



Supreme Court of Georgia

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CASES DUE FOR ORAL ARGUMENT

Summaries of Facts and Issues

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Monday, June 1, 2015

10:00 A.M. Session

GARY ROLLINS ET AL. V. GLEN ROLLINS ET AL. (S15G0567)

The appeal in this **Fulton County** case stems from a lawsuit filed by four siblings against their father and uncle who managed trusts their grandfather set up for them before he died. This is the second time this case has come before the Georgia Supreme Court.

FACTS: Over its 60-year history, Rollins, Inc., whose companies include Orkin Pest Control, has grown into one of North America's largest pest-control conglomerates yielding assets worth several billion dollars. O. Wayne Rollins, who with his brother built the pest-control empire, named his two sons, Gary Rollins and Randall Rollins, as trustees of his estate and as officers and directors of the family-held corporations. He also named a close family friend, Henry B. Tippie, as a trustee. Before his death, O. Wayne Rollins set up the "Rollins Children's Trust" and nine Subchapter S-Trusts, each for the benefit of the nine children of Gary and Randall. These trusts hold interests in a complex web of corporate family entities and holding companies which were created primarily to reduce tax liability, according to briefs filed in the case. Under the terms of the Children's Trust, which was established in 1968, the beneficiaries were to receive "statements disclosing the condition of the trust estate" not more than every six months. Also under its terms, a portion of the trust principal was distributed to the nine grandchildren on their 25th and 30th birthdays, so that the first half of the principal has by now

been distributed and accepted by the nine grandchildren. In 1986, O. Wayne Rollins as the “settlor” established the Subchapter S-Trusts, and to date more than \$74 million in income has been distributed to the beneficiaries, according to the briefs.

After O. Wayne Rollins’ death, Gary’s four children – Glen Rollins, Ruth Ellen Rollins, Nancy Louise Rollins, and O. Wayne Rollins II – sued their father, uncle and Tippie in Fulton County Superior Court for breach of trust and breach of fiduciary duties. (Randall’s five children did not sue.) They alleged that after their grandfather died, the trustees made various changes to the structure, leadership, holdings, and distribution methods used within the various family entities that are held within the Children’s Trust and the S-Trusts. They claimed their father and uncle shifted power to themselves and violated the trust documents and their grandfather’s intent to evenly distribute the trusts’ assets to the nine grandchildren. They claimed that after they sued, Gary and Randall distributed some \$9 million to their cousins – Randall’s five children – as a “reward” for not suing. They also claimed that Gary and Randall had Glen Rollins fired from his position at the family company where he had worked his entire career.

The Fulton judge ruled in favor of Gary and Randall, finding that “Defendants’ conduct with respect to the management of the trust assets was permissible under the trust agreements and consistent with the intent of the settlor, O. Wayne Rollins.” The trial court refused to order an accounting of the corporate entities which hold the trust assets. The grandchildren appealed, and the Court of Appeals reversed the lower court’s decision and ruled in their favor, finding that the Fulton court erred by failing to order an accounting of the Rollins corporate family entities. The appellate court relied on Official Code of Georgia § 53-12-243, which mandates that upon request by any beneficiary, a trustee “shall provide” a report of information about the trust and “shall account at least annually” to each beneficiary. The Court of Appeals also ruled that the trial court erred in finding that Gary Rollins, Randall Rollins and Henry Tippie had not breached their fiduciary duties, finding that the actions they took regarding the corporate entities were subject to the heightened trustee-level fiduciary duties they had as trustees.

The Rollins brothers and Tippie appealed to the state Supreme Court, which in March 2014 unanimously reversed the Court of Appeals and ruled in their favor. The high court ruled that the Court of Appeals erred in ruling that the trial court should have ordered an accounting of the family entities held within the trusts. Although that decision may ultimately prove to be correct, the opinion said, “we find it to be erroneous at this juncture because the Court of Appeals failed to give due deference to the discretion of the trial court in this matter. Accordingly, we find it necessary to vacate and remand this issue to the Court of Appeals to enable the appellate court to reweigh the accounting issue by placing the sound discretion of the trial court on the scales.”

Also at issue was whether the Court of Appeals applied the proper fiduciary standard to the conduct of the trustees in ruling that the trustees’ actions in their capacities as managers of the corporate family entities must be scrutinized according to heightened trustee-level fiduciary standards instead of the more deferential standards that apply to the conduct of corporate entity managers.

The high court also reversed the Court of Appeals’ decision on this issue, ruling that “where, under the terms of a trust, the trustee is put in control of a corporate entity in which the trust owns a minority interest, the trustee should be held to a corporate level fiduciary standard when it comes to his or her corporate duties and actions.” On remand, the high court instructed

the appellate court to apply such a standard. The Supreme Court stated that “the cardinal rule in trust law is that the intention of the settlor is to be followed,” and it was clear that O. Wayne Rollins took great pains to set up the estate planning scheme in such a way that he did not intend the trustees to be held to trustee-level fiduciary standards when performing their corporate duties.

Upon remand, the Court of Appeals again reversed the trial court’s judgment in favor of the trustees on the issue of the accounting sought by the beneficiaries. It also remanded the case to the trial court to reconsider its ruling on another matter. It also determined that whether defendants Gary and Randall Rollins were acting as managing partners or as trustees, or both, is a question of fact a jury must answer. Again, Gary and Randall Rollins appeal to the state Supreme Court, which has agreed to again review the case to determine whether the Court of Appeals was wrong in determining that a jury must decide which fiduciary standard applies.

ARGUMENTS: Attorneys for the trustees argue that the state Supreme Court has already ruled that more deferential entity-level standards must be applied to the challenged transactions. “The Court of Appeals refused to comply with this Court’s decision,” they argue in briefs. In its first decision, the high court ruled that the Court of Appeals erred when it ruled the trustees have trustee-level fiduciary duties as to their actions relating to family entities that are held within the trusts. The high court ruled that O. Wayne Rollins placed Gary and Randall Rollins in charge of the family entities to manage them for the benefit of all family shareholders, not just the plaintiffs, and therefore their actions regarding the entities must be governed by the more deferential standards that apply to entity management decisions. The distinction between heightened trustee-level standards and more deferential entity-level standards is critically important, the attorneys argue. Gary and Randall’s corporate decisions are governed by the business judgment rule, which applies a presumption that the directors of a corporation acted in good faith and in the honest belief that the action taken was in the best interests of the company. The only way a jury should have to make the decision is if the plaintiffs can present proof that a business decision was made without good faith, due diligence or deliberation.

The attorneys for the beneficiaries contend that the Court of Appeals ruled correctly that a jury could apply heightened trustee-level fiduciary standards to the challenged transactions. The high court found that O. Wayne Rollins “took great pains” in setting up the family entities held in trust to ensure that no family member’s interest could be favored and distributions from the entities would be equally distributed to his nine grandchildren’s trusts. Gary and Randall could not make large distributions to themselves without making proportional and impartial distributions to all the grandchildren. Yet after their father’s death in 1991, they unilaterally and secretly changed the distribution provision to allow periodic distributions of cash to themselves as managing partners in amounts they determined. They treated themselves differently from their children, which was contrary to the original structure set up under their father’s direction. The Court of Appeals recognized that Gary and Randall used their newly obtained powers to self-deal and pay themselves distributions proportionately greater than those paid to plaintiffs. Since 2000, they have paid themselves roughly twice as much on average as they paid the four plaintiffs. The high court did not call for the application of corporate fiduciary standards to the misconduct of Gary and Randall as trustees or partners, the attorneys contend, and the partnership agreements do not immunize them. Among other arguments, the attorneys for Gary’s children argue their father and uncle also breached trustee and corporate fiduciary duties in locking up trust assets. They breached corporate fiduciary duties by secretly retaining billions of dollars in earnings in

the trust entities for no business reason whatsoever. Finally, the Court of Appeals properly remanded the claim that the children are due a full accounting of the family entities, their attorneys argue.

Attorneys for Appellants: John Dalton, James Lamberth, Alan Bakowski

Attorneys for Appellees: H. Lamar Mixson, Timothy Rigsbee, Lisa Strauss

ANDERSON ET AL. V. SOUTHERN HOME CARE SERVICES, INC. ET AL.
(S15Q1127)

At issue in this case before a federal court is whether employees who provide in-home personal care are entitled to earn a minimum wage under Georgia's Minimum Wage Law.

FACTS: Southern Home Care Services, Inc. is a multi-state home health care company and a subsidiary of Res-Care, Inc., that employed Margaret Anderson and a number of others to provide in-home non-medical services to elderly and disabled persons. The services varied according to the individual but included such things as assisting people with bathing, toileting, dressing, walking, and cleaning up after them. Because the employees worked in people's homes, they had to travel during the work day between job sites. They claimed they did not get paid for the hours they were on the road and therefore, earned less than minimum wage. In February 2013, Anderson and the others sued Southern Home Care and Res-Care in **DeKalb County** Superior Court to recover unpaid overtime and minimum wages. The DeKalb court subsequently granted the companies' motion to transfer the case to the U.S. District Court for the Northern District of Georgia.

The dispute in this case is over the interpretation of both the federal Fair Labor Standards Act and the state Georgia Minimum Wage Law. The federal law states that minimum wage and overtime provisions do not apply to "any employee employed in domestic service employment to provide companionship services for individuals who (because of age or infirmity) are unable to care for themselves...." Anderson and the plaintiffs who filed the lawsuit claim that because they fall under this exemption, and the law's general minimum wage requirements do not apply to them, they are not "covered" by the federal law. Therefore, they claim, they are covered by the Georgia law, which states that "every employer...shall pay to all covered employees a minimum wage which shall be not less than \$5.15 per hour for each hour worked in the employment of such employer." The Georgia law also states: "This chapter shall not apply to any employer who is subject to the minimum wage provisions of any act of Congress as to employees *covered* thereby if such act of Congress provides for a minimum wage which is greater than the minimum wage which is provided for in this Code section." The plaintiffs claim that because they are not "covered" by the federal law, they are covered by the Georgia law and its minimum wage provisions. In other words, the exclusion in the Georgia law does not apply to them. They also claim that while the Georgia law states that it does not apply to "[a]ny employer of domestic employees," they are not "domestic employees." Before issuing a final decision in the case, the federal court has certified two questions it is asking the Georgia Supreme Court to answer:

1. If an employee falls under an exemption of the federal Fair Labor Standards Act, is he or she still "covered" by that act and thereby prohibited from receiving minimum wage compensation under the Georgia Minimum Wage Act?

2. Is an employee who provides in-home personal support services prohibited from receiving minimum wage compensation under the Georgia law due to the “domestic employees” exception stated in that law?

The plaintiffs claim the answer to both questions is no, while the companies claim the answer to both is yes.

ARGUMENTS: Attorneys for the plaintiffs argue that the Georgia Minimum Wage Law “was enacted in 1970 to ensure that all Georgia employees receive a basic minimum wage in the event the federal minimum wage does not apply to them.” The General Assembly exempted a series of employers and employees of very small businesses, such as those with fewer than five employees, farm owners, students, newspaper carriers, and “an employer of domestic employees.” But unlike the employers exempted under the Georgia law, Southern Home Care Services and Res-Care are large multi-state companies that provide in-home services to medically-homebound individuals. These employers have refused to pay their employees minimum wage, the attorneys argue. The companies “also claim that their employees are not covered under the Georgia Minimum Wage Law despite the [its] clear intent to provide a minimum wage when the Fair Labor Standards Act does not.” Here, the plaintiffs are not “covered” by the federal law and have not received a minimum wage that exceeds the \$5.15 per hour provided by the Georgia law. “In short, Appellants [i.e. plaintiffs] are precisely the type of workers that the Georgia Minimum Wage Law was intended to help, because Employers claim Appellants are exempt under the Fair Labor Standards Act.” The state law applies to the plaintiffs precisely because they are exempt from the federal law. Furthermore, Anderson and the other plaintiffs are not “domestic employees” who would be exempt under the Georgia law from receiving the state minimum wage. That exemption is reserved for cooks, maids, babysitters, gardeners and others who provide services in families’ homes. “The intent of the legislature was not to use the domestic employee exception to exclude a huge multi-state company from paying Georgia’s minimum wage,” the attorneys contend.

Lawyers for the health care companies argue that the federal law “covers any employee employed by an entity engaged in interstate commerce,” and “it is undisputed that Defendants are engaged in commerce.” “That should end the matter.” Just because they are exempted from the federal law’s minimum wage provisions does not mean they are not still covered by the federal law. They are. And therefore, they are not covered by the Georgia law and its provisions and have no grounds for their lawsuit. “If an employer is subject to the Fair Labor Standards Act, and the Fair Labor Standards Act provides for a minimum wage of a certain amount, the Georgia Minimum Wage Law does not apply,” they argue in briefs. The federal Department of Labor even states in one of its fact sheets: “Persons employed in domestic service in households are covered by the Fair Labor Standards Act.” The fact sheet includes among this category of persons: nurses, home health care aides, “and other individuals providing home health care services.” The Georgia law also does not apply because the plaintiffs are “domestic employees” exempted from the law. In Black’s Law Dictionary, “domestic servant” means, “a person hired or employed primarily for the performance of household duties and chores, the maintenance of the home, *and the care, comfort, and convenience of members of the household*,” the attorneys point out. The services the plaintiffs themselves say they provide, “are all indisputably ‘domestic’ services under any reasonable construction of the term,” the attorneys argue.

Attorneys for Appellants (Anderson): Geoffrey Pope, J. Marcus Howard

Attorneys for Appellees (Southern): Ronald Polly, Jr., Matthew Boyd

CLAYTON COUNTY BOARD OF COMMISSIONERS ET AL. V. MURPHY (S15A0995)

Clayton County's Board of Commissioners is appealing a superior court ruling requiring them to reinstate a man they first fired and later terminated by eliminating his position.

FACTS: Joseph L. Murphy began working for **Clayton County** in 1997 as an electrical inspector for the building department. He rose to chief building inspector and was eventually promoted to Assistant Director of Community Development for the County at an annual salary of \$70,000. In this position, he supervised the day-to-day operations of the zoning, building and planning divisions and nearly all the inspectors employed by the County. In November 2007, Murphy received a separation notice and disciplinary action form signed by Commission Chairman Eldrin Bell stating that he was being fired for alleged violations of civil service rules due to conflicts of interest. Specifically, Murphy owned a private business, JLM Electrical Contractors, which did work for Clayton County. The Commissioners terminated Murphy for allegedly inspecting electrical work done by the company he owned, which violated an order by the Director of Community Development prohibiting inspection of electrical work performed by a related party. Murphy appealed his termination to the Clayton County Civil Service Board, which in July 2008 reversed the County's order terminating Murphy and ordered he be paid lost wages and benefits. Finding that "the penalty of discharge was excessive and disproportionate to the conduct" with which Murphy was charged, the Board reduced his punishment to a 30-day suspension without pay. The County appealed in Clayton County Superior Court, which in January 2009 held a hearing. Prior to the court's decision, the County Board of Commissioners in June 2009 adopted a resolution eliminating the position of Assistant Director of Community Development. According to the County, the job was one of 18 eliminated in a cost-cutting reorganization of the Department of Community Affairs, which saved the County more than \$190,000. Meanwhile, in August 2009, the superior court upheld the decision of the Civil Service Board, ordering that Murphy be put back to work for the County, and dismissing the County's petition.

Murphy was never re-employed by the County, and in August 2011, he sued by filing a petition for a "writ of mandamus," asking the superior court to force the Board of Commissioners to do their duty and put him back to work. He also asked the court to order back pay. The County filed a motion to dismiss the action. Following a 2014 hearing, the trial court again ruled in Murphy's favor, granting the writ of mandamus and ordering that the County award him employment. The Board of Commissioners now appeals to the state Supreme Court.

ARGUMENTS: The County's attorneys argue the trial court erred by denying their motion to dismiss the case and by granting a writ of mandamus. "Mandamus is an extraordinary remedy to compel public officials to perform their official duties when there is a clear legal right to the relief sought and there is no other adequate legal remedy," they argue in briefs. "In this case, neither element is present, and the trial court erred in granting the petition." As opposed to filing a mandamus action, Murphy could have sued for damages. Besides, Georgia law requires that a mandamus petition be filed against an individual holding the office, not the office itself, they argue. Furthermore, the individual commissioners were not Murphy's employer and had no authority to hire or re-hire him. Only the Director of the Department of Community Affairs could do that, and he is not a party to this action. Also, Civil Service Rule 9.204 "only provides

reinstatement rights to a position ‘of the nature’ of the position Murphy previously had occupied – that of Assistant Director of Community Development,” the attorneys argue, and there was “no evidence that any other position of the same kind or type as Assistant Director had been created.” “Rule 9.204 does not entitle Murphy to any position he wants at Clayton County, or even any position within the Department of Community Development – only a position of the same kind or type as Assistant Director,” the attorneys argue. “The trial court’s finding that Murphy ‘was qualified to perform electrical inspections...[and] for numerous non-supervisory positions...’ and thus was ‘entitled to employment with Clayton County’ eviscerates Rule 9.204 and the limitation of reinstatement rights to only positions of the same kind or type....” Murphy does not have a clear legal right to employment with the County in any capacity – “only in a position of the nature of Assistant Director, which does not exist.” The trial court’s order also “imposes a new and burdensome duty on the County,” which employs 2100 people. The effect is to “compel the evaluation of each and every job opening, in every department (not just the department where the employee previously worked) to determine whether every employee who lost their job as a result of a reduction in force might be qualified for each position, and to notify every such employee of every opening for two years,” the County’s attorneys contend.

Murphy’s attorneys argue that the County Board of Commissioners “unilaterally abolished the position” only after they lost their case earlier when they fired Murphy and both the Civil Service Board and trial court overturned the termination and ordered his reinstatement. “In an attempt to avoid compliance with the order...the [Commissioners] abolished the position of Assistant Director and refused to re-employ [Murphy] in any position,” they argue in briefs. As a result he has remained unemployed for nearly eight years. Furthermore, the Board is wrong that there was no comparable position available. The record shows that in August 2009 when the court issued the reinstatement order, the Department of Community Development was advertising for a planning and zoning administrator, yet the County never notified Murphy. He also was qualified to serve as a supervisor of permits and licenses. The trial court properly issued a writ of mandamus. The Board and its commissioners, all of whom were named in the action, are the proper parties based on a number of decisions by the state Supreme Court, “regardless of whether the commissioners were named in their official or individual capacities, or were not named at all,” Murphy’s attorneys argue. Also, under the Georgia Code, the Board does have the power to hire and fire employees and the contention it does not “is completely without merit.” Civil Service Rule 9.204 does not even apply to Murphy because while the rule provides reinstatement rights for a period of two years following an employee’s termination, it only applies to an “employee who has been laid off in good standing.” “It is undisputed that Murphy was not ‘laid off in good standing,’” the attorneys argue. Even if the rule is applicable, the County may not avoid Murphy’s reinstatement by abolishing his job. “Murphy has a clear legal right to the relief sought as determined by the civil service rules, the Civil Service Board and the Superior Court.” Finally, the trial court properly granted the writ of mandamus because Murphy had no other adequate legal remedy, his attorneys contend.

Attorneys for Appellants (Board): Jack Hancock, M. Michelle Youngblood

Attorneys for Appellee (Murphy): Steven Frey, Mark Forsling

MADGE V. SAVANNAH-CHATHAM COUNTY PUBLIC SCHOOL DISTRICT, ET AL.
(S15A0176)

A Savannah middle school principal, who sued the superintendent and school officials after she was sent a Notice of Termination, is appealing a **Chatham County** court ruling against her. She claims she was the victim of retaliation and discrimination due to her race and gender. This is the third ruling in her case that she has appealed to the state Supreme Court.

FACTS: Dr. Tangela Madge became principal of Southwest Middle School in 2006. In July 2008, the School District’s Internal Audit Department conducted an audit of Madge’s school. Previously it had conducted system-wide internal audits on the issue of teacher turnover and retention which identified Southwest as having the highest teacher turnover rate – 34.1 percent – in the district for the 2007-2008 school year. On July 1, 2008, the Internal Audit Department notified Madge that Southwest Middle School would be audited. As part of the audit, auditors – including Ginger Masingill – spoke with former and current teachers and staff at the school and gathered documents and records. One of the teachers Masingill contacted for comments was Dessie Bishop. The audit revealed several irregularities, including that Southwest’s teachers had been authorized or directed to change student grades; that special education students had been improperly reassigned in violation of their Individualized Education Plans (IEP); and that teachers continued to be used for administrative duties in violation of a directive prohibiting such assignments. Madge was allowed to respond to the findings and her Management’s Response was incorporated into the final Audit Report. Like other audits, the final audit of Southwest Middle School was posted on the District’s website. On Oct. 3, 2008, Dr. Thomas A. Lockamy, Jr., superintendent of the Savannah-Chatham County Public School District, sent Madge a Notice of Termination, listing five grounds he said would justify her termination under Georgia Code § 20-2-940, including incompetency and insubordination. On Oct. 29, 2008, Madge had a hearing before the Board where she was represented by a lawyer. Prior to any vote on the issue of her termination, Madge tendered her resignation to the Board, and the Board voted to accept it.

Madge subsequently sued school officials in two separate cases, but the trial judge ruled against her, twice granting “summary judgment” to the officials. (A judge grants summary judgment after determining a jury trial is unnecessary because the facts are undisputed and the law falls squarely on the side of one of the parties.) Madge appealed, but in April 2015, the Georgia Supreme Court upheld the lower court’s decision in both cases without issuing an opinion. This appeal involves a third iteration of her case in which she is seeking damages and a “petition for mandamus,” which is used to force public officials to perform their duties. In this case, Madge sued the school district as well as superintendent Lockamy, auditor Masingill, and teacher Bishop, individually and in their official capacities. In this suit, she also made claims of race and gender discrimination and retaliation under federal law. Again, the trial court ruled against her and granted summary judgment to school officials, finding, among other things, that there were legitimate, non-discriminatory reasons for considering Madge’s firing. Madge again appeals to the state Supreme Court.

ARGUMENTS: Madge’s attorney argues the trial court made seven errors, including by granting summary judgment to the school district and officials when there are numerous questions of fact that remain to be decided. “There are so many disputed facts and so many disputes as to the conclusions that should be drawn from these facts, that a jury – not a court –

must decide this case,” the attorney argues in briefs. “There is a jury issue as to whether Appellant [i.e. Madge] resigned her position, or whether Appellant was constructively discharged.” (“Constructive discharge” occurs when an employee feels forced to resign as a result of the employer creating such a hostile environment, she has no other choice.) The trial court also erred in granting Bishop summary judgment. “In this case, there is an abundance of evidence that the actions taken by Bishop were intentionally, willfully, maliciously, or with the intent to injure Appellant,” the attorney argues. “Furthermore, Bishop was not entitled to immunity because she told deliberate falsehoods.” And the trial court erred in granting the school district summary judgment on Madge’s federal law claims. “A reasonable jury could conclude...that the decisions to transfer Appellant and terminate Appellant’s employment were made prior to the date that the final audit was released and that the audit was used as a pretext to manufacture reasons to terminate Appellant’s employment.” The trial court erred in failing to include Madge’s claims of “unequal application of work rules, unequal discipline, that she was treated differently from similarly situated male and white employees, and Plaintiff was discriminated against in the terms and conditions of her employment,” her attorney contends. Among remaining arguments, Madge was entitled to mandamus and injunctive relief. Since publication of the audit, she has applied for more than 200 jobs, yet has not been able to find employment. “Thus, Madge is requesting that the audit be removed because it contains false information...” and because the audit process did not follow the written policies. “The evidence in the record, when properly analyzed, shows that Appellant is entitled to mandamus relief as she has not had a hearing on allegations that negatively affected her trade, and the trial court judge admitted that she had not had a hearing on these allegations,” Madge’s attorney argues.

Attorneys for the school district and officials argue that Madge is wrong in stating that numerous questions of fact remain to be resolved. Because Madge resigned before the Board could make a final decision about whether to terminate her, “no adverse employment action occurred sufficient to support a discrimination claim.” Her resignation also “defeats any due process, liberty interest, retaliation, and breach of contract claims since there was no adverse job action.” And of course Bishop, as a teacher, had no decision-making authority and “had absolutely no role in Dr. Madge’s termination and she is not a proper defendant for any of Dr. Madge’s discrimination, retaliation or due process claims.” Bishop did not even know Masingill who communicated with her via email and asked questions about the middle school as part of the audit. Bishop testified that she believed as a teacher, “I was legally justified in discussing the operation of the school with Ms. Masingill or administrators.” “None of my statements or actions were taken with malice toward anyone.” Furthermore, sovereign immunity protects Bishop in her official capacity, and official immunity protects her in her individual capacity. Madge’s race and gender discrimination claims lack merit under the law. She has provided neither direct nor circumstantial evidence of discrimination. “The trial court correctly held that Dr. Madge’s termination hearing and resignation did not constitute adverse employment action sufficient to support Plaintiff’s [i.e. Madge’s] discrimination claim.” Even if Madge could establish a case of discrimination, “which she cannot, the District had legitimate, nondiscriminatory reasons for considering Dr. Madge’s termination,” the school officials’ attorneys argue. “When the Southwest Middle School audit report identified the serious problems at the school, such as unauthorized grade changes, Dr. Lockamy’s confidence in Dr. Madge’s suitability as a principal to run Southwest Middle School was lost.”

Attorney for Appellant (Madge): Maurice Luther King, Jr.
Attorneys for Appellees (School): Leamon Holliday, III, Andrew Dekle