

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

JOY M. TRIBBLE,

Plaintiff,

v.

CITY OF ATLANTA, GEORGIA,

Defendant.

Civil Action File No.

COMPLAINT

Plaintiff Joy M. Tribble respectfully submits this Complaint for Damages, for the City of Atlanta’s violation of the Georgia Whistleblower Act, O.C.G.A. § 45-1-4 (the “GWA”) and the Georgia Open Records Act, O.C.G.A. § 50-18-70, et seq. (ORA).

This is a renewed action filed pursuant to O.C.G.A. § 9-2-61. All court costs associated with the previously dismissed action have been paid pursuant to O.C.G.A. § 9-11-41(d).

PARTIES

1.

Joy M. Tribble (“Tribble”) is a resident of the City of Atlanta and a former employee of the City, where she worked in the Atlanta Fire Rescue Department as a Special Events Manager.

2.

The City of Atlanta is a political subdivision of the State of Georgia amenable to suits of this kind and subject to the personal jurisdiction of this Court. The City may be

served with summons and process by service upon the Mayor for the City or his designee at Atlanta Administrative Services, 55 Trinity Avenue SW, Suite #1920, Atlanta, GA 30303. Defendant has agreed to accept service on its attorney-in-fact, R. Read Gignilliat, at 800 International Tower, 229 Peachtree Street, NE, Atlanta, Georgia 30303.

JURISDICTION AND VENUE

3.

This Court has subject matter jurisdiction over the action pursuant to the GWA.

4.

Venue is proper in this Court under Ga. Const. of 1983, Art. VI, Sec. II, Para. VI and O.C.G.A. § 45-1-4(e)(1).

FACTS

(Whistleblower claim)

5.

The City hired Tribble as the Special Events Manager in the Atlanta Fire Rescue Department on January 16, 2014.

6.

Tribble was a “public employee” for purposes of the GWA from January 16, 2014 until her termination on August 15, 2016.

7.

The City of Atlanta is a “public employer” within the meaning of O.C.G.A. § 45-1-4(a)(4).

8.

As the Special Events Manager in Atlanta Fire Rescue Department, Tribble was responsible for ensuring that the City and outside event organizers or permit applicants complied with all applicable state, federal, and local laws and regulations governing the issuance of special events permits. Tribble was also responsible for planning and implementing program activities associated with the presentation of special events; reviewing outdoor permits for all events within the boundaries of the city; managing contracts and requests for payment; coordinating and managing EMS, event monitors, equipment, and logistics for special events; program advertising and promotion, and site planning.

9.

In 2016, Tribble reviewed a permit submitted by Dragon Con for its annual convention parade in Atlanta.

10.

During her review of the permit, Tribble noted that the submitted permit application stated the number of attendees anticipated at the event was 3,000 persons.

11.

Based on past experience, Tribble believed that historically over 50,000 attendees participated in the event. Tribble confirmed through media reporting and other sources that Dragon Con could expect as many as 85,000 attendees at its annual parade.

12.

Outdoor events with more than 50,000 attendees require a Class A permit, whereas

an event with 3,000 attendees would require only a Class D permit.

13.

Class A permits have greater safety requirements including more ambulances, advanced life support units, bike teams, foot patrols, first aid stations, water stations, sanitation plans, and security than Class D permits because a greater number of persons are in attendance.

14.

Pursuant to City of Atlanta Code Ordinance Sec. 142-21(h), the Atlanta Fire Rescue Department shall be guided “solely by consideration of the anticipated number of attendees at the event, the location of the event, whether the event has gates or other barriers to existing the event, the season in which the event occurs, the presence of cooking, the presence of special hazards such as fireworks displays and other pyrotechnic and special effects, past experience with this particular outdoor event, or the outdoor event’s applicant or host.”

15.

In June of 2016, Tribble conferred with the Section Chief and the Assistant Chief of the Atlanta Fire Rescue EMS section, to determine whether Dragon Con organizers had arranged for EMS support for its event and determined that it had not.

16.

Tribble initially refused to approve the permits as they were submitted and informed Dragon Con’s organizers of AFRD additional requirements. To this end, on July 28, Tribble contacted Dragon Con by email detailing the requirements for approval.

17.

The next day, the organizers sent back an updated EMS letter reflecting the increases in basic EMS support required for the event.

18.

On August 2, 2016, Tribble completed her review and submitted the AFRD/EMS approval to the Mayor's office of Special Events, which was ultimately responsible for approval of the permit.

19.

On August 4 or 5, 2016, Tribble contacted the Dragon Con organizer to follow up on EMS requirements, specifically the need for event monitors during the event. The organizer became very hostile and objected to paying for monitors at the event, claiming that the City of Atlanta makes all the profit from the event, not Dragon Con. She refused to waive the requirement and forwarded the information regarding monitors and the estimated cost to the organizers on August 8th.

20.

On or about August 11th, Tribble spoke with Andre Stalling, Special Events Manager, from the Mayor's Office of Special Events in connection to the EMS monitor requirement. Mr. Stalling informed Tribble that the Mayor's Chief of Staff would not approve any additional requirements outside of the signed permit, meaning that the additional EMS monitors would not be a part of the permit approval process.

21.

Plaintiff objected to any approval that did not include all required EMS safety conditions, including the required number of event monitors. Tribble voiced her objection to the Fire Chief, Joel Baker, who agreed with Tribble. Chief Baker informed Tribble that he intended to meet with the Mayor's Chief of Staff to discuss the matter.

22.

The next day, August 12, 2016, Chief Baker met with the Mayor's Chief of Staff, Candace Byrd, regarding the Dragon Con permit requirements.

23.

Three days later, on August 15, 2016, Tribble was fired without notice.

24.

During her termination meeting Tribble asked why she was fired. The city refused to provide a reason.

25.

On November 3, 2016, Tribble notified the Defendant of her potential Whistleblower claim.

26.

Defendant acknowledged receipt of the notice on December 2, 2016, but never responded.

Violation of the Georgia Whistleblower Act

27.

By this reference, Plaintiff hereby incorporates Paragraphs 1 through 26 above as

if fully set forth herein.

28.

Pursuant to O.C.G.A. § 45-1-4(d)(2) and (d)(3) it is unlawful for public employers to retaliate against employees “for disclosing a violation of or noncompliance with a law, rule, or regulation to either a supervisor or a governmental agency” or “for objecting to, or refusing to participate in, any activity, policy, or practice of the public employer that the public employee has reasonable cause to believe is in violation of or noncompliance with a law, rule, or regulation.”

29.

Tribble both disclosed and objected to Dragon Con’s and/or the City’s attempt to avoid providing for EMS monitors. Tribble disclosed the City’s refusal to implement the EMS monitor requirement to both the Assistant Chief and Fire Chief of the City of Atlanta. Thus, Tribble’s reporting of Dragon Con’s violation of Atlanta Code of Ordinances Sec. 142-21 and 142-80 and her objection to allowing the permit to proceed without all EMS requirements constitute protected activities under the GWA.

30.

The City retaliated against Tribble in violation of the GWA by terminating her employment in response to her disclosure and objections set forth above.

31.

The City is liable for all economic and non-economic damages resulting from its acts of retaliation. O.C.G.A. § 45-1-4(e)(2)(D) and (E).

32.

Tribble is entitled to reinstatement as well as restoration of all benefits of employment lost as a result of her termination. O.C.G.A. § 45-1-4(e)(2)(B) and (C).

33.

If she prevails, Tribble is also entitled to recover her attorneys' fees and all other costs of litigation. O.C.G.A. § 45-1-4(f).

WHEREFORE, Plaintiff prays that upon hearing this matter, the Court grant the following relief:

- a) Reinstatement of Plaintiff with back pay and such benefits as Plaintiff would have enjoyed had she never been terminated;
- b) If reinstatement is deemed inappropriate under the circumstances, that Defendant be ordered to compensate Plaintiff with at least three years of front pay;
- c) Compensatory damages in an amount to be proven at trial to compensate Plaintiff for the diminished future earning capacity, mental anguish, humiliation, pain and suffering, and such other damages as resulted from Defendant's improper conduct;
- d) Plaintiff's costs of this action including reasonable attorneys' fees;
- e) Such further and additional relief as the Court may deem is appropriate.

Respectfully submitted this 11th day of April, 2018.

/s/ Andrew Y. Coffman
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