

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)	REQUESTS TO PRODUCE
McGee, in his individual capacity,)	
)	
Defendants.)	
_____)	

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

The Plaintiff, through the undersigned counsel, responds to Defendants’ First Set of Requests to Produce as follows:

1. Any and all documents and correspondence referenced in your answers to Defendants' First Set of Interrogatories or that you reviewed, relied upon, or consulted in preparing your answers to Defendants' First Set of Interrogatories.

RESPONSE: See attached.

2. Any and all documents and correspondence received by you from, or provided by you to, any person that pertain to the events that form the basis of the allegations in the Complaint or Defendants' Answer.

RESPONSE: See attached.

3. Any and all documents, correspondence, or tangible objects upon which you intend to rely to support the claims asserted in the complaint and/or rebut the defenses asserted in the answer and/or which you may attempt to introduce as evidence for any purpose or use as a demonstrative aid at trial.

RESPONSE: See attached. Plaintiff reserves the right to supplement this response as discovery proceeds and to use at trial any documents produced by Defendant.

4. Any and all documents or correspondence relating to your employment at the College, including but not limited to your three (3) disciplinary matters prior to February 18, 2016, the discipline imposed on you on or about February 18, 2016, the sanction imposed on you on or about March 18, 2016, any grievances or appeals from such discipline/sanction, or any of the matters that form the basis of your claims in this case.

RESPONSE: Plaintiff knows of three (3) matters he was counseled about in his 33 years of employment with Defendant. Plaintiff objects to this Request as the information requested is irrelevant and dated. Further, the information is likely already in the possession of Defendant. Notwithstanding this objection, see attached.

5. All records, bills, or other documents or correspondence related to any treatment, consultation, advice, or visits to any medical doctor or health care provider of any and/or every kind (including but not limited to mental health providers such as psychologists and/or psychologists and/or therapists) in connection with any injuries you allege were caused by Defendants.

RESPONSE: Plaintiff objects to this Request as it seeks information not relevant to the allegations in Plaintiff's Complaint and not proportional to the needs of the case, considering the importance of the issues at stake in the action, thus exceeding the discovery scope and limits of FRCP, Rule 26 (b) (1). Notwithstanding this objection, none.

6. Any and all resume(s) and/or applications for employment that you sent, filled out, and/or provided to prospective employers since February 18, 2016.

RESPONSE: See attached.

7. Any and all documents or correspondence you have created in connection with a search for employment since February 18, 2016.

RESPONSE: See attached.

8. Any and all documents or correspondence you have received from prospective

employers including but not limited to invitations to interview, acknowledgements of receipt of application, letters of rejection, and offer letters since February 18, 2016.

RESPONSE: See attached.

9. Any and all documents or correspondence evidencing or relating to any employer write-ups, disciplinary actions, denial of promotional opportunities, reviews of performance, work product feedback or performance evaluations, relating to your employment with the College.

RESPONSE: Plaintiff objects to this Request as he does not have any documents that are not already in Defendant's possession. Plaintiff has many documents stored in various places due to his 33 years of employment with Defendant, but none that are relevant to this lawsuit that are not either being produced or are already in Defendant's possession.

10. Any and all Federal and state tax returns filed by Plaintiff for the tax years 2013 to the present.

RESPONSE: Plaintiff objects to this Request as W2's will provide the relevant information about wages received after employment with Defendant and Defendant has provided no compelling reason requiring the production of confidential tax returns. See, *Terwilliger v. York Int'l Corp.*, 176 F.R.D. 214, 217-219 (W.D. Va. 1997); *Gattegno v. PricewaterhouseCoopers, LLP*, 205 F.R.D. 70, 73 (D.Conn. 2001); *Lemanik v. McKinley Allsopp, Inc.*, 125 F.R.D. 602, 609 (S.D.N.Y. 1989); *United States v. Bonanno Organized Crime Family*, 119 F.R.D. 625, 627 (E.D.N.Y. 1988); *Payne v. Howard*, 75 F.R.D. 465, 469 (D.D.C. 1977) Notwithstanding this objection, Plaintiff has received no wages subsequent to his constructive discharge.

11. Any and all documents evidencing, supporting, or relating to your psychological harm, emotional distress, anxiety, pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, embarrassment, humiliation, physical injuries, and injury to your personal and professional reputation purportedly caused by Defendants as alleged in the Complaint.

RESPONSE: Plaintiff objects to this Request as it seeks information not relevant to the allegations in Plaintiff's Complaint and not proportional to the needs of the case, considering the importance of the issues at stake in the action, thus exceeding the discovery scope and limits of FRCP, Rule 26 (b) (1). Notwithstanding this objection, none.

12. For each witness identified by you as an expert, produce a complete curriculum vitae, resume, or professional profile and all documents provided to the expert by you, used by the expert, and/or provided to you by the expert.

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.

13. Produce the entire contents, including posts, notes, photographs, etc., of your all "social media accounts" (including deleted and/or removed items) from July 1, 2013 to the present, using tools provided by each respective social media site for downloading the entire contents of your account (e.g., for Facebook, the "Download Your Information" tool). For purposes for these Requests to Produce, "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.

14. Any and all syllabi from all courses taught by Plaintiff from the year 2000 to the present.

RESPONSE: Plaintiff objects to this Request on the basis it requests documents and/or information already in the possession of Defendant or easily obtainable from other sources, including Defendant's own files.

15. Produce the memo from the Associate Vice President for Institutional Effectiveness and Strategic Planning referred to in your March 28, 2016 article in The Chronicle of Higher Education and all documents and correspondence related to such memo.

RESPONSE: See attached.

16. Any and all documents and correspondence related to your allegation that Plaintiff and Dr. Hellenius have disagreed regarding the issue of teacher philosophy as alleged in paragraph 13 of the Complaint.

RESPONSE: None.

17. Any and all documents and correspondence related to your allegation that Plaintiff opposed Dr. Auerbach's re-hire as Dean as alleged in paragraph 14 of the Complaint.

RESPONSE: None.

18. Any and all documents and correspondence related to your allegation that Plaintiff allegedly undermined Dr. McGee's attempt to satisfy an antiquated state law as alleged in paragraph 15 of the Complaint.

RESPONSE: See attached.

19. Any and all documents and correspondence related to your allegation that Plaintiff's supervisors feel threatened by Plaintiff's political activities as alleged in paragraph 16 of the Complaint.

RESPONSE: See attached.

20. Any and all documents and correspondence related to your allegation that Plaintiff's supervisors feel threatened by Plaintiff's successes in coordinating Darwin week as alleged in paragraph 17 of the Complaint.

RESPONSE: None.

21. Any and all documents and correspondence related to your allegation that Dr. McGee resents Plaintiff's failure to approve the College obtaining a Phi Beta Kappa chapter as alleged in paragraph 18 of the Complaint.

RESPONSE: None. Plaintiff reserves the right to supplement this Response.

22. Any and all documents and correspondence related to your allegation that Dr. McGee's appointment of an investigative review panel made it impossible for you to timely file a grievance alleged in paragraphs 59 and 85 of the Complaint.

RESPONSE: See attached.

23. Produce the email from Dr. Kingsley-Smith referred to in paragraph 64 of the Complaint.

RESPONSE: See attached. (Rob, please send to me)

24. Any and all documents and correspondence related to your allegation that Dr. McGee rejected the Faculty Grievance Committee's compromise as alleged in paragraph 88 of the Complaint.

RESPONSE: See attached.

25. Any and all correspondence with media outlets, including but not limited to The Chronicle of Higher Education (including but not limited to Steve Kolowich), Inside Higher Ed (including but not limited to Colleen Flaherty and Scott Jaschik), News 2 (including but not limited to Travis Rice) and the Post and Courier (including but not limited to Paul Bowers) regarding the syllabus issue alleged in the Complaint.

RESPONSE: See attached.

26. Any and all correspondence with the American Association of University Professors (including but not limited to Hans-Joerg Tiede) regarding the syllabus issue alleged in the Complaint.

RESPONSE: See attached.

27. Any and all correspondence between Plaintiff and any third party regarding the dispute between the College and Plaintiff over Plaintiff's syllabus, including but not limited to

supportive correspondence from other professors as stated in your interview with News 2.

RESPONSE: Plaintiff has received support from strangers and friends that he did not retain.

BLOODGOOD & SANDERS, LLC

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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____.
