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- 1) 2020-2021 Contract of Employment**
- 2) Separation Notice** (Confirms starting date of employment-7/27/2020- certificated clearance was obtained before this date)

3) Email from Pamela Stephan

(Describe what a Clearance Certificate is simply verifies completed background check with acceptable results) she has since resigned. *Screenshot*

4) Registration Approved for Fingerprint Site for School Employment – (7/23/2020) *Screenshot*

5) Clear FBI/GBI fingerprint background check for School Employment completed on (7/23/2020)

6) Email received from Eleanor M. Attwood stating that the school district has come to their senses and that the opposing counsel-Grant McBride, keeps asking for a settlement offer. *Screenshot*

7) Email received from Julie Oinonen as a follow-up from previous discussion with the opposing counsel-Grant McBride, who insisted on proposing a settlement offer *Screenshot*

8) Email received from Julie Oinonen as an additional follow-up regarding the opposing counsel-Grant McBride who insisted on proposing a settlement offer *Screenshot*

9) Demand Offer from Grant McBride (This portion of the email was extracted from the email received from Eleanor M. Attwood in listing # 6) *Screenshot*

10) Confirmation of No Criminal Record (Text message received by attorney Borquaye A. Thomas, esq. who stated that made a surprise appearance at the

courthouse and that the courthouse confirmed everything Dr. Savage stated, including his background clearance) *Screenshot*

11) Email sent to Justin Cofer- (the former school district investigator, declining the request to resign within 24 hours. Dr. Savage asked if there were any contractual violations as of December 16, 2020 in a recorded meeting and the investigator could not conclude any. The school district investigator has since resigned.

Screenshot

12) Appeal Review- (Appeal review that the school district forwarded to the Georgia Department of Labor stating that Justin Savage did not attain proper certification which is false, and the Appeal went in favor of Dr. Savage).

13) Letter Received from Attorney General Office from Shielda Guilder, esq. confirming Dr. Savage's certificated status- (The certificate number listed in the top, left-hand corner of the document along with the statement in Finding of Fact section 1 that states: "The Respondent holds a certificate in the State of Georgia and has held a certificate at all times relevant to the matters asserted herein.")

14) Clear background check from Rockdale County Sheriff's office on July 13, 2020 which states: "According to our records, there is no record of arrest, convictions or accusation or criminal behavior in Georgia. The Rockdale County Sheriff's Office does not maintain a derogatory record of any kind on the following named person."

15) Clear background check from Rockdale County Sheriff's office on December 30, 2020 which states: "According to our records, there is no record of arrest, convictions or accusation or criminal behavior in Georgia nor record of any kind on the following named person."

16) Claim Examiner's Determination-(The Georgia Department of Labor determined as of 6/08/2021 that the school district has not carried the burden of proof that Dr. Savage was at fault regarding the allegation of failing to attain certification.)

17) Email from Pamela Stephens- (Email confirmation of Pamela Stephens stating that she would notarize the Clearance Application prior to sending to the Georgia Professional Standards Commission). *Screenshot*

18) Georgia Department of Labor Tribunal Decision on 6/09/2023- (The Georgia Department of Labor held a hearing to discuss the merits and the hearing officer ruled in favor of Justin Savage.) *Screenshot*

* 1 USB drive submitted containing recorded admissions of Petitioner's Clearance and Certificated Status.

29.

APPENDIX

ANNEXURE A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISON**

Justin Savage
Plaintiff
Henry County School District
Defendant

**CIVIL ACTION FILE
1:22-CV-0175-CAP-LTW**

JUDGMENT

This action having come before the court, Honorable Charles A. Pannell, Jr. United States District Judge, for consideration of the magistrate judges' final report and recommendation recommending that this action be dismissed, and the court having adopted the same, it is

Ordered and Adjudged that this action is **DISMISSED WITH PREJUDICE**. Dated at Atlanta, Georgia, this 11th day of October, 2023

**KEVIN P. WEIMER
CLERK OF COURT**

Prepared, Filed and Entered
In the Clerk's Office
October 11, 2023
Kevin P. Weimer
Clerk of Court
By: S/ Parker Thompson
Deputy Clerk

By: S/ Parker Thompson
Deputy Clerk

ANNEXURE B

In the United States Court of Appeals for the Eleventh Circuit

JUSTIN SAVAGE,

Plaintiff-Appellant

v.

HENRY COUNTY SCHOOL DISTRICT,

Defendant-Appellee

Appeal from the United States District Court for the Northern District of Georgia

No. 1:22-cv-00175-CAP-LTW

APPELLANT'S PETITION FOR REHEARING

Dr. Justin Savage
3225 Boulder Drive
Southwest Stockbridge, GA
30281
Email: 2100bm@gmail.com

Appellant

COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

Certificate of Interested Persons and Corporate Disclosure Statement (CIP)

Justin Savage _____ vs _____

Henry County School District _____

Appeal No. 23- 13771-C _____

11th Cir. R.26.1-1(a) _____

requires the appellant or petitioner to file a Certificate of Interested Persons and Corporate Disclosure Statement (CIP) with this court within 14 days after the date the case or appeal is docketed in this court, and to include a CIP within every motion, petition, brief, answer, response, and reply filed. Also, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a CIP within 28 days after the date the case or appeal is docketed in this court. You may use this form to **fulfill** these **requirements**. In alphabetical order, with one name per line, please list all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party.

Henry County School District-Defendant McBride, Grant- Attorney Pannell, Charles A-Senior U.S. District Court Judge Savage, Justin-Appellant Smith,

Welch, Webb & White, LLC-Law Firm Walker, Linda Thompson-Magistrate Judge.

Submitted by: 6-17-2024

Signature: _____

Name: Justin Savage

Prisoner # (if applicable):

Address: 3235 Boulder Drive Southwest, Stockbridge, GA 30281

Telephone # 626-376-1651

Rev: 2/23

INTRODUCTION

Comes Now, Appellant Justin Savage, pro se, and submits the following Petition to Rehear the aforementioned case submitted before the aforementioned Court following the Order dated-May 29th, 2024, passed by the Eleventh Circuit Court of Appeals of Georgia in civil action no: 23-13771-C. At the outset, Appellant explains that the decision of the Court concerns a question of great importance and seeks the review of the Court. The Court's opinion is unable to recognize the real legal issue in the case.

STATEMENT OF THE CASE

The cause of action started from the Appellant submitting a complaint of sexual harassment of an administrator on October 21, 2020, on October 27, 2020, only 6 days later, the Appellant was told that his harassment complaint was dismissed without an investigation and immediately placed on administrative leave, remaining on administrative leave for around 2 months. Both the former certification specialist- Pamela Stephens and former school district investigator- Justin Cofer, have since resigned following this incident. The school district maintains that the Appellant was terminated due to not receiving a Clearance Certificate within the stipulated time frame-this is false. The Appellant successfully obtained a Clearance Certificate as verified in a letter received directly from the attorney general's office from Shielda Guidler, Esq. The certificate number is listed in the top, left-hand corner of the document as: Certificate No. 1825783. The "Finding of Fact" section 1 of the document states: "The Respondent holds a certificate in the state of Georgia and has held a certificate at all times relevant to the matters asserted herein." This official documented statement along with the certificate number provided confirms the Appellant's certificated status. While the reason given for his termination states that he did not attain a Clearance certificate by the stipulated deadline, which was also a requirement of the contract signed between the Appellant and the Henry County School district, the reality was something

else: he was wrongfully denied of the Clearance Certificate by the Commission after filing a sexual harassment complaint against an administrator. Both the Henry County Board of Education and the Henry County School district approved of the Appellant's clear background check prior to employment and failed to produce compelling evidence against the Appellant with regards to the allegations of criminal history record made against him.

Furthermore, the decision of the Commission was later affirmed by the Administrative Law Judge through her final order dated-May 2, 2023, disregarding all the material evidence presented on record that established otherwise. The December 30, 2020, letter from the Rockdale County SheriffFs Office of Georgia, stated that no criminal record of arrest, conviction, or accusation of criminal behavior in Georgia was found against the Appellant.

Being aggrieved by the decision of the Administrative Law Judge ("Final Order"), the Appellant filed the petition for judicial review before the Superior Court of Rockdale County in the State of Georgia, which also upheld the Final Order. The Superior Court simply reaffirmed the administrative law judge's decision and stated that the decision was not based on merits. The Superior Court has also erred in upholding the Final Order as the Appellant had no criminal record and was truthful throughout the application process and also during the administrative hearing.

The Appellant's complaint against the school before the Northern District Court of Georgia (hereafter referred to as 'Trial Court') was dismissed through an order dated-October 11, 2023.

The Trial Court reproduced a final report and recommendation dated-September 14, 2023. The Appellant filed an objection to the same on 9/22/2023 which was overruled by the Court through an order dated 10/11/2023. On 11/06/2023, the Appellant filed a notice of appeal against the Trial Court's order before this Court-11th Circuit Court of Appeals.

On January 10, 2024, the Court of Appeals of the State of Georgia passed an order dismissing Appellant's Application for discretionary appeal against the Superior Court's order which did not consider the merits of the claim and also did not establish a criminal history record against the Appellant. Appellant's appeal before this Court has also been dismissed vide order dated 05/09/2024. This Court has reaffirmed the order of the District Court with reasoning that the District Court followed proper process when deciding against Appellant.

MATERIAL FACT

The Appellant is an ex-employee at Henry County Schools (“School”). He was hired as an educator, and his employment was to begin in the late summer of 2020. Before joining, the Appellant had to initiate the process of obtaining a clearance certificate. On June 1, 2020, the Appellant completed the Commission’s Clearance Application (“Application”). Pamela Stephens, a District system representative, notarized the documents and faxed them directly to the Commission.

Everything went smoothly until October 21, 2020, when the Appellant filed a sexual harassment complaint against Ms. Sellers- an administrator of Henry County Schools. After six days of filing the complaint, the Appellant was placed on administrative leave and was told that his complaint was dismissed with no investigation. His leave was extended for 2 /z months before his termination on December 18, 2020.

On October 28, 2020, exactly one day after being placed on administrative leave, the Appellant received an email from Paul Philips asking for specific documentation for issuing a Clearance certificate. The Appellant had provided all the documentation for clearance purposes, which Paul Philips requested through a prior email dated-July 23, 2020. When the Appellant reminded Mr. Philips of this, he became apologetic and stated that the Henry County School district pressured him to deny/revoke the Appellant’s clearance certificate.

Despite fulfilling all the requirements and submitting all the documentation, the Commission denied issuing a clearance certificate to the Appellant purportedly merely because of an error in the Clearance Application submitted to the Commission.

The answer to question no.7 in the first Application was an error, and the 'correct' Clearance Application, which is the second Clearance Application, indicated "No" regarding the personal affirmation question. The second application was notarized and presented during the Professional Standard Commission's hearing, but the Commission still needs to acknowledge it.

No criminal history record was found against the Appellant, as the background/fingerprint check of the Appellant was clear. The letter dated-July 23, 2020, from the Georgia Bureau of Investigation clearly stated that "No Georgia or F.B.I. National Criminal History record was found" against the Appellant. Similarly, during the Commission's hearing, Valencia Monroe, the assistant attorney general, also stated that the Appellant had no criminal convictions. She also admitted that the Commission received a clear fingerprint/background check as of July 23, 2020-the same day Paul Philips emails and calls Dr. Savage to finalize and approve of all the documents requested.

ENUMERATION OF ERRORS

1. Court of Appeals has erred in not understanding Appellant's explanation of why there were contradictory statements in the discovery
2. Court of Appeals has not focused on the fact that Appellant has no criminal history in his background checks.

STANDARD OF REVIEW

In the 11th Circuit Court of Appeals, the standard of review for a petition for reconsideration (also known as a petition for rehearing or rehearing en banc) is stringent and typically limited to situations where the petitioner can demonstrate that the panel's decision contains a clear error of law or fact or involves issues of exceptional importance. According to Federal Rule of Appellate Procedure 40, a petition for panel rehearing must state with particularity each point of law or fact that the petitioner believes the court has overlooked or misapprehended. Additionally, Rule 35 specifies that rehearing is disfavored and ordinarily not ordered unless the case involves a question of exceptional importance or to secure or maintain uniformity of the court's decisions. The 11th Circuit has emphasized that rehearing en banc is reserved for cases where there is a significant issue affecting the development of the law or a direct conflict with precedent that necessitates resolution (Fed. R. App. P. 35; 11th Cir. R. 35-3). Thus, the Petitioner must clearly articulate the critical legal or factual errors made by the panel and demonstrate the substantial impact of these errors on the case's outcome.

ARGUMENTS

- I. Court of Appeals has erred in not understanding the Appellant's explanation of why there were contradictory statements in the discovery.

The Appellant submitted two Applications on the same day - June 1, 2020, only with a brief interval. In the first clearance application, the answer to question no.7, which was related to criminal history, was responded as "yes," the application was submitted to the Commission with an unsigned, written brief explanation that alluded to the commission of a crime. Pamela Stephens-the former certification specialist with Henry County Schools submitted all required documents of the Clearance Application directly to the Commission. As testified by the Appellant, he did not compose the unsigned, written explanation, nor did his background/fingerprint results reflect the allegations in the brief explanation. It is essential to mention that after completing the Application, the Appellant gave it to Justin Cofer, the former Henry County Schools investigator who has since resigned followed the incident who passed it on to Pamela Stephens, the former teacher certification specialist who has also resigned following the incident to forward it directly to the Commission. The answer to question no.7 in the first Application was an error, and the "correct" Clearance Application, which is the second Clearance Application, indicated 'to' regarding the personal affirmation question. The second application was notarized and presented during the Professional Standard Commission's hearing, but the

Commission still needs to acknowledge it.

No criminal history record was found against the Appellant, as the background/fingerprint check of the Appellant was clear. The letter dated-July 23, 2020, from the Georgia Bureau of Investigation clearly stated that "No Georgia or F.B.I. National Criminal History record found" against the Appellant. Similarly, during the Commission's hearing, Walencia Monroe, the assistant attorney general, also stated that the Appellant had no criminal convictions. He also admitted that the Commission received a clear fingerprint/background check as of July 23, 2020-the same day Paul Philips emails and calls Dr. Savage to finalize and approve of all the documents requested.

There is no searchable internet site or open records report regarding the mentioned criminal allegations in relation to the Appellant. The School District also provided written documentation containing a contract of employment, and there were recorded depositions from the former director of Henry County Schools-Amy Spicer and the certification specialist-Pamela Stephens, admitting on audio that the Appellant was a "certificated employee" and had a clear background check which was verified by the former Henry County Schools investigator-Justin Cofer. There is also a recorded audio submitted to verify that the former Henry County School investigator - Justin Cofer had not only known about Appellant's clear background check, but his certification status upon being asked to resign, after Appellant made allegations of sexual harassment.

Appellant elaborates that there is no criminal record of such allegations which can be linked and verified on record. Deposition also clearly shows that Appellant had given Paul Phillips all the documents that were required by him for the Clearance Certificate which was obtained as provided in the letter received from the attorney general's office. A clearance certificate number was given in the top, left-hand corner of the document and verified by the attorney general's office with the following certificate ID number: 1825783. The "Finding of Fact" section 1 states: "The Respondent holds a certificate in the State of Georgia and has held a certificate at all times relevant to the matters asserted herein."

The Appellant has maintained a consistent stance whereby he has explained that he had no criminal record prior to being offered a contract of employment, during, nor after termination. The Appellant also obtained clearance from the Henry County School district, which was verified during Pamela Stephens' recorded deposition, the contract of employment received from Henry County Schools which was contingent upon a clear fingerprint/background check, and the former Henry County Schools investigator- Justin Cofer, who provided background clearance. Paul Phillips was aware of this matter and the Appellant had also submitted the documents requested by him to this effect. The Appellant had provided all the documentation for clearance purposes, which Paul Philips requested through an email dated-July 23, 2020. When the Appellant reminded Mr. Philips of this, he became apologetic and said

that Henry County School district pressured him to denying /revoking the Appellant's clearance certificate due to the sexual harassment claim against the administrator. Multiple evidence on the record has been produced on record that speaks to the claim that Appellant has no criminal history. The letter dated-July 23, 2020, from the Georgia Bureau of Investigation clearly stated that "No Georgia or F.B.I. National Criminal History record found" against the Appellant. Similarly, during the Commission's hearing, Walencia Monroe, the assistant attorney general, also stated that the Appellant had no criminal convictions.

II. Court of Appeals has not focused on the fact that Appellant has no criminal history in his background checks

In reviewing the decision of the court, it is apparent that the Court of Appeals did not focus on the crucial fact that the Appellant, Justin Savage, had no criminal history according to his background checks. This is a significant oversight given the importance of accurate criminal history records in employment-related disputes.

The court focused on Savage's purported failure to comply with the discovery order and perceived inconsistencies in his deposition testimonies. However, Savage's assertions about his criminal history align with the background checks that showed no criminal offenses. The court's emphasis on supposed inconsistencies failed to account for the corroborating evidence from the background checks.

The background checks serve as official records that are typically relied upon to

verify an individual's criminal history. The Court of Appeals should have given more weight to these objective and authoritative sources. Savage's background checks confirming no criminal history stand in stark contrast to the school district's claims and should have influenced the court's assessment of his compliance and honesty.

The Court of Appeals upheld the dismissal with prejudice as a sanction for Savage's alleged discovery violations. Given that his background checks show no criminal history, this severe sanction appears disproportionate. In light of these facts the court should have considered how to address the issue without undermining the fairness of the proceedings, especially when the appellant's criminal history was incorrectly portrayed.

The court's decision overlooked this objective evidence, which should have been pivotal in determining the factual basis of the school district's allegations.

Furthermore, the 11th Circuit Court of Appeals refused to acknowledge the evidence submitted by the Petitioner. The judgment received stated that sanctions were imposed due to the submission of fraudulent documentation to the court, which allegedly consisted of more than one application that appeared to be altered. This assertion is categorically false and fundamentally misrepresents the evidence provided.

The Petitioner submitted a recorded court-administered deposition of Pamela

Stephens, the former certification specialist, who has since resigned from her position.

In her deposition, Ms. Pamela Stephens admitted unequivocally that there were two clearance applications submitted, both of which were notarized. She also admitted that Justin Cofer, the former investigator for the Henry County Schools district who has also resigned, cleared the Appellant's background check for employment. Furthermore, Ms. Pamela Stephens confirmed that Mr. Cofer- the former investigator for Henry County Schools, who has since resigned, gave her permission to clear the Petitioner's background as well, prior to the Petitioner receiving a contract of employment.

This critical testimony directly contradicts the court's assertion of fraudulent documentation. The depositions demonstrate that both the school district and its representatives- Ms. Stephens and Mr. Cofer, and Amy Spicer-the former director of Henry County Schools were fully aware that the petitioner's background check had been approved. This approval was obtained through the proper channels and with the requisite permissions, as documented in the notarized applications and substantiated by the admissions of both Ms. Pamela Stephens and Mr. Justin Cofer.

The refusal to consider this pivotal evidence constitutes a grave oversight and has resulted in an unjust ruling. The imposition of sanctions based on an unfounded assertion of fraudulent documentation is not supported by the facts presented in the depositions. Given the material significance of this evidence, it is imperative that

the court re-examine the case and reconsider its judgment to ensure that justice is served.

Additionally, the letter from the state's attorney general's office was verified as true and accurate and stated within the "Findings of Fact" section 1: "The Respondent holds a certificate in the State of Georgia and has held a certificate at all times relevant to the matters asserted herein." The Appellant's certificate number is also listed in the top, left-hand corner of the document as: Certificate No. 1825783. This letter further corroborates the Appellant's claims and directly supports the validity of the background clearance. The school district's initial claim for the Appellant's termination stated that the Appellant's termination was presented in the depositions. Given the material significance of this evidence, it is imperative that the court re-examine the case and reconsider its judgment to ensure that justice is served.

Additionally, the letter from the state's attorney general's office was verified as true and accurate and stated within the "Findings of Fact" section 1: "The Respondent holds a certificate in the State of Georgia and has held a certificate at all times relevant to the matters asserted herein." The Appellant's certificate number is also listed in the top, left-hand corner of the document as: Certificate No. 1825783. This letter further corroborates the Appellant's claims and directly supports the validity of the background clearance. The school district's initial

claim for the Appellant's termination stated that the Appellant's termination was due to not receiving a Clearance Certificate within the stipulated timeframe-this is false. As examined by the evidence provided, the Appellant held a valid certificate number, was certificated, and also obtained background clearance and approval by the Board of Education and the Henry County School district, hence receiving a contract of employment.

CONCLUSION

The Appellant claims that the court has erred in correctly determining the matters set for before it in the aforementioned case. The Appellant respectfully requests rehearing of the case and the reversal of the District Court's Judgment. The Court is also requested to award Appellant's relief as given in the Appeal.

This is the 17th day of June 2024.

Respectfully Submitted,

Dr. Justin Savage
3225 Boulder Drive
Southwest Stockbridge, GA
30281
Email: 2100bm@gmail.com
626-376-1651

In the Eleventh Circuit Court of Appeals for the Eleventh Circuit

No. 23-13771

Non-Argument Calendar

JUSTIN SAVAGE,

versus

HENRY COUNTY SCHOOL DISTRICT,

ASHLEY SELLERS,

Plaintiff-Appellant,

Defendant-Appellee,

Appeal from the United States District Court for the Northern District of Georgia
D.C. Docket No. 1:22-cv-00175- CAP-LTW

Before WILSON, LUCK, and MARCUS, Circuit Judges. PER CURIAM:

Justin Savage appeals from the district court's order adopting the magistrate judge's Report and Recommendation ("R&R"), granting the motion for sanctions filed by the Henry County School District ("HCSD"), and dismissing his Title VII and 42

U.S.C. § 1983 action with prejudice under Fed. R. Civ. P. 37(b). He argues that the district court abused its discretion by dismissing the action with prejudice because he complied with the magistrate judge's discovery order directing him to disclose his criminal history and did not commit fraud on the court by lying during a deposition or submitting a fraudulent document. After thorough re- view, we affirm.

We review a district court's order of sanctions for abuse of discretion. *Pkigps v. Blakenev*, 8 F.3d 788, 790 (11th Cir. 1993). "If the district court applies an incorrect legal standard, fails to follow the appropriate procedures when making the relevant determination, or makes findings of fact that are clearly erroneous, it abuses its discretion." *Consumer Ftn. Prot. Bureau v. Brown*, 69 F.4th 1321, 1329 (11th Cir. 2023).

“The district court has broad discretion to control discovery.” Phipps, 8 F.3d at 790. “When reviewing discovery motions, ‘wide discretion’ is proper because ‘[a] judge’s decision as to whether a party or lawyer’s actions merit imposition of sanctions is heavily dependent on the court’s firsthand knowledge, experience, and observation.’ *Brown*, 69 F.4th at 1329.

Under the Federal Rules of Civil Procedure, a court may order sanctions “[if a party fails to obey an order to provide or permit discovery” and sanctions may include “dismissing the action or proceeding in whole or in part.” Fed. R. Civ. P. 37(b)(2)(A)(v). Dismissal with prejudice under Rule 37 is not favored, but it “may be appropriate when a plaintiff’s recalcitrance is due to willfulness, bad faith or fault.” Phipps, 8 F.3d at 790. “Violation of a discovery order caused by simple negligence, misunderstanding, or inability to comply will not justify a Rule 37 dismissal.” *Malautea v. Suzxbi Motor Co., Ltd*, 987 F.2d 1536, 1542 (11th Cir. 1993).

“The severe sanction of a dismissal or default judgment is appropriate only as a last resort, when less drastic sanctions would not ensure compliance with the court’s orders.” *Id.* However, “when lesser sanctions would be ineffective, Rule 37 does not require the vain gesture of first imposing those ineffective lesser sanctions.” *Id.* at 1544.

We read briefs filed by *pro se* litigants liberally, but issues not briefed by *pro se*

litigants generally will not be considered by this Court. *Tinison v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008); *see also United States v. Campbell*, 26 F.4th 860, 871-875 (11th Cir. 2022).

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(en *banc*). A party fails to adequately brief a claim when he either makes only passing references to it or raises it in a perfunctory manner without supporting arguments and authority. *Sapuppo v. All-state Noridian titi. Co.*, 739 F.3d 678, 681 (11th Cir. 2014).

The relevant background is this. Savage's complaint alleged that he was terminated from his employment as a teacher with the Henry County School District in retaliation for reporting sexual harassment. In its defense, the school district argued that Savage's contract was declared null and void because the clearance certification from Georgia's Professional Standards Commission ("PSC") that was necessary for his employment could not be completed due to his refusal to provide details about his criminal history. In interrogatory responses and at his first deposition, Savage initially admitted that he had been arrested and criminally charged and the charges were "nolleprossed," but he then refused to respond to further questions about his prior criminal history. After the magistrate judge ordered him to answer the questions, he denied that he had any criminal history at a second deposition.

HCSD moved for sanctions and Savage filed several documents in response, one of

which purported to be the application for a clearance certificate he had submitted to the PSC and which claimed he had no criminal history. After reviewing the materials, the magistrate judge determined, in the R&R on the motion for sanctions, that Savage had been untruthful under oath and had filed a fraudulent document with the court because the version of the application he'd submitted to the court had the wrong date and 23-13771 Opinion of the Court 5

appeared to be altered. The magistrate judge recommended that the "severe" sanction of dismissal was warranted "for Plaintiff's failure to comply with the Court's order requiring him to provide discovery and for his attempted fraud on the Court." Over Savage's objections, the district court adopted the R&R, granted HCSD's motion for sanctions and dismissed the action with prejudice.

On this record, the district court did not abuse its discretion by dismissing Savage's action with prejudice after finding that Savage had disobeyed a discovery order warranting sanctions under Rule 37(b). As the record reflects, Savage's admissions about his criminal history during the first deposition and in his response to interrogatories show that his failure to comply with the magistrate judge's order was willful and not simply negligent or based on a failure to understand the order. Indeed, his statements at his second deposition made it clear that he knew what criminal history the magistrate judge was referring to in its order, yet he changed his answers on this issue anyway, in contravention of the discovery order, by denying that he had

ever been arrested or charged with a crime. Savage testified during the second deposition that “[t]here was something” that had been nolleprossed, but he conditioned that “he wouldn’t call it a criminal action,” which directly contradicted his previous position and indicated an attempt to obscure his admitted criminal history. Thus, Savage’s claim that he complied with the discovery order and did not lie during the deposition because he did not have any criminal history finds no basis in the rec- ord. Nor does Savage explain how these contradictory statements

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are consistent or how his earlier admissions were falsified, and neither of those arguments is supported by the evidence.

Additionally, the court’s conclusion that lesser sanctions would not be effective was well within its discretion because Savage’s criminal history was central to HCSD’s defense, and Savage exhibited a refusal to comply with court orders even when he was warned that these actions could result in the dismissal of his action. Nor did the court abuse its discretion when it concluded that the application Savage submitted in response to the sanctions motion was falsified based on the fact that it was dated a month after Savage claimed that it had been submitted to the PSC. Moreover, his

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Appeal from the United States District Court for the Northern District of Georgia
D.C. Docket No. 1:22-cv-00175- CAP-LTW

Before WILSON, LUCK, and MARCUS, Circuit Judges. PER CURIAM:

Justin Savage appeals from the district court's order adopting the magistrate judge's Report and Recommendation ("R&R"), granting the motion for sanctions filed by the Henry County School District ("HCSD"), and dismissing his Title VII and 42 U.S.C. § 1983 action with prejudice under Fed. R. Civ. P. 37(b). He argues that the district court abused its discretion by dismissing the action with prejudice because he complied with the magistrate judge's discovery order directing him to disclose his criminal history and did not commit fraud on the court by lying during a deposition or submitting a fraudulent document. After thorough re- view, we affirm.

In the Eleventh Circuit Court of Appeals for the Eleventh Circuit

No. 23-13771

Non-Argument Calendar

JUSTIN SAVAGE,

versus

HENRY COUNTY SCHOOL DISTRICT,

ASHLEY SELLERS,

Plaintiff-Appellant,

Defendant-Appellee,

We review a district court's order of sanctions for abuse of discretion. *Pkigps v. Blakenev*, 8 F.3d 788, 790 (11th Cir. 1993). "If the district court applies an incorrect legal standard, fails to follow the appropriate procedures when making the relevant determination, or makes findings of fact that are clearly erroneous, it abuses its discretion." *Consumer Ftn. Prot. Bureau v. Brown*, 69 F.4th 1321, 1329 (11th Cir. 2023).

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"The district court has broad discretion to control discovery." Phipps, 8 F.3d at 790. "When reviewing discovery motions, 'wide discretion' is proper because '[a] judge's decision as to whether a party or lawyer's actions merit imposition of sanctions is heavily dependent on the court's firsthand knowledge, experience, and observation.'" *Brown*, 69 F.4th at 1329.

Under the Federal Rules of Civil Procedure, a court may order sanctions "[if a party fails to obey an order to provide or permit discovery" and sanctions may include "dismissing the

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 23-13771-CC Case Style: Justin Savage vs. Henry County School
District District Court Docket No:

Opinion Issued

Enclosed is a copy of the Court's decision issued today in this case. Judgment has been entered today pursuant to FRAP

36. The Court's mandate will issue at a later date pursuant to FRAP 41(b).

Petitions for Rehearing

The time for filing a petition for panel rehearing is governed by 11th Cir. R. 40-3, and the time for filing a petition for rehearing en bane is governed by 11th Cir. R. 35-2. Except as otherwise provided by FRAP 25(a) for inmate filings, a petition for rehearing is timely only if received in the clerk's office within the time specified in the rules. **A petition for rehearing must include a Certificate of Interested Persons and a copy of the opinion sought to be reheard.** See 11th Cir. R. 35-5(k) and 40-1.

Costs

Costs are taxed against Appellant(s) / Petitioner(s).

Bill of Costs

If costs are taxed, please use the most recent version of the Bill of Costs form available on the Court's website at www.cal1.uscourts.Nov. For more information regarding costs, see FRAP 39 and 11th Cir. R. 39-1.

Attorney's Fees

The time to file and required documentation for an application for attorney's fees and any objection to the application are governed by 11th Cir. R. 39-2 and 39-3.

Appointed Counsel

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation via the eVoucher system no later than 45 days after issuance of the mandate or the filing of a petition for writ of certiorari. Please contact the CJA Team at (404) 335-6167 or cja_evoucher@ca11.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

Clerk's Office Phone Numbers

General Information: **404-335-6122**

Attorney Admissions:

Case Administration:

Capital Cases:

CM/ECF Help Desk:

Cases Set for Oral Argument:

OPIN-1 Ntc of Issuance of Opinion

**CERTIFICATE OF COMPLIANCE WITH TYPE- VOLUME LIMIT,
TYPEFACE REQUIREMENTS, AND TYPE-STYLE
REQUIREMENTS**

Check the appropriate box in section 1, and check the box in section 2.

1. Type-Volume

This document complies with the word limit of FRAP [27 (d) (2) A] because, excluding the parts of the document \ exempted by FRAP 32(f) and Insert applicable Rule citation, if any], this document contains [2,925] words.

This brief complies with the line limit of FRAP [insert Rule citation] because, excluding the parts of the brief exempted by FRAP 32(f) and [insert applicable Rule citation, if any], this brief uses a monospaced typeface and contains [state the number of] lines of text.

2. Typeface and Type-Style

This document complies with the typeface requirements of FRAP 32(a)(5) and the type-style requirements of FRAP 32(a)(6).

Justin Savage Attorn y for

Dated: 6-17-2024

Rev.: 12/16

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

CERTIFICATE OF SERVICE

(Use this form only if service is being made other than through the Court's electronic-filing systems)

Justin Savage Henry County School

District 23-13771-C

vs.

Appeal No. FRAP 25(b) through

(d) time of filing a paper, a party require that at or before the must serve a copy on the other parties to the appeal or review. Unless the document is being served through the Court's electronic -filing system, the person making service must certify that the other parties have been served, indicating the date and manner of service, the names of the persons served, and their addresses. You may use this form to fulfill this requirement.

Please type or print legibly.

I hereby certify that on (date) June 17, 2024, a true and correct copy of the Appellant's Petition For Rehearing foregoing (title of filing) has been (check one): sent by mail, postage prepaid deposited in the prison's internal mailing system with first-class postage prepaid sent by electronic means with the consent of the person being served other (specify manner of service) and properly addressed to

the persons whose names and addresses are listed below:

**Grant McBride Smith, Welch, Webb & White LLC 2200 Keys Ferry Court,
McDonough, Georgia 30253**

6-17-2024

Justin Savage _____

Your Name (please print)

ANNEXURE C

[DO NOT PUBLISH]

In the United States Court of Appeals for the Eleventh Circuit

No. 23-13771

Non-Argument Calendar

JUSTIN SAVAGE,

Plaintiff-Appellant, versus

HENRY COUNTY SCHOOL DISTRICT,

Defendant-Appellee, ASHLEY SELLERS, Defendant.

USCA11 Case: 23-13771 Document: 24-1 Date Filed: 05/29/2024 Page: 1 of 72 Opinion
of the Court 23-13771

Appeal from the United States District Court for the Northern District of
Georgia

D.C. Docket No. 1:22-cv-00175-CAP-LTW

Before WILSON, LUCK, and MARCUS, Circuit Judges. PER CURIAM:

Justin Savage appeals from the district court's order adopting the magistrate judge's Report and Recommendation ("R&R"), granting the motion for sanctions filed by the Henry County School District ("HCSD"), and dismissing his Title VII and 42 U.S.C. § 1983 action with prejudice under Fed. R. Civ. P. 37(b). He argues that the district court abused its discretion by dismissing the action with prejudice because he complied with the magistrate judge's discovery order directing him to disclose his criminal history and did not commit fraud on the court by lying during a deposition or submitting a fraudulent document. After thorough review, we affirm.

We review a district court's order of sanctions for abuse of discretion. *Phipps v. Blakeney*, 8 F.3d 788, 790 (11th Cir. 1993). "If the district court applies an incorrect legal standard, fails to follow the appropriate procedures when making the relevant determination, or makes findings of fact that are clearly erroneous, it abuses its discretion." *Consumer Fin. Prot. Bureau v. Brown*, 69 F.4th 1321, 1329 (11th Cir. 2023).

"The district court has broad discretion to control discovery." *Phipps*, 8 F.3d at 790. "When reviewing discovery motions, 'wide discretion' is proper because '[a] judge's decision as to whether a party or lawyer's actions merit imposition of sanctions is heavily dependent on the court's firsthand knowledge, experience, and observation.'" *Brown*, 69 F.4th at 1329.

Under the Federal Rules of Civil Procedure, a court may order sanctions “[i]f a party fails to obey an order to provide or permit discovery,” and sanctions may include “dismissing the action or proceeding in whole or in part.” Fed. R. Civ. P. 37(b)(2)(A)(v). Dismissal with prejudice under Rule 37 is not favored, but it “may be appropriate when a plaintiff’s recalcitrance is due to wilfulness, bad faith or fault.” Phipps, 8 F.3d at 790. “Violation of a discovery order caused by simple negligence, misunderstanding, or inability to comply will not justify a Rule 37 dismissal.”

Malautea

Suzuki Motor Co., Ltd., 987 F.2d 1536, 1542

(11th Cir. 1993). “[T]he severe sanction of a dismissal or default judgment is appropriate only as a last resort, when less drastic sanctions would not ensure compliance with the court’s orders.” Id. However, “[w]hen lesser sanctions would be ineffective, Rule 37 does not require the vain gesture of first imposing those ineffective lesser sanctions.” Id. at 1544.

We read briefs filed by pro se litigants liberally, but issues not briefed by pro se litigants generally will not be considered by this Court. Timson v. Sampson, 518 F.3d 870, 874 (11th Cir. 2008); see also United States v. Campbell, 26 F.4th 860, 871–875 (11th Cir. 2022). A party fails to adequately brief a claim when he either makes only passing references to it or raises it in a perfunctory manner without supporting arguments and authority. Sapuppo v. All-state Floridian Ins. Co., 739 F.3d 678, 681 (11th Cir. 2014).

The relevant background is this. Savage's complaint alleged that he was terminated from his employment as a teacher with the Henry County School District in retaliation for reporting sexual harassment. In its defense, the school district argued that Savage's contract was declared null and void because the clearance certification from Georgia's Professional Standards Commission ("PSC") that was necessary for his employment could not be completed due to his refusal to provide details about his criminal history. In interrogatory responses and at his first deposition, Savage initially admitted that he had been arrested and criminally charged and the charges were "nolle prossed," but he then refused to respond to further questions about his prior criminal history. After the magistrate judge ordered him to answer the questions, he denied that he had any criminal history at a second deposition.

HCSD moved for sanctions and Savage filed several documents in response, one of which purported to be the application for a clearance certificate he had submitted to

the PSC and which claimed he had no criminal history. After reviewing the materials, the magistrate judge determined, in the R&R on the motion for sanctions, that Savage had been untruthful under oath and had filed a fraudulent document with the court because the version of the application he'd submitted to the court had the wrong date and appeared to be altered. The magistrate judge recommended that the "severe" sanction of dismissal was warranted "for

Plaintiff's failure to comply with the Court's order requiring him to provide discovery and for his attempted fraud on the Court." Over Savage's objections, the district court adopted the R&R, granted HCSD's motion for sanctions and dismissed the action with prejudice.

On this record, the district court did not abuse its discretion by dismissing Savage's action with prejudice after finding that Savage had disobeyed a discovery order warranting sanctions under Rule 37(b). As the record reflects, Savage's admissions about his criminal history during the first deposition and in his response to interrogatories show that his failure to comply with the magistrate judge's order was willful and not simply negligent or based on a failure to understand the order. Indeed, his statements at his second deposition made it clear that he knew what criminal history the magistrate judge was referring to in its order, yet he changed his answers on this issue anyway, in contravention of the discovery order, by denying that he had ever been arrested or charged with a crime. Savage testified during the second deposition that "[t]here was something" that had been nolle prossed, but he conditioned that "he wouldn't call it a criminal action," which directly contradicted his previous position and indicated an attempt to obscure his admitted criminal history. Thus, Savage's claim that he complied with the discovery order and did not lie during the deposition because he did not have any criminal history finds no basis in the record. Nor does Savage explain how these contradictory statements are consistent or how his earlier admissions were falsified, and neither of those arguments is supported

by the evidence.

Additionally, the court's conclusion that lesser sanctions would not be effective was well within its court adopted the R&R, granted HCSD's motion for sanctions and dismissed the action with prejudice.

On this record, the district court did not abuse its discretion by dismissing Savage's action with prejudice after finding that Savage had disobeyed a discovery order warranting sanctions under Rule 37(b). As the record reflects, Savage's admissions about his criminal history during the first deposition and in his response to interrogatories show that his failure to comply with the magistrate judge's order was willful and not simply negligent or based on a failure to understand the order. Indeed, his statements at his second deposition made it clear that he knew what criminal history the magistrate judge was referring to in its order, yet he changed his answers on this issue anyway, in contravention of the discovery order, by denying that he had ever been arrested or charged with a crime. Savage testified during the second deposition that “[t]here was something” that had been nolle prossed, but he conditioned that “he wouldn't call it a criminal action,” which directly contradicted his previous position and indicated an attempt to obscure his admitted criminal history. Thus, Savage's claim that he complied with the discovery order and did not lie during the deposition because he did not have any criminal history finds no basis in the record. Nor does Savage explain how these contradictory statements are consistent or

how his earlier admissions were falsified, and neither of those arguments is supported by the evidence.

Additionally, the court's conclusion that lesser sanctions would not be effective was well within its motion was falsified based on the fact that it was dated a month after Savage claimed that it had been submitted to the PSC. Moreover, his claim that the date was "mistaken" and that this was the actual document he had submitted to the PSC for clearance is contradicted by the PSC's "consent order" in his employment record, which reported that the clearance- certification application Savage had submitted to it had answered the criminal history question in the affirmative.

Finally, to the extent Savage argues that the district court and magistrate judge made any legal errors, we disagree. Both the district court's opinion and the magistrate judge's R&R cited to and applied the correct law. There is also no merit to Savage's claim that his objections to the magistrate judge's R&R regarding his motion for relief from the ordered sanctions were removed from the district court's docket. His objections plainly appear on the district court's docket.

In short, the district court did not abuse the broad discretion it is afforded in resolving matters like these when it dismissed Savage's action with prejudice under Rule 37(b). See Phipps, 8 F.3d at 790; Brown, 69 F.4th at 1329. Accordingly, we affirm.

AFFIRMED.

1. Finally, we note that Savage abandoned any argument under the Sixth Amendment because he failed to adequately brief it, only referencing it in passing. See Sapuppo, 739 F.3d at 681. USCA11 Case: 23-13771

Document: 24-1 Date Filed: 05/29/2024 Page: 7 of 7

UNITED STATES COURT OF APPEALS FOR THE
ELEVENTH CIRCUIT
ELBERT PARR TUTTLE COURT OF
APPEALS BUILDING

56 Forsyth Street, N.W. Atlanta, Georgia 30303

David J. Smith Clerk of Court May 29, 2024

For rules and forms visit www.ca11.uscourts.gov

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 23-13771-CC

Case Style: Justin Savage vs.

Henry County School

District Court Docket No:

1:22-cv-00175-CAP-LTW Opinion Issued

Enclosed is a copy of the Court's decision issued today in this case. Judgment has been entered today pursuant to FRAP 36. The Court's mandate will issue at a later date pursuant to FRAP 41(b).

Petitions for Rehearing

The time for filing a petition for panel rehearing is governed by 11th Cir. R. 40-3, and the time for filing a petition for rehearing en banc is governed by 11th Cir. R. 35 -2. Except as otherwise provided by FRAP 25(a) for inmate filings, a petition for rehearing is timely only if received in the clerk's office within the time specified in the rules. A petition for rehearing must include a Certificate of Interested Persons and a copy of the opinion sought to be reheard. See 11th Cir. R. 35-5(k) and 40-1.

Costs

Costs are taxed against Appellant(s) / Petitioner(s).

Bill of Costs

If costs are taxed, please use the most recent version of the Bill of Costs form available on the Court's website at www.ca11.uscourts.gov. For more information regarding costs, see FRAP 39 and 11th Cir. R. 39-1.

Attorney's Fees

The time to file and required documentation for an application for attorney's fees and any objection to the application are governed by 11th Cir. R. 39-2 and 39-3.

Appointed Counsel

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation via the eVoucher system no later than 45 days after issuance of the mandate or the filing of a petition for writ of certiorari. Please contact the CJA Team at (404) 335- 6167 or USCA11 Case: 23-13771 Document: 24-2 Date Filed: 05/29/2024 Page: 1 of 2 cja_evoucher@ca11.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

Clerk's Office Phone Numbers

General Information: **404-335-6122**

Attorney Admissions:

Case Administration: **404-335-6135**

Capital Cases:

CM/ECF Help Desk: **404-335-6125**

Cases Set for Oral Argument

OPIN-1 Ntc of Issuance of Opinion

**UNITED STATES COURT OF APPEALS FOR THE
ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING

56 Forsyth Street, N.W. Atlanta, Georgia 30303

David J. Smith Clerk of Court August 12, 2024

For rules and forms visit www.ca11.uscourts.gov

ANNEXURE D
MEMORANDUM TO COUNSEL OR PARTIES

Case Style: Justin Savage vs.

Henry County School

District District Court Docket No:

1:22-cv-00175-CAP-LTW

The enclosed order has been entered on petition(s) for rehearing.

See Rule 41, Federal Rules of Appellate Procedure, and Eleventh Circuit Rule 41-1 for information regarding issuance and stay of mandate.

Clerk's Office Phone Numbers

General Information: **404-335-6100**

Attorney Admissions: **404-335-6122**

Case Administration: **404-335-6135**

Capital Cases: **404-335-6200**

CM/ECF Help Desk: **404-335-6125**

Cases Set for Oral Argument **404-335-6141**

OPIN-1 Ntc of Issuance of Opinion

REHG-1 Ltr Order Petition Rehearing USCA11 Case: 23-13771 Document: 28-1

Date Filed: 08/12/2024 Page: 1 of 1

UNITED STATES COURT OF APPEALS FOR
THE ELEVENTH CIRCUIT

No. 23-13771

JUSTIN SAVAGE,

versus

HENRY COUNTY SCHOOL DISTRICT,

ASHLEY SELLERS,

Plaintiff-Appellant,

Defendant-Appellee,

Appeal from the United States District Court for the Northern District of Georgia

SCA11 Case: 23 -13771 Document: 28-2 Date Filed:

08/12/2024 Page: 1 of 22 Order of the Court 23-13771

D.C. Docket No. 1:22-cv-00175-CAP-LTW

Before WILSON, LUCK, and MARCUS, Circuit Judges. PER CURIAM:

The Petition for Panel Rehearing filed by Appellant Justin Savage is DENIED.

ANNEXURE E

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

No. 1:22-CV-0175-CAP-LTW

JUSTIN SAVAGE,

versus

HENRY COUNTY SCHOOL DISTRICT,

ASHLEY SELLERS,

Plaintiff-Appellant,

Defendant-Appellee,

ORDER

A panel of the Eleventh Circuit has affirmed the judgment against Plaintiff. [Doc. 106]. The only issue remaining in this case is Defendant's request for attorney's fees. See [Doc. 63 at 28–29]. If Defendant still wishes to seek attorney's fees, Defendant is **ORDERED** to file a motion in accordance with Local Rule 54.2 within **thirty days** from the date of this Order.

SO ORDERED, this 29 day of May, 2024.

s/Linda T. Walker

United States Magistrate Judge

ANNEXURE F

1)

Wed, Jun 10, 2020, 12:11 PM

From: Erica Williams

<henry+660f6e2392526@applitrack.com>

To: me

Dear Justin Savage,

Welcome to Henry County Schools! You have been approved by the Henry County Board of Education for a certified position for the 2020/2021 school year. Your contract of employment will be uploaded into your Henry County Schools My Docs account as soon as possible. Please follow the directions attached for accessing and signing your electronic contract. Contracts should be signed and accepted by Wednesday, June 24, 2020. Usernames and passwords were emailed to you at an earlier date, but contact me if you need this information.

In reviewing your contract, please be sure your name reads exactly as it reads on your social security card. Please notify me via email of any corrections. Actual social security numbers are not entered on your contract; a generic number, 1111, is used on all contracts. If you do not currently hold a Georgia Teaching Certificate, NCER will be indicated in this section of the contract. There will be an * in the experience section if we have not received all your experience. We will update our records as this

information is received in Human Resources.

******Please remember to save the dates of July 20 - 24, 2020 to attend the Educator Launch program for all new employees.******

Please do not hesitate to contact me if you have any questions.

Sincerely, Erica Williams

Human Resource Specialist

Henry County Schools 770-957-5107

ericawilliams@henry.k12.ga.us

2) State of Georgia Department of Labor Separation Notice

Employee's Name: SAVAGE, JUSTN 2.

SSN: XXX-XX-7472

a. State any other name(s) under which employee worked Period of Last Employment:

From 07/27/202

REASON FOR SEPARATION:

LACK OF WORK

If for other than lack of work, state fully and clearly the circumstances of the separation Employee received payment for: (Severance Pay, Separation Pay, Wages in Lieu of Notice, bonus, profit sharing, etc.) (DO NOT include vacation pay or earned wages) (type of payment) in the amount of \$ _____

for a period from to _____

Date above payment(s) was/will be issued to employee

IF EMPLOYEE RETIRED, furnish amount of retirement pay and what percentage of contributions were paid by the employer PER MONTH % of contributions paid by the employer.

Did this employee earn at least \$ 3,500.00 in your employ?

Yes

_____ NO, If NO, how much? \$ Average Weekly Wage_____

Employer's Name: HENRY COUNTY SCHOOLS ADDRESS: 33N Zach Hinton Parkway (Street or RFD) City: McDonough State: GA | 30253 (ZIP Code)

Employer Telephone No: 770-957-5107

(Area Code) (Number)

Ga. D.O.L Account Number: 130143-01 (Number shown on Employer's
Quarterly Tax and Wage Report, From DOL-4)

I CERTIFY that the above worker has been separated from work and the information furnished hereon is true and correct. This report has been handed to or mailed to the worker.

s/ Valeria A.Suessmith

signature of official, employee of the employer or authorized agent for the employer
Chief Officer-Human Resource (Title of Person signing)

NOTICE TO EMPLOYER

At the time of separation, you are required by the Employment Security Law, OCGA Section 34-9-190(c), to provide the employee with this document, properly executed,

giving the reasons for separation. If you subsequently receive a request for the same information on a DOL-1199FF, you may attach a copy of the form (DOL-990) as part of your response.

NOTICE TO EMPLOYEE

**OCGA SECTION 34-8-1990 OF THE EMPLOYMENT SECURITY LAW
REQUIRES THAT YOU TAKE THIS NOTICE TO THE GEORGIA
DEPARTMENT OF LABOR CAREER CENTER IF YOU FILE A CLAIM
FOR UNEMPLOYMENT INSURANCE BENEFITS.**

**SEE REVERSE SIDE FOR ADDITIONAL INFORMATION SAVAGE, JUSTIN
OLU DOL- 900 (R-8/05)**

3235 BOULDER DRIVE

STOCKBRIDGE, GA 30281

3)

May 31, 2020

From: Stephens, Pamela

To: me

Good Afternoon Justin,

Congratulations on your recommendation for a teaching position at Locust Grove Middle. All school employees are required by the state to hold a Clearance Certificate. A Clearance Certificate simply verifies that you have had a background check completed with acceptable results. To get this certificate you will need to pass the GACE Ethics Assessment. Please visit www.gace.ets.org and scroll down to Georgia Ethics Assessments in red letters. Click here to read about how to access this simple test. You can do this from your home computer in a little over an hour. If you will please send me a copy of the test certificate once you complete the test, I will then send you the paperwork to request the Clearance Certificate for you. Please let me know if you have any questions.

Enjoy your day,

Pam Stephens

4) Fingerprint Site Name: Justin Savage

Registration Date: 07/23/2020 Registration ID:

GA20N606489907 You will be fingerprinted for: School

Employment- Public Schools

Your result will be sent to: Georgia Professional Standards

Registration Fee: \$49.25

Payment Type: Credit Card

Next Step- Proceed to Fingerprinting

Your registration has been approved. You must proceed to GAPS fingerprint site to have your fingerprints scanned and submitted to Georgia Bureau of Investigation (GBI) and the Federal Bureau of Investigation (FBI), if applicable within 90 days. If you fail to submit prints within 90 days, your registration will be cancelled, a refund will be made to the method of payment you provided and you will need to register again.

For a complete list of fingerprinting locations and hours of operation, visit GAPS website. Identification required to be fingerprinted

Valid Photo ID

State Issued Driver's License

5) GEORGIA BUREAU OF INVESTIGATION

3121 Panthersville Road Decataur, Georgia 30034

404-244-2639

LSTCN: 9138615908

GBITCN: 02051476089991

DATE/TIME: 2020-07-23 12:31:50 NAME: SAVAGE, JUSTIN

PHOTO: PHOTO NOT AVAILABLE NO GEORGIA OR FBI NATIONAL
CRIMINAL RECORD FOUND.

Mar 24, 2022, 11:18 AM

From: Eleanor M. Attwood <emattwood@law-llc.com>

To: me, KeAunna

Happy Thursday, Justin.

It looks as though Henry County School District has finally come to their senses and agreed to withdraw/not file the silly motion about the Title VII claims not being timely. It was a silly argument. In exchange for not giving the Court the opportunity to grant the silly motion so as to dismiss your Title VII claim, I pitched my idea to dismiss the Equal Protection and state law claims (that I added so as to avoid dismissal outright) and to dismiss Sellers as a defendant. I think they are going to go along with this idea. It is what they should have done in the first place.

The benefit of just sticking with the Title VII claim is that it is cleaner and proving liability against the City is easier than under the Equal Protection Clause. Also, suing Sellers individually will bring complications that we don't need and she is not sitting on a pot of gold if I had to guess. The only down side to just doing the Title VII claims is that the compensatory damages are capped at 300K. But, juries don't typically do more than that in cases like this. And, we wouldn't be able to establish

liability under the Equal Protection clause, so it is a bit of a moot point.

We need to wrap our heads around a demand amount. McBride keeps asking for one. If KeAunna hasn't already, she will lead you through figuring our your back pay amount. Then you and I will talk about what we should demand from the other side. I won't send any number without getting your clearance first.

Call if you have any questions. If not, I am going to go with the plan on blazing forward with the Title VII claims and dismissing the others.

Eleanor

Eleanor Mixon Attwood

Legare, Attwood & Wolfe, LLC Two Decatur Town Center

125 Clairemont Avenue, Suite 380

Decatur, Georgia 30030

T: 470-823-4000

F: 470-201-1212

7)

From: Grant E. McBride gmcbride@smithwelchlaw.com

Sent: Wednesday, January 27, 2021 3:56 PM

To: Julie Oinonen julie@goodgeorgialawyer.com

Subject: Dr. Justin Savage - follow up

Julie,

Just realized I should put this in an e-mail so we're on the same page I'm going to talk to our folks about potential settlement, the remainder of the year contract, whatever that works out to be. My understanding is that I can tell them to hold off on the ORR for the time being while we're working through that. If that's incorrect, just let me know. Thanks!

Grant

Grant E. McBride

Attorney at Law

O. 770-957-3937 | F. 770-957-9165

2200 Keys Ferry Court | McDonough, GA 30253 | P.O. Box 10

www.smithwelchlaw.com

Coronavirus Statement

8)

From: Julie Oinonen <julie@goodgeorgialawyer.com>
Sent: Tuesday, February 9, 2021 8:27 PM
To: Grant E. McBride <gmcbride@smithwelchlaw.com>
Subject: re Mr. Savage

Grant, I feel as we are playing phone tag and I don't want to lose good momentum for a case that makes sense settling rather than litigating for the next several years in a case we are extremely confident Plaintiff will prevail under sx harassment/retaliation claims.

I've got depos on wed and fri but please call me this week whenever is convenient for you my friend.

404-759-1384 thank you!

Julie Oinonen

Williams Oinonen LLC

9)

We need to wrap our heads around a demand amount. McBride keeps asking for one. If KeAunna hasn't already, she will lead you through figuring our your back pay amount. Then you and I will talk about what we should demand from the other side. I won't send any number without getting your clearance first.

Call if you have any questions. If not, I am going to go with the plan on blazing forward with the Title VII claims and dismissing the others.

Eleanor

Eleanor Mixon Attwood

Legare, Attwood & Wolfe, LLC

Two Decatur Town Center

125 Clairemont Avenue, Suite 380

Decatur, Georgia 30030

T: 470-823-4000 F: 470-201-1212

10)

+1 (404) 304-7894

Okay great

Thu, Mar 23 at 6:33PM

Interesting conversation at the court house. They confirmed everything you said.

They wouldn't put it in writing though.

Hopefully the judge will ask me questions. Let talk on Monday.

Thank you for the update.

I look forward to talking to you.

11)

Thu Dec 17, 2020, 958 AM

From: Justin Savage <2100bm@gmail.com>

To: Justin

Bcc: me

Good morning,

On yesterday, December 16, 2020 at 10:00 (AM) in a scheduled meeting that you set up for me to attend, you stated that: "I needed to resign within 24 hours." However, when asked to provide details pertaining to the specifications for me being compelled to do so, you stated that you could not provide any details. Having failed to do that, and given the fact that I don't have any contractual violations, nor have been provided the basis for termination pertaining to the specific violation that you unlawfully charged me for, I would have to respectfully decline your request to resign. Thanks in advance.

Respectfully, Justin Savage

Thu Dec 17, 2020 10:23 AM

From: Cofer, Justin

To: me

Mr. Savage.

Thank you for letting me know. I will pass this along to our legal team.

Justin Cofer

Employer Appeal Information

Docket Type: A

Employer Name: HENRY COUNT SCHOOL

Street Address: 33 N. Zack Hinton

City, State, and Zip Code: McDOnough, McD 30253

Telephone Number: 7709576601

Telephone Number Extension:

Claimant Information

Claimant Name: JUSTIN SAVAG

Street Address: 3225 BOULDER

City, State, and Zip Code: STOCKBRIDGE

Telephone Number: 6263761651

Email Address: cedric.lejuene@henry.k12.g.us

Employer Name:

Representative Information

Claimant Name:

Street Address:

City, State, and Zip Code:

Telephone Number:

Email Address:

Employer Name:

Appeal Information

Decision being appealed: Chief Examiner's Determination

Date of Determination/Decision 06/09/2021 being appealed?

Reason for the appeal? Claimant was separated because they did not attain proper certification as described in their working contract.

Are you applying to the Appeals tribunal? Yes.

Are you applying to the Board of Review?

If yes, is the request for a new or show cause appeal? (Reschedule Missed Hearing) Yes

If yes, is the appeal new or reconsideration?

If yes, is this request for a reconsideration of the Board Review decision?

Untimely Appeal Revision?

Hearing previously scheduled with the Appeal Tribunal?

Appeal docket number?

Appeal docket year?

Participated in hearing?

Language interpreter needed for your hearing?

Language:

The Georgia Department of Labor provides reasonable accommodations for people with disabilities to participate in hearings. If such accommodations are needed, please describe:

Confirmation Number: 367392

By selecting, I hereby affix my electronic signature, I agree to be bound, in all respects, as if I were affixing my handwritten signature to the document. I have read and understand the terms of use. The information submitted is true and complete to the best of my knowledge and belief.

Who Filed: Employer

Career Center: 4300

Date Filed: 06/15/2021

Date Accepted: 05/12/2023

First Initial of Examiner: L

Last Name of Examiner: SARGENT

Claim Code:

Staff Revision Notes: PROCESSED

COMMISSION STATE OF GEORGIA

IN THE MATTER OF: PSC No. 20-6-1718

Justin Olu Savage, Certificate No. 1825783

Respondent.

CONSENT ORDER

By agreement of the Georgia Professional Standards Commission and Justin Olu Savage, Respondent, the following disposition of this matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, codified as, O.C.G.A 50-13- 13(a)(4).

FINDINGS OF FACT1.

The Respondent holds a certificate in the State of Georgia and has held a certificate at all times relevant to the matters asserted herein.

The Respondent answered "yes" to having a criminal history on a PSC application dated June 1, 2020. The Respondent's felony arrest was dismissed on June 16, 2020.

CONCLUSIONS OF LAW

Under Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the Georgia Professional Standards Commission has authority to take action against Respondent's certificate. The parties agree to waive any further conclusions of law.

ORDER

The Georgia Professional Standards Commission, having considered the particular facts and circumstances of this case, hereby Orders, and Respondent hereby agrees, to the following terms:

1. This Consent Order and the dissemination thereof shall constitute a REPRIMAND to Respondent for Respondent's conduct. In the future, any allegations concerning violations of the Rules of the Professional Standards Commission will be thoroughly investigated and may result in the suspension or revocation of Respondent's educator certificate.
2. Approval of this Consent Order by the Georgia Professional Standards Commission shall in no way be construed as condoning the Respondent's conduct and shall not be construed as a waiver of any lawful rights possessed by the Commission.
3. This Consent Order shall not become effective unless and until approved by

the Commission.

4. The Respondent acknowledges that he has read this Consent Order, and understands the terms and sanctions described herein. The Respondent understands that there is a right to a hearing in this matter, and Respondent waives such right by freely, voluntarily, and knowingly entering into this Consent Order. The Respondent understands and agrees that the Commission shall have the right to review the investigative file and all relevant evidence in considering this Consent Order. The Respondent further understands that this Consent Order, once approved, shall constitute a public record that may be disseminated as a disciplinary action of the Commission. If this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the ability of the Commission to adjudicate this matter. The Respondent hereby consents to the terms and sanctions contained herein.

CONSENTED TO: JUSTIN OLU SAVAGE Respondent

As to Respondent: Sworn to and subscribed

Before me this day Of, 2022. NOTARY PUBLIC

Approved by the Commission this day of, 2022

14) OFFICE OF THE SHERIFF ROCKDALE COUNTY, GEORGIA

Exec J. Levett, Sheriff

Phone: 770-278-8089

Fax: 770-785-2494

CR= GA 1299090ROCKDALE COUNTY SHERIFFS OFFICE 911 CHAMBERS
DRIVE CONYERS, GA, 30012

To Whom It May Concern,

According to our records, there is no record of arrest, convictions or accusations of criminal behavior in Georgia. The Rockdale County Sheriff's Office does not maintain a derogatory record of any kind on the following person:

Name: Justin Olu Savage

Date of Birth: April 24, 1992

Social Security Number: 257-83-7472

Race: Black

Sex: Male

Purpose Code: E

If you should have any questions regarding this letter or if we can be of any future assistance to you, please contact us at 770=278-8089.

Sincerely, s/J Adams

GNIC/NIC Operator.

15) OFFICE OF THE SHERIFF ROCKDALE COUNTY, GEORGIA

Exec J. Levett, Sheriff

Phone: 770-278-8089

Fax: 770-785-2494

Date: DECEMBER 30, 2020

To Whom It May Concern,

According to our records, there is no record of arrest, convictions or accusations of criminal behavior in Georgia. The Rockdale County Sheriff's Office does not maintain a derogatory record of any kind on the following person:

Name: **SAVAGE, JUSTIN OLU**

Date of Birth: 04/25/1992

Social Security Number: xxx-xx-7472

Race: Black

Sex: Male

Purpose Code: E

If you should have any questions regarding this letter or if we can be of any future assistance to you, please contact us at 770=278-8089.

Sincerely,

s/OPER EDESAMOURS

GNIC/NIC Operator

CR=GA 12990000

**ROCKDALE COUNTY SHERIFF'S OFFICE 911 CHAMBERS DRIVE
CONVEYERS, GA 30012**

**16) GEORGIA DEPARTMENT OF LABOR CLAIMS EXAMINERS
DETERMINATION**

SSN: ***-**-7472

GEORGIA DEPARTMENT OF LABOR

BYB: 10/10/21

APPEALS TRIBUNAL VWS: 01/10/21 148 ANDREW YOUNG INT'L BLVD NE

ACCT 150143-01

ATLANTA, GA 30303-1734

EMAIL: appeals@gdol.ga.gov

FAX: 404-232-3901 OR 404-232-3902

CLAIMANT: EMPLOYER

JUSTIN SAVAGE HENRY COUNTY SCHOOL

3235 BOULDERDRIVE SW33N ZACK HINTON PARKWAY STOCKBRIDGE
GA 30281

MCDONOUGH GA 30253

SECTION I- CLAIM DETERMINATION

Benefits are allowed as of 01/10/21

SECTION II- LEGAL BASIS FOR DETERMINATION

Section 34 -8-194 (2)(A) of the Employment Security Law says that you cannot be paid unemployment benefits if you were fired from your most recent employer for not following your employer's rules or orders. In addition, you may not be paid unemployment benefits if you were fired for failing to perform the duties for which you were hired, if that failure was within your control. You also cannot be paid benefits if you were suspended for any of these same reasons. The law says that your employer has to show that discharge or you cannot be paid unemployment benefits under this section of the law, you may qualify at a later time. To do this, you must find other work and earn wages covered under your employment law. The covered wages must be at least ten times the weekly amount of your claim. If you then become unemployed through no fault of your own, you may reapply for unemployment benefits.

SECTION III- REASONING

Your employer states you were discharged due to failed to attain certification. You may deny the allegation and state discharged for filling harassment complaint. The two statements are conflicting and cannot be reconciled. In case where the claimant is discharged, the burden of persuasion lies with the employer. The employer has not carried the burden of proof that you were at fault in your termination. Therefore, you can be paid benefits.

SECTION IV - ACCOUNTY CHARGEABILITY NOTICE TO EMPLOYER

SECTION V- APPEAL RIGHTS

NOTE: This determination will become final unless you file an appeal by 06/04/21. If you wish to file an appeal, submit a request online at dol.georgia.gov, in writing by email to appeals@gol.ga.gov, or fax to 404.232.3901 or 404.232.3902. If you filed an appeal you must continue to report on your claim as instructed, or you will not be paid if you win your appeal. Refer to Claimant Handbook for more details.

Georgia Department 06/09/21 Claims of Labor Examiner 06/08/21

From: Stephens, Pamela

<PamckStephens@henry.k12.ga.us> Date: Sun, May 31, 2020 at 7:27 PM Subject: Re: Ethics Assessment

To: Justin Savage 2100bm@gmail.com

Wow Justin you are on the ball! I love it!! I've attached two forms for you to complete and return to me. The Verification of Lawful Presence form has to be notarized. If you will just sign it, I will notarize. Please attach a copy of your driver's license for this form. No fee is required.

Stay Safe!

Pam Stephens Teacher Certification

Human Resource Services

From: Justin Savage 2100bm@gmail.com

Sent: Sunday, May 31, 2020 6:53 PM

To: Stephens, Pamela <Pamela_Stephens@henry.k12.ga.us>

Subject: Re: Ethics Assessment

Good evening

Attached below is my Georgia Educator Ethics Assessment certificate as per your request. Thanks in advance.

Sincerely, Justin Savage

On Sun, May 31, 2020 at 2:08 PM Stephens, Pamela

<Pamela Stephens@henry.k12.ca.us> wrote: Good Afternoon Justin,

Congratulations on your recommendation for a teaching position at Locust Grove Middle. All school employees are required by the state to hold a Clearance Certificate. A Clearance Certificate simply verifies that you have had a background check completed with acceptable results. To get this certificate you will need to pass the GACE Ethics Assessment. Please visit www.gace.ets.org and scroll down to Georgia Ethics Assessments in red letters. Click here to read about how to access this simple test. You can do this from your home computer in a little over an hour. If you will please send me a copy of the test certificate once you complete the test, I will then send you the paperwork to request the Clearance Certificate for you. Please let me know if you have any questions.

Enjoy your day,

Pam Stephens Teacher Certification

Human Resource Services

148 Andrew Youns Int Blvd NE. Ste 525. Atlanta, GA 30303- 1734

404-232-3900 Fax: 404-232-3901

appwals@gdol.ga.gov

DECISION OF ADMINISTRATIVE HEARINGS OFFICE- DOCKET 44314-23

Appealing party: Employer Decision Mailed 06/12/23

Appeal Filed: 06/15/21

Appeal Rights Expire 06/27/23

Hearing Date: 06/09/23 Claimant JUSTIN SAVAGE

Employer

HENRY COUNTY SCHOOL

O.C.G.A Section 34-8-194(2)

DECISION: An appeal filed to the determination of the department in the above matter. The parties were given notice and an opportunity to participate in a full

hearing on the merits of the case. The appealing party failed to participate at the time and place specified for the hearing of the appeal.

Therefore, based on the available information, the determination of the department has not been changed and is affirmed.

s/ LAURIE ALLMARAS

Administrative Hearing Officer

This is to certify that this decision was mailed on the above date by the clerk of the Appeals Tribunal.

This decision will become final unless you file an appeal by the deadline. Appeal rights expire 15 days after the decision is mailed. If you wish to file an appeal, submit a request online at dol.georgia.gov, in writing by email to boardofreviewgdol.ga.gov, or fax to 404- 232-3339. Appeals filed by email or fax are considered filed on the date received

DOL-448 (R-09/19)