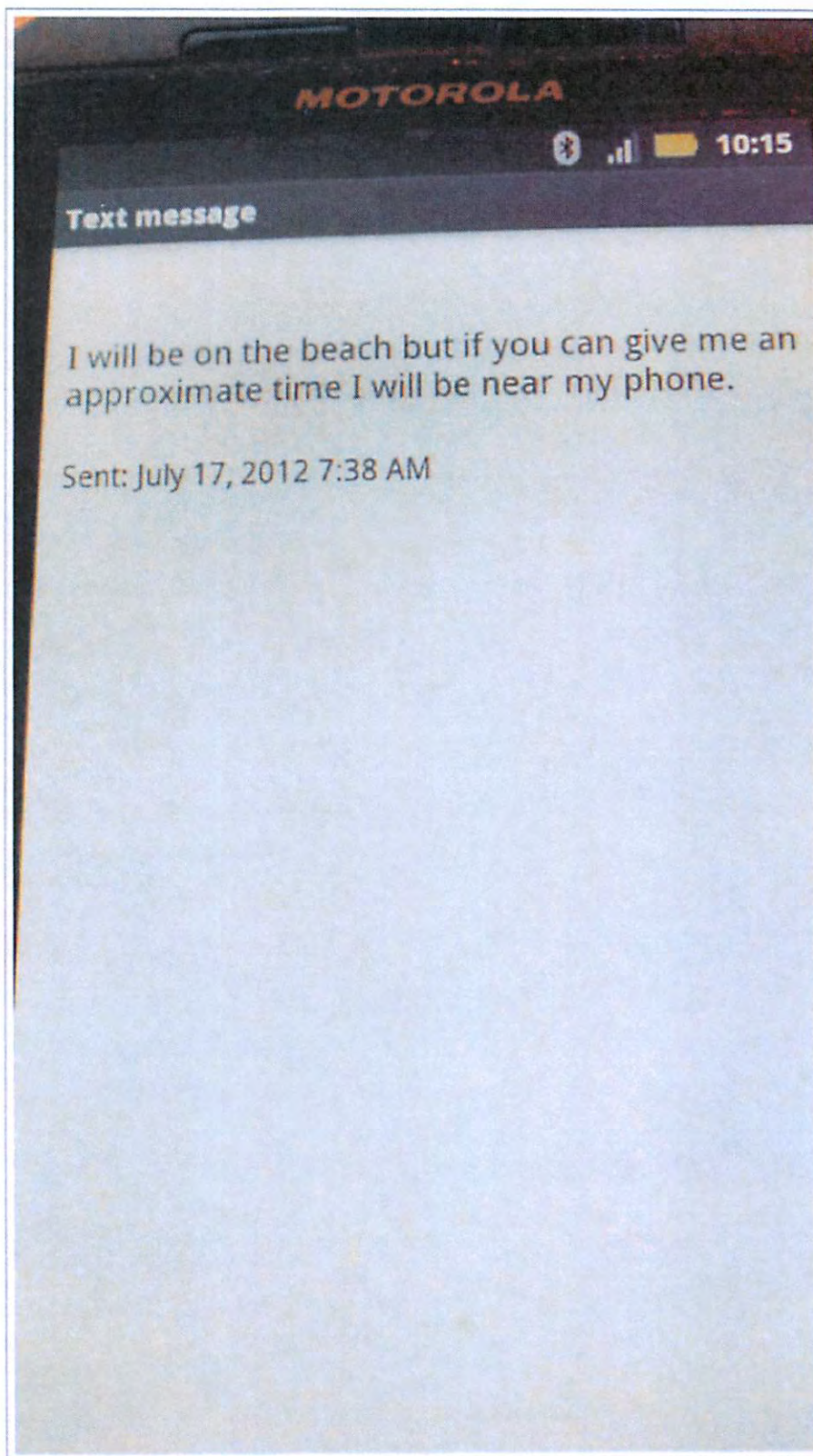
Message Dated July 17th, 2012 - 7:36 AM:



Message Dated July 17th, 2012 - 7:41 AM:



Message Dated July 17th, 2012 - 7:38 AM:



Message Dated July 17th, 2012 - 7:42 AM:

