

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

ROBERT S. WOOD, §  
§  
Plaintiff, §  
vs. §  
§  
CITY OF WARNER ROBINS, GEORGIA, §  
WARNER ROBINS FIRE DEPARTMENT, §  
MAYOR RANDY TOMS, §  
FIRE CHIEF ROSS MOULTON, §  
ASSISTANT CHIEF SCOTTIE DURHAM, §  
ASSISTANT CHIEF CHRIS CANNADY, §  
ASSISTANT CHIEF SCOTT RENFROE, §  
in their employment capacities §  
and individually, §  
§  
Defendants, collectively. §

Civil Action File No.:  
\_\_\_\_\_

**JURY TRIAL DEMANDED**

**PLAINTIFF’S COMPLAINT AND STATEMENT**  
**FOR EQUITABLE RELIEF AND DAMAGES**  
**AND DEMAND FOR JURY TRIAL**

COMES NOW, Plaintiff DEPUTY CHIEF ROBERT S. WOOD (“Plaintiff” or “Deputy Chief Wood”), by and through his attorney, to file his Complaint in this action against CITY OF WARNER ROBINS, GEORGIA; WARNER ROBINS FIRE DEPARTMENT; MAYOR RANDY TOMS, in his employment capacity as Mayor and individually (“Mayor” or “Toms”); FIRE CHIEF ROSS MOULTON (“Fire Chief” or “Moulton”), in his employment capacity as Fire Chief and individually; ASSISTANT CHIEF SCOTTIE DURHAM (“Assistant Chief

Durham” or “Durham”), in his employment capacity as Assistant Fire Chief and individually; ASSISTANT CHIEF CHRIS CANNADY (“Assistant Chief Cannady” or “Cannady”), in his employment capacity as Assistant Fire Chief and individually; and ASSISTANT CHIEF SCOTT RENFROE (“Assistant Chief Renfroe” or “Renfroe”), in his employment capacity as Assistant Fire Chief and individually, are collectively “Defendants” as following:

Plaintiff seeks to be made whole through declaratory and injunctive relief; compensatory, nominal, and punitive damages; and attorneys’ fees, costs, and expenses to redress Defendant's pervasive and discriminatory actions.

### **INTRODUCTION**

Deputy Chief Robert S. Wood (“Plaintiff”) is a career firefighter who joined the Warner Robins Fire Department in 1982. He is fifty-six (56) years old. He consistently performs, and continues to this day to perform, the duties that are expected of him; he has never received an annual employee evaluation rating of less than “above” in over twenty years or less than “at” throughout his thirty-seven (37) years with the Warner Robins Fire Department. Deputy Chief Wood was Firefighter of the Year in 1989, and he has faithfully served the citizens of Warner Robins for over thirty-seven (37) years.

Unfortunately, his employers, supervisors and management believe that he is too old to perform his job. They have created a pretext to attempt to force Plaintiff to resign this position.

### **JURISDICTION**

Jurisdiction is conferred upon this court by 28 U.S.C. § 1331, this case arising under the laws of the United States, to wit, the Age Discrimination in Employment Act of 1967, Pub. L. No. 90-202, codified at 29 U.S.C. § 621 through 29 U.S.C. § 634 (ADEA) as incorporated under 29 U.S.C. § 216(b) of the Fair Labor Standards Act (FLSA).

1.

The Court is empowered to issue a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202.

2.

Venue is proper in this district pursuant to 28 U.S.C. § 1391 (b). The illegal, discriminatory actions are alleged to have occurred within the Middle District of Georgia.

### **NATURE OF THE CLAIM**

3.

This action is brought by Robert Wood, Plaintiff ("Plaintiff") in reaction to

Age Discrimination, and violations of Mental Abuse, Intentional Infliction of Emotional Stress, Defamation, Invasion of Privacy, Reliance on Representations, which are statutes of the State of Georgia against the City of Warner Robins, the Warner Robins Fire Department, Randy Toms in his capacity as Mayor and as an individual, Ross Moulton in his capacity of Chief of the Fire Department and as an individual, Scottie Durham in his capacity as Assistant Chief of the Fire Department and as an individual, Chris Cannady in his capacity of Assistant Chief of the Fire Department and as an individual, and Scott Renfroe in his capacity as Assistant Chief of the Fire Department and as an individual("Defendants").

Plaintiff seeks declaratory and injunctive relief and monetary damages as a result of the Defendants continuing deprivation of rights accorded to the ADEA, included but not limited to retaliation, hostile work environment, intentional infliction of stress and loss of reputation. Plaintiff demands trial by jury on all issues.

4.

At all times relevant to this action, the Plaintiff was engaged as Deputy Fire Chief of Warner Robins. Plaintiff is over forty (40) years of age at all relevant times and the oldest fireman employed by the Warner Robins Fire Department.

## **The Defendants**

5.

A. The City of Warner Robins is a Defendant which is an organization who runs, operates and supervises the fire department in the City of Warner Robins. It maintains a principal place of business in Warner Robins, Georgia, within the jurisdiction of the United States District Court of the Middle District of Georgia.

B. The Warner Robins Fire Department is a Defendant which is a municipal government within the State of Georgia. Its major governmental facility is located in Warner Robins, Georgia, within the jurisdiction of the United States District Court of the Middle District of Georgia.

C. Randy Tomas a Defendant in his position his position as Mayor of the City of Warner Robins and as an individual. His principal place of business is in the City of Warner Robins and he resides within the jurisdiction of the United States District Court of the Middle District of Georgia.

D. Ross Moulton is a Defendant in his position as Chief of the Warner Robins Fire Department and as an individual. His principal place of business is in the City of Warner Robins and he resides within the jurisdiction of the United States District Court of the Middle District of Georgia.

E. Scottie Durham is a Defendant in the present case because of his position

as an Assistant Chief of the Warner Robins Fire Department and as an individual. His principal place of business is in the City of Warner Robins and he resides within the jurisdiction of the United States District Court of the Middle District of Georgia.

F. Chris Cannady is a Defendant in the present case because of his position as an Assistant Chief of the Warner Robins Fire Department and as an individual. His principal place of business is in the City of Warner Robins and he resides within the jurisdiction of the United States District Court of the Middle District of Georgia.

G. Scott Renfroe is a Defendant in the present case because of his position as an Assistant Chief of the Warner Robins Fire Department and as an individual. His principal place of business is in the City of Warner Robins and he resides within the jurisdiction of the United States District Court of the Middle District of Georgia.

### **PROCEDURAL REQUIREMENTS**

6.

The named Plaintiff in this action filed timely charges at the Equal Employment Opportunity Commission ("EEOC") in Atlanta, Georgia. The EEOC issued a Right to Sue letter to Plaintiff.

Plaintiff is the oldest active duty fireman at the Warner Robins Fire Department. In addition, he has the longest tenure. Although he has never shown

any interest in doing so Plaintiff is eligible to retire because he has fulfilled a minimum of thirty years of service.

### **FACTS**

The Defendants in this case, created a pretext to force Depute Chief to leave his job at the Warner Robins Fire Department because of his age. In doing so, the Defendants harassed him, lied about him, released personal medical records with out his HIPAA release and violated other state and federal law.

On Thursday, July 5, 2018, there was a fire alarm activation at 207 Windsor Drive at 7:51 p.m. Emergency 911 automatically sent a structure fire alert text to Deputy Chief Wood to notify him of a fire so he can respond. Deputy Chief Wood was at home and responded to the call. After arriving at the scene and checking in with the acting Assistant Chief, Lieutenant Lee Brantley, Deputy Chief Wood proceeded to his car to go back home. When Deputy Chief Wood was leaving and on the way to his car, the safety officer, Assistant Chief Dean Christian (“Christian”), asked Deputy Chief Wood if he could speak with him. Deputy Chief Wood got in Christian’s car to speak with him. It was then that Christian asked Deputy Chief Wood if he had been drinking. Deputy Chief Wood responded that he had not, and they finished their conversation. At no time did Christian attempt to detain Deputy Chief Wood or ask him not to leave the scene. Deputy Chief Wood then returned to

his car and went back home. Deputy Chief Wood immediately called his supervisor, Chief Ross Moulton (“Moulton”), and told him what Christian had asked him and how he had responded.

Approximately one hour after Deputy Chief Wood left the fire scene and returned home, Moulton arrived unannounced at Deputy Chief Wood’s home, which is in Houston County, not in the City of Warner Robins. When Moulton showed up, Deputy Chief Wood was upstairs in bed watching television.

Deputy Chief Wood got out of bed and went downstairs to greet Chief Moulton, who asked Deputy Chief Wood to go outside with him. an off-duty City of Warner Robins police officer arrived within minutes to perform a breathalyzer test on Plaintiff. Deputy Chief Wood informed Moulton he had consumed an alcoholic beverage after arriving home from the fire scene, and therefore a breathalyzer test would not be accurate as to his state at the fire.

A Warner Robins off-duty policeman, Todd Edwards, arrived at Deputy Chief Wood’s residence outside of the Warner Robins city limits and proceeded to conduct a breathalyzer test on Deputy Chief Wood in the street in front of his home, highly visible to neighbors and traffic. Deputy Chief Wood was not provided with, or asked to sign, a consent form either before or after the test. Neither state policies and

procedures compliant with O.C.G.A. 34-9-415, nor protocol, policies, and procedures were followed for this test administered to Deputy Chief Wood.

After this incident, in which no one was injured and at the fire there was no reason to raise any issue over the performance of the fire fighters, the Mayor and Fire Chief, and the other named Defendants, decided to harass Deputy Chief Wood because of his age on their unfounded believe that Deputy Chief Wood was too old to perform his job.

On August 1, 2018, the Mayor publicly disclosed Deputy Chief Wood's disciplinary action, HIPAA protected and private information.

On August 2, 2018, Chief Moulton sent out an email to the entire fire department disclosing Deputy Chief Wood's "disciplinary action because of alcohol." By August 3, 2018, when Deputy Chief Wood returned to work after serving his suspension, harassment increased.

From August 1, 2018 – August 14, 2018, Deputy Chief Wood was harassed approximately THIRTY-NINE TIMES WITHIN TEN BUSINESS DAYS.

Chief Moulton gave media interviews regarding Wood's disciplinary action and disclosed Wood's participation in EAP as well as a positive breathalyzer. Chief Moulton repeatedly harassed Deputy Chief Wood about retiring.

Chief Moulton also stated that the Mayor wanted him to retire. By the week of August 6, 2018, Wood was subjected to continuous harassment by Chief Moulton, Assistant Chief Durham, Assistant Chief Cannady, and Assistant Chief Renfroe. Deputy Chief Wood continued to state he was not going to retire, however, the harassment intensified.

### **ALLEGATIONS OF DISCRIMINATION**

7.

Defendants have engaged in Age Discrimination and Defamation, Intentional of Emotional Stress, Abuse, Willful and Wanton Misconduct, And Breach of Privacy and HIPAA protections, against Deputy Fire Chief Wood since August 1, 2018, as part of a pattern practice and systematic retaliation against Plaintiff. Defendants discriminated against Plaintiff by creating a hostile Work Environment and harassing him on a continuing basis.

8.

In order to effectuate its scheme of having Plaintiff leave his position, Defendants continued to harass Plaintiff to resign and take retirement. There are no employment criteria which justifies such behavior by Defendants.

9.

Defendant's discriminatory policies and practices are designed, implemented,

and utilized to disadvantage and cause Plaintiff to leave his job. The unlawful policies and practices alleged herein have been developed and furthered through decision-making by Mayor Randy Toms, Chief Moulton, Assistant Chief Durham, Assistant Chief Cannady and Assistant Chief Scott Renfroe.

10.

Defendants' practices and policies are intentionally calculated to deny Plaintiff equal treatment guaranteed by federal and state laws. Defendants discriminated against Plaintiff willfully.

11.

In addition, Mayor Randy Toms and Fire Chief Ross Moulton fabricated pre-textual reasons to force Plaintiff to resign by making false news releases and illegally releasing HIPAA protected and private information to the public through the news media. These reasons are purely pre-textual and do not accurately represent the qualifications nor capabilities of Plaintiff.

12.

From the date of August 1, 2018 until Plaintiff filed a formal grievance, Defendants continuously discriminated against Plaintiff because of his age, by engaging in a systematic pattern and practice of unlawful employment practices. The discrimination that Plaintiff has experienced by Defendants constitutes continuing

violations that must be halted and remedied *inter alia* through injunctive relief.

**ALLEGATIONS OF AGE DISCRIMINATION**

13.

Defendants maintained certain policies and practices that intentionally discriminated against Deputy Chief Wood based on his age.

14.

Defendants maintained a pattern and practice of discriminating against Deputy Chief Wood by making false public statements about Plaintiff.

15.

Defendants discriminated against Plaintiff by applying more severe policy and standards against him than against its younger employees.

16.

**FROM AUGUST 1, 2018 THROUGH AUGUST 14, 2018, RETIREMENT  
WAS BROUGHT UP TO DEPUTY CHIEF ROBERT WOOD OVER  
THIRTY-NINE TIMES IN TEN BUSINESS DAYS**

Chief Ross Moulton called Deputy Chief Wood on August 1, 2018 to tell him he was in the mayor's office when the mayor announced Wood's suspension and retirement to David Reid, a citizen who does not work for the City of Warner Robins and is affiliated with a Facebook page titled "Enough is Enough in Warner Robins." Shortly thereafter, information was posted regarding Wood's disciplinary action,

Employee Assistance Program (EAP) participation, a positive breathalyzer and Deputy Chief Wood's name. As of August 1, 2018, there were approximately 1,600 followers and multiple shares at the time of the Facebook post and defamatory information was seen by an immeasurable amount of people.

On August 2, Chief Moulton sent an email to the entire Fire Department discussing Deputy Chief Wood's disciplinary action and private information. Wood was still on suspension.

On August 3, 2018, Deputy Chief Wood returned from his suspension. Chief Moulton then began harassing Wood and telling him the Mayor wanted him to retire. Deputy Chief Wood made it clear to Chief Moulton that is not what he agreed to when he signed his disciplinary action and he did not want to retire. Deputy Chief Wood told Chief Moulton that HE WAS NOT GOING TO RETIRE.

On August 6, 2018, the harassment intensified, and the Assistant Chiefs also began harassing Deputy Chief Wood.

Deputy Chief Wood made it clear to Chief Moulton that is not what he agreed to when he signed his disciplinary action and he did not want to retire. Deputy Chief Wood told Chief Moulton that HE WAS NOT GOING TO RETIRE.

Despite the fact Deputy Chief Wood told Chief Moulton he was not going to retire, from August 3, 2018 through August 14, 2018, Deputy Chief Wood was

repeatedly told by his supervisor, Chief Moulton, that he wanted Wood to retire and the mayor also wanted him to retire.

Chief Moulton spoke of Deputy Chief Wood retiring at least twenty-three (23) times. Chief Moulton told Deputy Chief Wood at least four (4) times that Mayor Randy Toms wanted Wood to retire. The Mayor announced Deputy Chief Wood's retirement to a citizen when in fact Wood had no plans to retire. "Retirement," "leaving," "he wants you gone" was brought up at least nine (9) times by Assistant Chief Scottie Durham.

"Retirement" was brought up to Deputy Chief Wood by both Assistant Chief Cannady one (1) time and Assistant Chief Renfroe one (1) time All three Assistant Chiefs said they had met with Chief Ross Moulton.

In the words of Assistant Chief Scottie Durham, "He wants you gone. Ask him." "It's four of the top people in this place -- not one, not two, not three, four -- four are on the same wavelength for you to leave, but you choose not to do that." When Deputy Chief Wood met with Assistant Chief Scottie Durham on August 9, 2018, Deputy Chief Wood was talking to Assistant Chief Durham (who was yelling and hostile.)

Deputy Chief Wood stated "He (Moulton) told me that he had met with y'all and all you guys together." Assistant Chief Durham responded, "He said it first, he's

the one that come up with it first, he wants you gone today."

DEPUTY CHIEF WOOD WENT TO HUMAN RESOURCES TO FIND OUT  
HOW TO FILE A FORMAL GRIEVANCE.

On August 20, 2018, Deputy Chief Wood went to Human Resources to discuss filing a grievance against his supervisor, Chief Ross Moulton, and the three Assistant Chiefs, HR Director Toni Graham stated she had told Chief Moulton to "stop saying retirement." HR Director Toni Graham also stated she had told the mayor "Bobby was punished to the extent of our policy." She quoted the Mayor as saying, "well I think he needs to retire." She then said she told him "had Bobby been a twenty-year person, you wouldn't think about it." HR Director Toni Graham was familiar with what was happening and told Deputy Chief Wood she had "warned the Mayor and Chief...that it's his decision to come back to work. So, I have warned them, Bobby...Nobody can decide for Bobby except Bobby until he's 65 years old." HR Director Toni Graham stated there are laws and "you can't force anyone to retire...and I made that perfectly, abundantly clear." She stated she told the Mayor "it's illegal and as an HR person, don't do it."

When Deputy Chief Wood said he wanted to file a grievance, HR Director Toni Graham stated "I consider because of your age and because they're bringing up retirement, that is a grievable issue in my opinion. Okay. Because it's based on your age which is illegal."

On August 21, 2018 Deputy Chief Wood filed a grievance with the City of Warner Robins Human Resources Department. HR Director Toni Graham stated: "I told them last week, stop it." However, the harassment did not stop.

As part of the grievance process, Deputy Chief Wood was provided a list of Mediators via email by the Mayor's Executive Assistant, Mandy Stella.

Deputy Chief Wood then responded to inform Mandy Stella via email of his selection of Cathy Silengo as Mediator (M/I.) On August 27, 2018, Deputy Chief Wood met with City of Warner Robins Mediator(M/I) Cathy Silengo for investigation of Wood's grievance.

During her investigation with Deputy Chief Wood, Mediator (M/I) Cathy Silengo explained the grievance process and informed him that her findings would be turned into the Mayor, and Deputy Chief Wood's grievance would be responded to by the Mayor whether the Mayor agreed or disagreed.

At a later date, Deputy Chief Wood was told by HR Director Toni Graham the grievance and Mediator (M/I) findings were submitted to the Mayor's office on September 4, 2018.

According to the Employee Handbook, "...The M/I shall investigate the grievance and shall interview the aggrieved employee, the aggrieved employee's supervisor and Department Director, and all persons available that have knowledge

of the events from which the grievance arose. Within seven days, the M/I shall prepare a written report detailing the facts of the grievance and a determination as to whether or not the issue is grievous.

If the M/I determine that the issue is grievous, he or she shall also include a plan for remedial action. This report shall be delivered to the Mayor's office. The Mayor shall have the right to review the M/I's report and reject it for good cause.

If the Mayor rejects the M/I's report, the grievance will proceed to review by the Mayor and Council as outlined below except that the Mayor shall be the appealing party.

Otherwise, the report shall be disseminated to all parties in interest and the remedial plan implemented as soon as possible.

The Employee Handbook also states, "Employees that have legitimate grievances can expect to have their complaint quickly resolved."

AS OF AUGUST 7, 2019, 337 DAYS HAVE PASSED AND NO  
RESPONSE TO DEPUTY CHIEF WOOD'S GRIEVANCE HAS BEEN  
RECEIVED.

On July 19, 2018, Deputy Chief Wood went to Warner Robins City Hall Human Resources Department to discuss disciplinary action paperwork to include drug testing for the next year from July 19, 2018 through July 19, 2019.

Before Deputy Chief Wood agreed to the disciplinary paperwork, he specifically asked Human Resources Director Toni Graham and Chief Moulton, “Once I agree to this discipline, that will be the end of it? I’ll serve my suspension and go back to work?” Both Human Resources Director Toni Graham and Chief Moulton replied “yes.”

Deputy Chief Wood confirmed with Human Resources Director Toni Graham and Chief Moulton that once discipline was served July 20, 2018 through August 2, 2018, he could return to work with no further disciplinary action or repercussions. Suspension issued from July 20, 2018 – August 2, 2018.

On August 1, 2018, two days prior to the end of Wood’s suspension, Deputy Chief Wood’s Supervisor Chief Moulton called Deputy Chief Wood to tell him he had been in Mayor Randy Tom’s office with another individual and he heard the Mayor on the phone telling David Reid, an individual who has a Facebook page titled “Enough is Enough in Warner Robins,” that Deputy Chief Wood would serve his suspension and retire.

Deputy Chief Wood reminded Chief Moulton that was not what he was told by Human Resources Director Toni Graham or Chief Moulton when he signed disciplinary paperwork in Human Resources on July 19, 2018 and he had no plans to retire.

Chief Moulton acknowledged retirement was not agreed upon. Chief Moulton told Deputy Chief Wood “this [the incident] may get out.”

Later that evening, details of Deputy Chief Wood’s disciplinary action, including HIPAA protected information, and the announcement of Wood’s retirement was posted on “Enough is Enough in Warner Robins” Facebook Page. With over 1,600 followers and multiple shares at the time of the post on Facebook, defamatory information was seen by an immeasurable amount of people.

Some information has since been edited and/or deleted and of those that are deleted are the posts by the author that identify Mayor Randy Toms as the source of verification.

On August 2, 2018 at 11:28 a.m., Supervisor Chief Ross Moulton sent an email to the entire Warner Robins Fire Department discussing Deputy Chief Wood’s disciplinary action and private information. “I do not usually make public the action that was taken to protect their privacy...I think all employees deserve for me to remain as confidential as possible.”

Deputy Chief Wood was still serving suspension on that date. Plaintiff was shocked and humiliated by this highly unusual action.

On August 3, 2018, Deputy Chief Wood returned to work after a ten (10) day suspension. Supervisor Chief Moulton told Deputy Chief Wood he had met with

Mayor Randy Toms and Mayor Toms wanted him to put Deputy Chief Wood on administrative leave.

Chief Moulton told Deputy Chief Wood that he told the mayor he was not going to do that. He also stated he didn't think the mayor could legally do that. Chief Moulton stated, "I have had to fight the Mayor since the day I promoted you." Deputy Chief Wood stated to Chief Moulton he did not intend to retire.

He was disciplined and served suspension and confirmed with both he (Chief Moulton) and Toni Graham, Human Resources Director, that when he signed the discipline papers, serving his suspension would be the end of it with a return to work on August 3, 2018.

A similar incident involved a younger officer within Warner Robins Fire Department.

He received only three days suspension and the disciplinary action was not made public. That officer was younger than Deputy Chief Wood.

Chief Moulton continued to that stated Deputy Chief Wood needed to think about retiring and doing what is best for the department. Chief Moulton said, "if you care about me, you'll retire."

Chief Moulton asked Deputy Chief Wood to go home and think about it over the weekend. Deputy Chief Wood stated he had no plans to retire.

To further cause stress Chief Moulton, told Deputy Chief Wood to send out an email to the entire fire department addressing the issue of his discipline and scheduling with shift commanders to go to the stations and apologize to the firefighters.

On August 5, 2018, as directed by Chief Moulton, Deputy Chief Wood sent an email to the entire fire department.

On August 6, 2018, Chief Moulton told Deputy Chief Wood his email didn't take responsibility for his actions and that he wanted him to retire. He stated the Mayor fought promoting Deputy Chief Wood and wanted him to retire.

As directed by Chief Moulton, Deputy Chief Wood met with Assistant Chief Scottie Durham about speaking with his firefighters. Assistant Chief Durham told Deputy Chief Wood the shift commanders and Chief Moulton had met previously, and they all want Deputy Chief Wood to retire. Assistant Chief Durham told Deputy Chief Wood he'd feel sorry for him if he didn't have retirement but since he does, he needed to "go ahead and retire." Assistant Chief Durham stated, "Chief Moulton wants you to retire. We want you to retire." Deputy Chief Wood stated he was not going to retire.

On the morning of August 7, Deputy Chief Wood and Assistant Chief Cannady were at a Code 3 fire scene at 122 Edna Place, as was Fire Chief Ross Moulton. Deputy Chief Wood was Incident Commander on scene.

While on scene, Chief Moulton approached both Deputy Chief Wood and Assistant Chief Cannady. Chief Moulton asked Chief Cannady, “have you met with him yet?”

It was at that point Deputy Chief Wood suspected there was an underlying agenda behind that question since Assistant Chief Durham had stated the shift commanders and Chief Moulton had met previously, and they all want Deputy Chief Wood to retire

On the afternoon of August 7, 2018, as directed by Chief Moulton, Deputy Chief Wood met with Assistant Chief Cannady. Assistant Chief Cannady asked him about his long-term plan – “are you going to stay on or retire?”

Assistant Chief Cannady confirmed that he, Chief Moulton, Assistant Chief Renfroe, and Assistant Chief Durham had met. Deputy Chief Wood stated that Assistant Chief Durham had told him (Wood) that during the meeting with Chief Moulton and all three Assistant Chiefs, “you all want me to retire.” Chief Cannady responded, “Yes. Not only for the department, I think for you personally.” During this conversation, Deputy Chief Wood stated he was not retiring at this time.

On August 8, 2018, as directed by Chief Moulton, Deputy Chief Wood met with Assistant Chief Renfroe. Assistant Chief Renfroe acknowledged there was a meeting between Chief Moulton, Assistant Chief Renfroe, Assistant Chief Cannady and Assistant Chief Durham. While he said he couldn't tell Deputy Chief Wood what to do, he referenced an article about a chief from another department who had an incident and retired.

From August 8, 2018 through August 11, 2018, media interviews with Chief Moulton regarding Deputy Chief Wood's discipline were published and broadcast, which violated Privacy Laws, HIPAA, and City of Warner Robins, Georgia policy.

On August 9, 2018, Deputy Chief Wood went to Assistant Chief Durham to discuss water collection.

ASSISTANT CHIEF DURHAM INCREASED THE HARASSMENT.

Assistant Chief Durham raised his voice and told Deputy Chief Wood he ought to be ashamed. He stated if he (Deputy Chief Wood) cared about him (Chief Moulton) and this fire department, he would retire right now, and he should have already retired. Assistant Chief Durham stated he wouldn't talk to Deputy Chief Wood anywhere or anytime. This interaction was witnessed by six firefighters.

Assistant Chief Durham's hostile temperament alarmed one of the officers so much that he went to the Administrative Assistant Chief to tell him what was going on.

Meanwhile, Deputy Chief Wood walked away and returned to speak with Assistant Chief Durham privately. Assistant Chief Durham continued to raise his voice at Deputy Chief Wood and at one point, Deputy Chief Wood asked him to lower his voice.

Assistant Chief Durham stated, "What pisses me off – your boss crying on TV apologizing to the public because of you and you ain't got no comment...If you had any balls, you could get on there and say...it ain't got nothing to do with him, this is me and I'm out and I'm gone...He wants you gone. Ask him."

Assistant Chief Durham continued, "Why does everybody have to spell everything out for you? That's why I'm so direct because you don't read between the lines...The only thing that's going to fix it is if you leave...It's four of the top people in this place -- not one, not two, not three, four -- four are on the same wavelength for you to leave, but you choose not to do that."

Assistant Chief Durham stated, "He said it first, he's the one that come up with it first, he wants you gone today." When Deputy Chief Wood mentioned what

Assistant Chief Renfroe had said to him on August 8, Assistant Chief Durham said he knew exactly what Assistant Chief Renfroe said and stated, “he told me.”

Assistant Chief Durham said Assistant Chief Renfroe “was trying to get through to you in a different angle from a different route...That’s what he told me.” Assistant Chief Durham stated “it ain’t going to change a thing...so we might as well stop talking...So, I’m through with you.” Deputy Chief Wood reported the incident to Chief Ross Moulton.

On August 10, 2018, at the request of Chief Moulton, Deputy Chief Wood met with Chief Moulton in Chief Moulton’s truck. Chief Moulton told Deputy Chief Wood he (Deputy Chief Wood) knows what Chief Moulton wants him to do. Chief Moulton told Deputy Chief Wood he spoke with the Mayor and the Mayor wanted Deputy Chief Wood to stop going to the stations to apologize to the firefighters for the incident. Chief Moulton acknowledged he had thought it was a good idea.

Chief Moulton said he talked to Assistant Chief Durham, Deputy Chief Wood’s subordinate, regarding the incident where Assistant Chief Durham yelled at Deputy Chief Wood on August 9 in front of other subordinates. Chief Moulton told Deputy Chief Wood he “knows how a lot of people feel and how the people who work for Deputy Chief Wood feel and they feel like he’s not doing what everyone wants him to do.” Chief Moulton told Deputy Chief Wood he thinks the longer he

stays, the worse it's going to be. Chief Moulton told Deputy Chief Wood they would think more of him if he retired and that he would finally be taking responsibility for it.

**MORE HARASSMENT IN VIOLATION OF  
STATE AND FEDERAL LAWS.**

On August 14, 2018, Deputy Chief Wood went to see Assistant Chief Renfroe and found Chief Moulton with him in his office. Chief Moulton asked him to join them. They began discussing how the fire department is going to move forward. Assistant Chief Renfroe asked Chief Moulton if Deputy Chief Wood is staying or leaving and asked what he is supposed to tell his shift. Deputy Chief Wood stated he is staying.

Later, Chief Moulton and Deputy Chief Wood went to Deputy Chief Wood's office. Chief Moulton said he didn't know if it will ever get better. Chief Moulton also stated that by retiring, Deputy Chief Wood would be taking the high road. Deputy Chief Wood stated he had taken responsibility by serving his discipline and that time would make it better. Deputy Chief Wood also stated he has to apologize to the firefighters. During that conversation Deputy Chief Wood offered to stay in Warner Robins to avoid being a distraction in Dalton at the Fire Conference and just in case anything happens. Chief Moulton told him they don't want Deputy Chief Wood running the place.

On August 15, 2018, there was a morning meeting and Councilman Tim Thomas was in attendance. After the meeting, Councilman Tim Thomas looked right at Deputy Chief Wood and said what happened to him was wrong, referencing the Facebook page post on August 1, 2018. Councilman Tim Thomas stated it should have never happened and if it was a department head, they should be fired. The acts described above were done willfully, knowingly or showing reckless disregard for whether its conduct violated the ADEA and are in violation of the Age Discrimination in Employment Act (“ADEA) of 1967, 29 U.S.C. Sections 621 through 634.

Plaintiff was subjected to discrimination and retaliation that was intentional and structured so as to discredit Deputy Chief Wood.

19.

As a result of the hostile and offensive work environment perpetrated by Defendants and maintained by the Defendants’ failure to protect Plaintiff from such discrimination, the Plaintiff suffered humiliation, emotional distress, physical pain, and loss of employment.

20.

Defendants acted directly and failed to take all reasonable and necessary steps to eliminate predatory age demands and discrimination from the workplace and is allowing discrimination to continue at this time.

21.

As a further direct and proximate result of Defendants' violations of federal statutes described herein, Plaintiff has been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the employment relationship with Defendants and has thereby incurred and will continue to incur legal fees and costs, the full nature and extent of which are presently unknown to Plaintiff.

22.

During Plaintiff's employment with Defendants, the Defendants, by and through their agents and employees, discriminated against the Plaintiff in the terms, conditions, and privileges of employment in various ways, because of his age, in violation of CITE CODE.

**COUNT I**

**Age Discrimination in violation of the  
Age Discrimination in Employment Act (“ADEA”) of 1967  
29 U.S.C. Sections 621 through 634**

23.

The actions of Defendants to harass and attempt to force Plaintiff to retire from his job because of this age in violation of the ADEA.

As a result of the discrimination experienced by Plaintiff, he has suffered damages, including lost wages and emotional pain and suffering, recoverable under the ADEA and State Law of the State of Georgia.

**COUNT II**  
**RETALIATION**

24.

As herein alleged, the Defendants, personally and by and through their officers, managing agents and/or its supervisors, illegally retaliated against Plaintiff by the Defendants’ named here, in his employment, subjecting him to unjust scrutiny, false allegations of misconduct and unwelcome and derisive comments solely because of age discrimination. Defendants had no legitimate reasons for any such act.

25.

Plaintiff is informed and believes, and based thereon alleges, that in addition to the practices enumerated above, the Defendants may have engaged in other discriminatory practices against him which are not yet fully known. At such time as such discriminatory practices become known, Plaintiff will seek leave of Court to amend this Complaint in that regard.

26.

As a direct and proximate result of the Defendants' willful, knowing, and intentional discrimination and retaliation against Plaintiff, Plaintiff has suffered and will continue to suffer pain, humiliation, and emotional distress. Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven at trial.

27.

As a further direct and proximate result of Defendants' violation of , as described, Plaintiff has been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the employment relationship with the Defendant and has thereby incurred and will continue to incur legal fees and costs, the full nature and extent of which are presently unknown to Plaintiff.

28.

Plaintiff is informed and believes, and based thereon alleges, that the Defendants' conduct as described above was willful, wanton, malicious, and done in reckless disregard for the safety and well-being of Plaintiff. By reason thereof, Plaintiff is entitled to punitive or exemplary damages from the Defendants in a sum according to proof at trial.

**Count III**  
**HOSTILE WORK ENVIRONMENT**

29.

Plaintiff incorporates as if fully restated all of the allegations previously written.

30.

Defendants failed to maintain a harassment-free work environment by failing to take effective corrective action, including after they became aware that Deputy Chief Wood did not want to retire.

31.

That Defendants' treatment of Deputy Chief Wood was motivated by evil motive and intent and was in reckless and callous indifference to Deputy Chief Wood's federally protected rights.

32.

The discrimination and harassment that Deputy Chief Wood was subjected to in the hands of Defendants and their agents, representatives, and employees was persistent in nature, unwelcome, extremely offensive, and humiliating.

33.

Such behavior had the effect of creating a hostile and intimidating work environment for Deputy Chief Wood.

34.

Such continuous and persistent discrimination and harassment adversely affected the terms and conditions of his employment with Defendants.

35.

As a direct and proximate result of said unlawful employment practices, Deputy Chief Wood has suffered the indignity of discrimination, the invasion of his right to be free from discrimination, and great humiliation, which has manifested in physical illnesses and emotional stress.

**Count IV**  
**DISCRIMINATION IN VIOLATION OF 42 U.S.C. § 1981**

36.

The failure of Defendants City of Warner Robbins to protect Plaintiff from harassment and release of personal information to the public without permission to humiliate and cause Plaintiff injuries in violation of 42 U.S.C § 1981, from which Plaintiff is protected by 42 U.S.C. § 1983.

37.

As a result of damages experienced by Plaintiff, he has suffered damages, including lost earnings and emotional pain and suffering.

38.

As a further direct and proximate result of said unlawful employment practices, Deputy Chief Wood has suffered extreme mental anguish, outrage, severe anxiety about his future and his ability to support himself, harm to his employability and earning capacity, painful embarrassment among his friends and co-workers, damage to his professional reputation, disruption of his personal life, and loss of enjoyment of the ordinary pleasures of life.

**COUNT V**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

39.

Defendants created a hierarchy of structured relationships, beginning at the top, which could have been but were not, corrected or avoided. In the present case, Plaintiff's immediate supervisor, Chief Moulton himself

40.

Deputy Chief Wood has presented evidence of want of care by Defendants sufficient to raise a presumption of conscious indifference to the consequences.

41.

Defendants' conduct would provoke outrage in a reasonable person.

42.

Deputy Chief Wood has suffered at the hands of Defendants a wanton, voluntary and intentional wrong, the natural result of which was to cause mental suffering and wounded feelings.

**JURY DEMAND**

The Plaintiff demands a trial by jury on each and every one of his claims as pled herein pursuant to Federal Rules of Civil Procedure 38.

**WHEREFORE**, Plaintiff, Robert Wood, demands judgment against the

Defendants, in an amount which will compensate him for:

- a) Violation of his rights under;
- b) Compensatory damages including lost wages, past and future and/or impairment of power to earn money; physical pain, emotional distress and humiliation, past and future; and past and future medical expenses;
- c) Punitive damages to punish the Defendants for their willful, wanton, oppressive, malicious, and/or grossly negligent conduct;
- d) A permanent injunction against future acts of discrimination and harassment against Plaintiff by Defendants;
- e) Trial by jury on all issues so triable;
- f) Costs expended herein, including reasonable attorneys' fees;
- g) Pre-judgment and post-judgment interest; and

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests that this Court grant the following relief:

1. Find in favor of Plaintiff and against Defendants;
2. Enter a judgment that the acts and practices of Defendants complained of herein are in violation of the laws of the United States and the State of Georgia.

3. Enter a judgment that will compensate him for loss of his losses from both governmental and individual defendants:

4. Award Plaintiff from the date of the discriminatory acts alleged through the date of trial which resulted from Defendant's illegal discrimination;

5. Award Plaintiff general compensatory damages;

6. Award Plaintiff punitive and exemplary damages in an amount sufficient to deter, prevent and/or punish Defendants' discriminatory and illegal conduct and practices;

7. Award Plaintiff all costs of this action, including the fees and costs of experts, together with reasonable attorney's fees;

8. Award Plaintiff liquidated damages pursuant to the ADEA in an amount deemed appropriate by the Court in order to make Plaintiff whole;

9. Grant an order restraining Defendants from any retaliation against Plaintiff for participation in any form in this litigation;

10. Grant an award of prejudgment and post judgment interest in an amount at a rate to be determined at the time of trial;

12. Grant Plaintiff such other and further relief as this court finds necessary and proper.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of August 2019.

s/ James E. Voyles  
James Everett Voyles  
Ga. Bar No. 729016  
The Voyles Law Firm, P.C.  
600 Village Trace, Suite 200  
Marietta, Georgia 30067  
(770) 999-6700

**CERTIFICATE OF COMPLIANCE WITH L.R. 5.1B**

I HEREBY CERTIFY that the foregoing document was prepared in Times New Roman, 14-point font, as approved by Local Rule 5.1B.

s/ James E. Voyles  
James Everett Voyles  
Ga. Bar No. 729016  
The Voyles Law Firm, P.C.  
600 Village Trace, Suite 200  
Marietta, Georgia 30067  
(770) 999-6700

**VERIFICATION OF PLAINTIFF'S COMPLAINT FOR EQUITABLE  
RELIEF AND DAMAGES AND DEMAND FOR JURY TRIAL**

Personally, appeared before me, the undersigned officer, duly authorized to administer oaths, *Robert Wood*, who upon being duly sworn under oath deposes and says that he has read the foregoing *PLAINTIFF'S COMPLAINT FOR EQUITABLE RELIEF AND DAMAGES AND DEMAND FOR JURY TRIAL* and that the facts contained therein are true and correct to the best of his knowledge and belief.

RESPECTFULLY SUBMITTED this 7th day of August, 2019

*Robert Wood*  
Robert Wood

Sworn to and subscribed before me  
this 7 day of August, 2019.

*Sally Cal Green*  
Notary Public



CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



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*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# EXHIBIT A

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Robert S. Wood**  
**106 Delchamps Drive**  
**Warner Robins, GA 31093**

From: **Atlanta District Office**  
**100 Alabama Street, S.W.**  
**Suite 4R30**  
**Atlanta, GA 30303**

On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**410-2019-02349**

**Deidra A. Stephens,**  
**Investigator Support Asst.**

**(404) 562-6868**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

Other (briefly state)

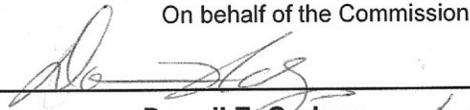
## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



**Darrell E. Graham,**  
**Acting District Director**

**MAY 13 2019**

(Date Mailed)

Enclosures(s)

cc: **Toni Graham**  
**Human Resources Director**  
**CITY OF WARNER ROBINS**  
**700 Watson Boulevard**  
**Warner Robins, GA 31093**

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**