

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

TRACY WOODARD,)	
)	CIVIL ACTION FILE NO.
Plaintiff,)	
)	
v.)	
)	
CITY OF ATLANTA,)	JURY TRIAL DEMANDED
)	
Defendant.)	

COMPLAINT

COMES NOW Plaintiff, Tracy Woodard, by and through undersigned counsel, The Kirby G. Smith Law Firm, LLC, and files this lawsuit against Defendant, City of Atlanta, showing the Court as follows:

Introduction

1. This is an action under the Georgia Whistleblower Act, O.C.G.A. § 45-1-4 (“GWA”).

Parties and Jurisdiction

2. Plaintiff is a citizen of the United States of America and a resident of Douglas County, Georgia.
3. At all times relevant to this action, Plaintiff was a “public employee” as defined in the GWA, O.C.G.A. § 45-1-4(a)(3).
4. Defendant is a municipality operating within Fulton County, Georgia.
5. Defendant operates the Atlanta Police Department (“APD”), which is a department within Defendant.
6. At all times relevant to this action, APD was managed by Police Chief George Turner (“Turner”) and Deputy Police Chief Erika Shields (“Shields”).

7. At all times relevant to this action, Defendant was a “public employer” as defined in the GWA, O.C.G.A. § 45-1-4(a)(4).
8. Venue is proper in this Court because Defendant resides within Fulton County.

Statement of Facts

9. Plaintiff worked for Defendant as a Business Manager II within APD.
10. In November 2015, Turner authorized an “incentive” program to reward officers working overtime during the holiday season.
11. Plaintiff discovered that the incentive program was being funded with money acquired through federal grants and funds from state and federal drug seizure programs, which were specially granted under federal and state law for specific purposes.
12. Holiday overtime compensation was not an approved use of the funds described in Paragraph 11 of this Complaint.
13. As funds were used, up through and including February of 2016, Plaintiff reported to Shields and Turner that funds were being unlawfully allocated for holiday overtime compensation.
14. While investigating improper fund allocations, Plaintiff discovered that funds dedicated to purchasing patrol vehicles were used to purchase vehicles for personal use by Mayor Kasim Reed and his family.
15. Plaintiff further discovered that APD officers were driving and escorting Mayor Reed and his family on personal errands.
16. Plaintiff reported the improper use of funds and officer time detailed in Paragraphs 14 and 15 of this Complaint to Shields and Turner.

17. On or about April 6, 2016, Plaintiff was informed that her employment was being terminated.
18. Plaintiff's separation notice indicated that Plaintiff was being laid off due to her position being eliminated. Specifically, the separation notice stated, "Services no longer needed."
19. Upon information and belief, Plaintiff was replaced by someone involved in the activity which Plaintiff reported as unlawful.

Count I: Georgia Whistleblower Act Retaliation

20. Plaintiff reasserts and incorporates Paragraphs 1 through 19 of this Complaint as if fully set forth herein.
21. The report detailed in Paragraph 13 of this Complaint was a protected disclosure under the GWA.
22. The report detailed in Paragraph 16 of this Complaint was a protected disclosure under the GWA.
23. The circumstances surrounding Plaintiff's termination and replacement suggest a causal relationship between Plaintiff's complaints and her termination.
24. Plaintiff was terminated in violation of the GWA.
25. Plaintiff is therefore entitled to reinstatement with full back-pay plus interest, compensatory damages, attorney fees, and litigation costs.

Prayer for Relief

WHEREFORE Plaintiff respectfully prays for relief as follows:

- A. For a trial by jury;
- B. For a judgment in Plaintiff's favor for reinstatement with full back-pay plus interest, compensatory damages, attorney fees, and litigation costs; and
- C. Such other and further relief as the Court deems proper and just.

This 5th day of April, 2017.

Respectfully submitted,
The Kirby G. Smith Law Firm, LLC

s/ Micah Barry
Micah Barry
Georgia Bar No. 103184
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DEMAND FOR JURY TRIAL

Pursuant to O.C.G.A. § 15-12-122, Plaintiff demands a trial by jury.

This 5th day of April, 2017

Respectfully submitted,
The Kirby G. Smith Law Firm, LLC

s/ Micah Barry
Micah Barry
Georgia Bar No. 103184