

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON)	FOR THE NINTH JUDICIAL CIRCUIT
)	
Robert T. Dillon, Jr., PhD.,)	Case No.: 2016-CP-10-3774
)	
Plaintiff,)	
)	
vs.)	PLAINTIFF’S RESPONSES TO
)	DEFENDANTS’ FIRST SET OF
The College of Charleston and Brian)	INTERROGATORIES
McGee, in his individual capacity,)	
)	
Defendants.)	
_____)	

TO: HAL FRAMPTON, ESQUIRE, ATTORNEY FOR THE DEFENDANTS:

The Plaintiff, through the undersigned attorney, responds to Defendants’ First Set of Interrogatories as follows:

General Objections

1. By providing information in response to these Interrogatories, Plaintiff does not concede the accuracy of Defendant’s definitions, assumptions or allegations. Nor does Plaintiff concede that any of the information sought is admissible, material or relevant in these proceedings. Plaintiff does not waive any general or specific objections by providing a response to any of the Interrogatories.

2. Plaintiff has made a reasonable, good-faith inquiry into the subject matter of each Interrogatory. Plaintiff’s responses are based on the facts reasonably ascertainable to Plaintiff. Plaintiff reserves the right to modify or amend these responses at any time and as discovery proceeds.

3. Plaintiff objects to these Interrogatories to the extent that they call for information that is protected by the attorney-client privilege, the work product doctrine, or any other privilege

or protection recognized by law.

4. Plaintiff objects to these Interrogatories to the extent they attempt to impose burdens and requirements beyond those required by the South Carolina Rules of Civil Procedure.

5. Plaintiff's responses shall not be construed in any way as an admission that any definition provided by Defendant is either factually correct or legally binding upon Plaintiff or a waiver of any of Plaintiff's objections regarding relevancy, discoverability and admissibility.

6. Plaintiff reserves the right to supplement these responses and objections.

Interrogatories

1. Give the names and addresses of persons known to you to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

RESPONSE: No written statements have been taken from the following witnesses.

a. Plaintiff c/o undersigned counsel

The following witnesses are all employees of Defendant College:

- b. Jaap Hillenius**
- c. James Deavor**
- d. Brian McGee**
- e. Mike Auerbach**
- f. Doug Ferguson**
- g. Susan Kattwinkel**
- h. Tim Carmichael**
- i. Deanna Caveny-Noecker**
- j. Glenn McConnell**
- k. B. Lee Lindner**
- l. Todd Grantham**
- m. Tom Heeney**
- n. Ned Hettinger**
- o. Bob Mignone**
- p. Todd McNerney**
- q. Divya Bhati**
- r. Beth Lloyd**

2. Set forth a list of photographs, plats, sketches, or other prepared documents in your possession that relate to the claim in the case; and if you will supply it without the necessity of a Motion, please attach a copy to your answers.

RESPONSE: None.

3. Set forth an itemized statement of all damages, specifically identifying the type of damages and amount claimed for each type, claimed to have been sustained by Plaintiff as a result of Defendants' actions. In addition, set forth all ways in which Plaintiff suffered "serious damage to his personal and professional reputation" as alleged in paragraph 104 of the Complaint and how Plaintiff was specially damaged as alleged in paragraph 105 of the Complaint.

RESPONSE: Plaintiff seeks presumed damages to his reputation for Defendant's per se slanderous comments about his job performance and will ask the jury for an amount in excess of the statutory cap. Plaintiff was the subject of an unflattering article in The Chronicle of Higher Education, published on line 28Mar16 and in print 8Apr16. The online article attracted 81 comments, some of which were insulting and damaging to his professional reputation. Plaintiff's Op-Ed response to this article, also published by The Chronicle online date and in print 8Apr16, attracted 68 additional comments, many of which were again insulting and damaging. The Chronicle story was picked up by a nationally-prominent blogger from the University of Minnesota, PZ Myers, whose 29Mar16 post "How Not To Teach Genetics" damaged the Plaintiff's reputation further, and attracted 63 additional comments, many of which were insulting.

In addition, Plaintiff has suffered monetary damages. Specifically, he was not planning to retire until after the 2017-18 academic year, so he has lost two years of salary plus benefits due to being forced out of his position. For the 2015-16 academic year, his salary was approximately \$68,096 salary plus \$21,325 benefits, or \$89,421. Plaintiffs' salary losses are, therefore, \$178,842. Additionally, Plaintiff also lost his office and laboratory, from whence he conducted his research. Ordinarily, when a professor retires, he is awarded "emeritus" status, which (usually) allows him to maintain an office on campus, computer hook-ups, library privileges, franking, parking, and so forth. And sometimes an emeritus professor is even allowed to keep his laboratory, especially if he has a research grant, or good prospects of obtaining one.

4. Identify every statement made and action taken by Defendants, including but not limited to re-publication, that you contend caused reputational damage to Plaintiff.

RESPONSE: Plaintiff objects to this Interrogatory to the extent it seeks identification of documents that “support” a particular fact or contention, as such information is protected by the attorney-client work-product and attorney-client privilege and also protected by Rule 33 (d). Notwithstanding this objection, see the statements by Defendant and its agents in the documents attached to Plaintiff’s Response to Defendant’s Requests for Production. Further, Defendants’ actions of suddenly removing Plaintiff from the classroom and banning him from campus, as well as appointing a group of faculty members not permitted by the Faculty Handbook to pass judgment on Plaintiff’s fitness as a professor are all defamatory actions. Plaintiff reserves the right to supplement this Response.

5. Identify all persons Plaintiff has spoken with who have stated, suggested, or indicated in any manner that Plaintiff’s reputation was damaged by Defendants and describe what those persons said or did that caused Plaintiff to conclude his reputation had been damaged.

RESPONSE: See Response to No. 3 and 4. above. Further, Plaintiff believes his reputation has been severely damaged in the eyes of his colleagues in the Biology Department, especially the younger colleagues. Plaintiff reserves the right to supplement this response as discovery proceeds.

6. List the names and addresses of any expert witnesses whom you propose to use as a witness at the trial of this case and as to each, provide: the subject matter of the anticipated testimony; the expert’s qualifications; the substance of the facts and opinions to which the expert is expected to testify; and a summary of the grounds for each of the expert’s opinions.

RESPONSE: Plaintiff has not retained an expert witness but reserves the right to do so as discovery proceeds. Further, Plaintiff specifically reserves the right to call as an expert any and all expert witnesses identified by Defendant.

7. For each person known to you or to counsel to be a witness concerning the facts of this case, set forth either a summary sufficient to inform Defendant of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

a. Plaintiff will testify as to the allegations in the Complaint.

b. Jaap Hillenius may testify as to the allegations in the complaint and the issue of motive.

- c. **James Deavor may testify as to the allegations in the complaint and to retaliation and due process violations by Dean Auerbach.**
 - d. **Brian McGee may testify as to the allegations in the complaint and the issue of motive.**
 - e. **Mike Auerbach may testify as to the allegations in the complaint and the issue of motive.**
 - f. **Doug Ferguson may testify as to the allegations in the complaint and about the Investigative Review Panel.**
 - g. **Susan Kattwinkel may testify as to the allegations in the complaint and about the Investigative Review Panel.**
 - h. **Tim Carmichael may testify as to the allegations in the complaint and about the Investigative Review Panel.**
 - i. **Deanna Caveny-Noecker may testify as to the allegations in the complaint.**
 - j. **Glenn McConnell may testify as to the allegations in the complaint, the faculty handbook and the grievance process.**
 - k. **B. Lee Lindner may testify as to the allegations in the complaint and about the Investigative Review Panel.**
 - l. **Todd Grantham may testify as to the allegations in the complaint and about the Hearing Committee.**
 - m. **Tom Heeney may testify as to the allegations in the complaint and about the Hearing Committee.**
 - n. **Ned Hettinger may testify as to the allegations in the complaint.**
 - o. **Bob Mignone may testify as to the allegations in the complaint and about the Hearing Committee.**
 - p. **Todd McNerney may testify as to the allegations in the complaint and about the Faculty Handbook.**
 - q. **Divya Bhati may testify as to the allegations in the complaint and motive.**
 - r. **Beth Lloyd may testify as to the allegations in the complaint.**
8. Provide the following information, from February 18, 2016 to the present:

- a) all places of employment to which you applied, including company name and address, whether or not you were hired;
- b) all places of employment, including company name and address, where you were hired;
- c) position(s) held and a description of all job duties that the you actually performed;
- d) date(s) of employment with each employer;
- e) rate(s) of gross weekly compensation at each such place of employment;
- f) names(s) of supervisor(s), if any, at each such place of employment;
- g) a complete description of your employee benefits' package at each employer referenced above, including, but not limited to, whether the Plaintiff received health insurance, life insurance, accident insurance, disability insurance, pension benefits, 401(k) benefits, dental insurance, vision insurance, bonuses, and profit sharing benefits, the amounts of each, and Plaintiff's out-of-pocket costs, if any, that he pays to receive any of the aforementioned benefits;
- h) a complete list or description of all "self-employment" or independent contractor work you have performed and the total amount of compensation received for each such occasion.

RESPONSE: Plaintiff applied for a position at the British Museum which he did not receive.

9. Identify by full case caption every lawsuit, charge or proceedings which Plaintiff has filed, instituted or been a party to (including claims filed against you), including, but not limited to lawsuits in state or federal court, bankruptcy court, charges or claims with the Equal Employment Opportunity Commission, the unemployment agency of any state, the workers' compensation commission of any state, the Department of Labor, or any other court or agency.

Include in your answer: the dates the lawsuit, charge, or proceedings was pending; the nature of the claims in the lawsuit, charge, or proceeding; the outcome of the lawsuit, charge or proceedings; and the caption of the lawsuit, charge, or proceedings.

RESPONSE: None.

10. Identify each and every job, position of employment, including self-employment, or other means of earning an income that Plaintiff has held since his eighteenth birthday. Include in your answer: the name and address of each employer; the dates of such employment; each position Plaintiff has held with each employer; and the reason for leaving each such employment.

RESPONSE: Plaintiff objects to this Interrogatory as this information is already in possession of Defendant and irrelevant. If Defendants limit the scope of this Interrogatory to relevant and timely information, Plaintiff will provide a response.

11. Identify each of Plaintiff's criminal arrests or convictions, including the date of any criminal arrest or conviction, the names of any crimes charged, the names of any crimes of which Plaintiff was convicted.

RESPONSE: None.

12. Provide the names, addresses, and telephone numbers of every medical doctor and health care provider of any and/or every kind (including but not limited to mental health providers such as psychiatrists and/or psychologists and/or therapists), and counselors of any and/or every kind who have treated, consulted with, and/or advised you in connection with any injuries Plaintiff alleges were caused by Defendant.

RESPONSE: None.

13. Identify any "social media accounts" held by Plaintiff or in which Plaintiff participated, in either his individual capacity or on behalf of an organization, from July 2013 to

the present and identify the screen name(s) associated with Plaintiffs account(s) or the account(s) of organization(s) on whose behalf Plaintiff participated. For purposes of these Interrogatories, "social media accounts" shall be defined as user accounts on social media or message board websites, including but not limited to Facebook, Twitter, Instagram, Flickr, Classmates, LinkedIn, Wordpress, Blogspot, or ScienceForums.net

RESPONSE: Plaintiff objects to this Request on the grounds that the information requested is personal and confidential and not and not proportional to the needs of the case Plaintiff further objects to this Request as it seeks information not relevant to the allegations in Plaintiff’s Complaint. If Defendant limits the scope of this Request to a time frame (or specific subject matter) relevant to this matter, Plaintiff may be able to respond. Notwithstanding this objection, Plaintiff has accounts on Facebook, LinkedIn, ResearchGate and Freshwater Gastropods of North America blog at fwgna.blogspot.com.

14. Identify the unnamed faculty member referred to in the second paragraph of Plaintiffs attorney's letter of June 20, 2016 to Angela Mulholland.

RESPONSE: Ana Zimmerman

15. Identify all media outlets, including but not limited to the Chronicle on Higher Education, Inside Higher Ed, the Post and Courier, and News 2, with whom Plaintiff corresponded regarding the syllabus at issue in this lawsuit and identify the individual(s) with whom Plaintiff correspondence, the date(s) of such correspondence, the form of such correspondence (i.e., in-person meeting, telephone conversation, e-mail, etc.).

RESPONSE: See Plaintiff’s below Response:

Date	Media Outlet	Name	Form
3/24/16 - 3/25/16	The Chronicle of Higher Education	Mr. Steve Kolowich	Emails, telephone interviews
3/17/16 - 3/28/16	The Chronicle of Higher Education	Ms. Diane Donovan	Emails
3/29/16	Charleston Post & Courier	Mr. Paul Bowers	Emails, telephone interview
3/30/16	WCBD - News 2	Mr. Travis Rice	Emails, television interview

7/20/16 - 7/27/16	Charleston Post & Courier	Mr. Paul Bowers	Emails, telephone interview
8/5/16	Inside Higher Ed	Ms. Colleen Flaherty	Telephone interview
8/4/16 - 8/10/16	The Weekly Standard	Mr. Andy Ferguson	Emails

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Attorneys for Plaintiff

Charleston, South Carolina

Date: _____

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing pleading was mailed to all counsel of record in this proceeding this _____ day of _____, 20____.
