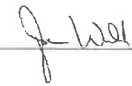


# **EXHIBIT A**

FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
PEACH COUNTY, GEORGIA  
**18-V-0129**

MAY 25, 2018 09:44 PM



Joe Wikler, Clerk  
Peach County, Georgia

IN THE SUPERIOR COURT OF PEACH COUNTY  
STATE OF GEORGIA

*NYA HALL,*

Plaintiff,

v.

CIVIL ACTION

FILE NO.: \_\_\_\_\_

*FORT VALLEY STATE UNIVERSITY,  
BOARD OF REGENTS OF THE UNIVERSITY  
SYSTEM OF GEORGIA,  
WILBUR GENE BRYANT, and JOHN DOES  
1-5,*

Defendants.

**JURY TRIAL DEMANDED**

**VERIFIED COMPLAINT**

COMES NOW, NYA HALL, Plaintiff, and makes and files this complaint against Defendant FORT VALLEY STATE UNIVERSITY, Defendant BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA, Defendant WILBUR GENE BRYANT, and Defendants JOHN DOES 1-5 as follows:

**PARTIES, VENUE AND JURISDICTION**

1.

Plaintiff NYA HALL is a citizen and resident of the State of Georgia and is subject to the jurisdiction of this court.

2.

Defendant FORT VALLEY STATE UNIVERSITY ("FVSU") is located in Peach County, Georgia, and all events giving rise to this lawsuit occurred in Peach County, Georgia at the FVSU campus therein. Therefore, the Superior Court for Peach County, Georgia is the

Hall v. Fort Valley State University, et al.

Verified Complaint

Page 1 of 20

proper venue for this matter. FVSU may be served with Summons and a copy of this Verified Complaint by serving the President of FVSU, Dr. Paul A. Jones, at 1005 State University Drive, Fort Valley, Georgia 31030. Jurisdiction is proper in this court.

3.

Defendant BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA (“Board of Regents”) located at 270 Washington Street S.W., Atlanta, Georgia 30334 has governing, administrative authority, and control over the University System of Georgia, including FVSU, its agents, and/or employees. The Board of Regents, as the governing body exercising control over FVSU, is a proper named Defendant to this matter. Plaintiff’s injuries and damages occurred as the direct and proximate result of the negligence of FVSU, its employees, and/or agents subject to the supervision, authority, and control of the Board of Regents. Defendant Board of Regents may be served with Summons and a copy of this Verified Complaint by serving the Chancellor of the Board of Regents, Dr. Steve Wrigley, at 270 Washington Street, S.W., Atlanta, Georgia 30334. Jurisdiction is proper in this court.

4.

Pursuant to O.C.G.A. §50-21-35, Plaintiff will serve Wade Dameron, director of Risk Management Services of the Georgia Department of Administrative Services, at State of Georgia, Department of Administrative Services, 200 Piedmont Avenue SE, Suite 1208, Atlanta, Georgia 30334.

5.

Plaintiff will also provide a copy of this Verified Complaint, showing the date of filing, to the Attorney General, Christopher Carr, at his usual office address of 40 Capital Square, S.W., Atlanta, GA 30334, by certified mail, return receipt requested.

6.

Defendant WILBUR GENE BRYANT (“Bryant”) resides at 194 West Rock Hills Drive, Americus, Georgia 31719 and may be served with a copy of the Summons and this Verified Complaint at this address or wherever he may be found.

7.

Defendants named herein as JOHN DOES “1-5” (“John Does”), true names and capacities are unknown to Plaintiff who therefore sues said Defendants by such fictitious names. Plaintiff will amend this Complaint to show said John Does’ true names and service addresses when the same

have been ascertained. Plaintiff identifies John Does as either joint tortfeasors or possible additional liable parties. Plaintiff alleges on information and belief that John Does are in some manner responsible for the acts or omissions alleged in this complaint.

8.

Proper and timely *ante litem* notice of this action was provided to the Defendants FVSU and Board of Regents and all necessary parties pursuant to O.C.G.A. §50-21-26, and pursuant to O.C.G.A. §50-21-26, this Honorable Court has subject matter jurisdiction of this matter. A true and correct copy of the *ante litem* notice provided to the Defendants and all required entities per O.C.G.A. §50-21-26 is attached hereto as Exhibit "A".

9.

Jurisdiction and venue are proper in this Court, as the loss that is at issue occurred in Peach County, Georgia. O.C.G.A. §50-21-28.

#### **STATEMENT OF FACTS**

10.

Defendant Board of Regents is the State of Georgia Government Agency that governs and exercises control and authority over twenty-six public institutions of higher learning, including Defendant FVSU, and is governed by the Board of Regents. Board of Regents maintains a published policy manual wherein the Board of Regents is committed to ensuring a safe learning environment and prohibits sexual misconduct for all those in the University System of Georgia. *See attached hereto as Exhibit "B"*.

11.

Defendant FVSU is a university located in Fort Valley, Peach County, Georgia and a unit of the Board of Regents. FVSU has approximately twenty-two hundred students and offers undergraduate and graduate programs.

12.

Defendant FVSU maintains, employs, supervises, and exercises control over an on-campus Department of Campus Police and Safety ("Campus Police"). Campus Police is comprised of Georgia P.O.S.T. certified police officers. Campus Police's stated mission is to "enforce the laws, preserve the peace, reduce fear and intimidation" and is committed to

“maintaining the highest degree of loyalty, integrity, and professionalism in all its operations”.  
*See attached hereto as Exhibit “C”.*

13.

Defendant Bryant was, at all times relevant to this litigation, a certified Georgia peace officer and employee of FVSU’s Campus Police. Defendant Bryant received his basic law enforcement certification in 1989 and started employment with FVSU in March of 2002.

14.

On or about March 2, 2011, Defendant Bryant used sexually inappropriate language towards a female co-worker while in the course of duty. Defendant Bryant was reprimanded for his inappropriate sexual language and counseled for his actions. *See attached hereto as Exhibit “D”.*

15.

On or about April 7, 2011, Defendant Bryant was accused of sexual harassment. *See attached hereto as Exhibit “E”.*

16.

On or about November 11, 2011, Defendant Bryant was counseled for having inappropriate personal friendship with a student at FVSU while in a position of authority and for causing damage to the student’s property. *See attached hereto as Exhibit “F”.*

17.

On or about November 26, 2013, Defendant Bryant was counseled for making inappropriate and off-colored remarks towards a female co-worker while in the course of duty. *See attached hereto as Exhibit “G”.*

18.

On or about March 7, 2014, Defendant Bryant was reprimanded and received a one (1) day suspension for unprofessional conduct while in the course of his duties. *See attached hereto as Exhibit “H”*

19.

On or about August 6, 2014, Defendant Bryant was mandated to participate in additional professional training due to his insensitive interactions with co-workers. *See attached hereto as Exhibit “I”.*

20.

On or about April 13, 2018, Defendant Bryant was sanctioned for Title IX violations in reference to substantiated inappropriate contact with a female student. *See attached hereto as Exhibit "J"*.

21.

Plaintiff, at all times relevant to this litigation, was an eighteen (18) year old freshman enrolled at FVSU. Plaintiff resided on-campus in an FVSU dormitory and received a scholarship for her participation in the FVSU track team.

22.

At all times relevant to this litigation, Plaintiff was an invitee of Defendant FVSU on the premises of FVSU's campus.

23.

On or around February 10, 2018, Plaintiff was involved in a misdemeanor incident on FVSU property. On February 11, 2018 Campus Police visited Plaintiff's dormitory to question Plaintiff and her roommate regarding the prior day's incident. Campus Police took Plaintiff and Plaintiff's roommate to the office of Campus Police for further statement.

24.

On that date, Plaintiff was arrested by Defendant Bryant for the misdemeanor incident and temporarily detained until bond could be made. Defendant Bryant ordered another officer to take Plaintiff to eat dinner, allowed Plaintiff to stay with her roommate during her detainment, and did not require Plaintiff to change out of her street clothes. Bond was set, Plaintiff paid the bond and was released from custody.

25.

On or about February 13, 2018, Plaintiff visited the office of Campus Safety to inquire on her case status. Plaintiff interacted with Defendant Bryant regarding her case and Defendant Bryant engaged Plaintiff in conversation. Defendant Bryant gave Plaintiff his personal telephone number and stated he had her number from her police paperwork. Defendant Bryant stated that he could make Plaintiff's charges go away if she stuck with him, complimented her appearance, told Plaintiff that she was sexy and that Plaintiff had a very nice ass, and gave Plaintiff details of his personal life including, but not limited to, his rank, income, relationship status, that he had engaged in an affair with his friend's wife, and that he had been in a prior relationship with a

student at FVSU. Plaintiff was extremely uncomfortable during the exchange and left the office of Campus Police

26.

On or about February 16, 2018, Plaintiff received a call from a number associated with FVSU. Plaintiff's roommate returned the call by calling Defendant's Bryant's cell phone to inquire about her case status.

27.

On or about February 16, 2018, Plaintiff and her roommate stopped by the office of Campus Police. Defendant Bryant greeted both girls and hugged them. Defendant Bryant asked what they received for Valentine's Day and Defendant Bryant stated that he would give Plaintiff a Valentine's Day gift.

28.

On or about February 21, 2018, Plaintiff received a call from Defendant Bryant asking why Plaintiff had not been by the office of Campus Police and Defendant Bryant stated that he missed Plaintiff. Plaintiff ended the phone call.

29.

On or about February 27, 2018, Plaintiff received a call from a number associated with FVSU and Plaintiff returned the phone call by calling Defendant Bryant's number. Plaintiff spoke with Defendant Bryant for approximately two (2) minutes wherein Defendant Bryant asked Plaintiff to stop by the office of Campus Police.

30.

On or about February 27, 2018, Plaintiff went to the office of Campus Police and Defendant Bryant gifted her with a box of chocolates. Plaintiff wanted to leave but Defendant Bryant told her to remain in the office and to take a seat. Defendant Bryant invited Plaintiff on a trip to Florida and offered to buy Plaintiff alcohol and stated they could have their own room. Defendant Bryant asked Plaintiff what type of underwear she was currently wearing. Plaintiff attempted to leave but Defendant Bryant would not allow Plaintiff to leave. Plaintiff declined all offers by Defendant Bryant and felt uncomfortable during the exchange. Plaintiff was eventually able to leave, despite Defendant Bryant's protestation.

31.

On or about March 2, 2018, Plaintiff received a phone call from Defendant Bryant stating that he was coming to her dormitory and questioned if her roommates were in her dormitory. Plaintiff felt intimidated by Defendant Bryant who was aggressive in his insistence on coming to her room. Defendant Bryant let himself into the dormitory building by utilizing his key from his position with Campus Police. Defendant Bryant was attired in his FVSU issued uniform, which included his issued weapons.

32.

Defendant Bryant entered Plaintiff's room, stated he wanted to have sex with Plaintiff, and sat next to Plaintiff on her bed. Defendant Bryant continually made sexual references to Plaintiff, including but not limited to, that he wanted to be able to lick any part of her. Defendant Bryant offered to pay for Plaintiff to receive a manicure and pedicure and take her on trips if Plaintiff would have sexual intercourse with him. Defendant Bryant then placed his hands on Plaintiff's foot and put four (4) of her five (5) toes in his mouth without permission and sucked on Plaintiff's toes without her permission.

33.

Defendant Bryant then put both arms on either side of Plaintiff to restrict her movement and proceeded to rub his penis against the bottom of her foot in a grinding motion.

34.

Defendant Bryant leaned in for a kiss and Plaintiff refused. Defendant Bryant asked for a hug instead before he left and very tightly hugged Plaintiff before departing.

35.

Plaintiff was in state of shock, confusion, and fear during the entirety of the exchange. Plaintiff was fearful of Defendant Bryant and his aggressive sexual speech and behavior. Plaintiff felt unable to call for help and unable to leave her room.

36.

On or about March 8, 2018, Plaintiff received a phone call from Defendant Bryant. Plaintiff recorded the phone call. Defendant Bryant again made sexually explicit references about Plaintiff, offered to help with her case in exchange for sexual favors, and offered gifts and trips to Plaintiff.



37.

On or about April 15, 2018, Plaintiff suffered a severe anxiety attack and asked her Mother to retrieve her and her belongings from FVSU. Plaintiff left FVSU but made arrangements to take her final exams to complete the semester.

38.

On or about April 16, 2018, Plaintiff, through her counsel, reported the continual cycle of sexual abuse and sex-based harassment by Defendant Bryant to FVSU and the Peach County Sheriff's Department.

39.

As a result of Defendants' actions, Plaintiff suffered severe emotional distress. Plaintiff was unable to continue residing in her FVSU dormitory and was forced to return to her mother's home before the completion of the Spring 2018 semester. On or about May 5, 2018, Plaintiff's mother returned to FVSU to check Plaintiff out of the dormitory and remove the remainder of her belongings. Plaintiff's grades suffered and she had difficulty focusing on school. Plaintiff's track performance began to deteriorate as a result of the anxiety caused by Defendant Bryant's actions. Plaintiff is fearful of returning to campus and has begun the process of transferring to another institute of higher learning. Plaintiff's transfer will result in the termination of her scholarship. Plaintiff has begun counseling due to the trauma from Defendants' actions. Plaintiff's emotional distress physically manifested in sudden weight gain and when Plaintiff developed a severe rash and acne vulgaris which subsided shortly after returning to her mother's home.

### COUNT 1

#### ASSAULT AND BATTERY

40.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 39 above as if fully restated.

41.

Defendant Bryant, as an employee of FVSU, subjected Plaintiff to illegal and unwanted sexual touching, which constitutes battery under the laws of the State of Georgia.

42.

Defendant Bryant's illegal and unwanted sexual touching of Plaintiff's person was harmful and offensive.

43.

Defendant Bryant, as an employee of FVSU, unlawfully and without justification assaulted Plaintiff by attempting illegal and unwanted sexual touching, which constitutes assault under the laws of the State of Georgia.

44.

Defendant Bryant's unwanted, harmful, and offensive sexual touching of Plaintiff showed willful misconduct, malice, wantonness, and an entire want of care that raises the presumption that Defendant Bryant was consciously indifferent to the consequences of his actions.

45.

As a direct and proximate result of this assault and battery, Plaintiff suffered severe emotional distress and a disruption of her education.

## COUNT 2

### INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

46.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 45 above as if fully restated.

47.

Defendant Bryant, as an employee of FVSU, engaged in, instigated, and directed a continuous course of extreme and outrageous conduct by his sexual touching and sexual harassment to Plaintiff and with the intention of causing, or reckless disregard of the probability of causing, emotional distress to Plaintiff. Defendant Bryant's conduct was intentional and reckless; and extreme and outrageous.

48.

FVSU was aware of Defendant Bryant's past complaints allowing Defendant Bryant to continue his employment. FVSU's conduct was reckless, extreme, egregious and outrageous.

49.

As a direct and proximate result of the intentional infliction of emotional distress, Plaintiff suffered severe emotional distress, anxiety, and physical health issues.

**COUNT 3**

**FALSE IMPRISONMENT**

50.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 49 above as if fully restated.

51.

Defendant Bryant, as an employee of FVSU, committed a tortious false imprisonment on Plaintiff by unlawful detaining Plaintiff in her dorm room and the office of Campus Police and depriving her of her personal liberty.

52.

As a direct and proximate result of this false imprisonment, Plaintiff suffered extreme anxiety and stress.

**COUNT 4**

**FRAUD AND MISREPRESENTATION**

53.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 52 above as if fully restated.

54.

Defendant FVSU willfully concealed material facts of Defendant Bryant's employment history and history of pervasive inappropriate sexual acts, sexual misconduct, and sex-based harassment against students at FVSU.

55.

Defendant FVSU knowingly misled Plaintiff and the student population of FVSU in regard to their safety in dealing with Campus Police. Plaintiff relied on the school and Campus Police for her safety.

56.

Defendant FVSU knowingly misled Plaintiff and misled the student population of FVSU by allowing Defendant Bryant to continue to work for Campus Police with his known history of sex-based harassment and inappropriate sexual relationships with students.

57.

Defendant FVSU made the misrepresentation to Plaintiff and the student population of FVSU that Campus Police would preserve the peace on the FVSU campus.

58.

Plaintiff relied on Defendant FVSU's representations that Campus Police would maintain a safe campus at FVSU and that Campus Police would preserve the peace on FVSU's campus.

59.

As a direct and proximate cause of this fraud and misrepresentation, Plaintiff suffered and will continue to suffer fear, extreme emotional distress and anxiety.

#### **COUNT 5**

#### **NEGLIGENCE**

60.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 59 above as if fully restated.

61.

Defendant FVSU negligently failed to protect Plaintiff and FVSU students by allowing Defendant Bryant to continue in his employment with his known history of inappropriate sexual relationships with students, sex-based harassment of students and staff, sexual misconduct, and inappropriate language. Defendant FVSU has a duty to ensure the quality of campus life, protect the rights of their students, and protect the liberties of the student; and Defendant FVSU breached said duty to Plaintiff and failed to act as similarly situated colleges and university in like circumstances.

62.

At all times material hereto, Plaintiff conducted herself in a safe and lawful manner, and did not in any way cause or contribute to the circumstances which caused her to sustain extreme emotional distress.

63.

As a direct and proximate cause of Defendant FVSU's negligence, Plaintiff has suffered and will continue to suffer past, present, and future emotional distress, loss of enjoyment of life and severe anxiety.

**COUNT 6**

**PROFESSIONAL NEGLIGENCE**

64.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 63 above as if fully restated.

65.

Defendant Bryant negligently failed to protect, serve, and uphold the laws as pertaining to Plaintiff and acted with inappropriate conduct in connection with his official duties leading to a miscarriage of justice.

66.

At all times mentioned herein, Defendant Bryant was a sworn police officer and had a legal duty exercise due care, to act in a reasonable and safe manner as a police officer, and to uphold the laws in connection to his official duties. Defendant Bryant breached said duty to Plaintiff and failed to act as a competent professional would have done under similar circumstances.

67.

As a direct and proximate cause of Defendant Bryant's professional negligence, Plaintiff has suffered and will continue to suffer severe emotional distress and anxiety.

**COUNT 7**

**BREACH OF CONTRACT**

68.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 67 above as if fully restated.

69.

Defendant FVSU published their student handbook and Campus Police mission statement that promised to protect the rights of students and preserve the peace and to reduce fear and intimidation. Defendant FVSU implemented and executed their policies and through that act entered into a legally binding contract with all FVSU students.

70.

Defendant FVSU breached the terms of their contract with Plaintiff and all FVSU students by allowing Defendant Bryant to continue in a position of power with Campus Police and allowing Defendant Bryant to work with students and other members of the university

71.

As a result of Defendant FVSU's breach of contract, Plaintiff suffered and will suffer extreme emotional distress, physical health issues, and disruption of her education.

### **COUNT 8**

#### **PREMISES LIABILITY**

72.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 71 above as if fully restated.

73.

Defendant FVSU owed a duty to invitees, such as Plaintiff, to keep its premises in a safe condition and to protect Plaintiff and all students on FVSU's campus.

74.

Prior to the subject incident, Defendant FVSU was aware or should have been aware of the risk of assaults by third parties on invitees in situations similar to the assault on Plaintiff. Defendant FVSU knew of the numerous complaints of sex-based harassment and/or assault and inappropriate conduct by Defendant Bryant alleged by other students at FVSU.

75.

Defendant was negligent in failing to take adequate measures to protect invitees on its premises from assaults and any other crimes against a person

76.

Defendant was negligent in failing to keep its premises safe for invitees such as Plaintiff.

77.

Defendant's negligence was the sole and proximate cause of Plaintiff's assault and resulting injuries.

**COUNT 9**  
**VICARIOUS LIABILITY**

78.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 77 above as if fully restated.

79.

At the time of assault and other actions named herein, Defendant Bryant was employed by FVSU Campus Police and was acting within the scope of his employment at all times relevant to this litigation.

80.

Defendant FVSU is responsible for the conduct and actions of the individuals working at FVSU Campus Police pursuant to the doctrine of *respondeat superior*, agency or apparent agency.

81.

Defendant Board of Regents is vicariously liable for the negligent acts of the employees and/or agents of FVSU *via respondeat superior* due to its role as the controlling, governing, and supervising body of FVSU.

82.

As a direct and proximate result of the negligence of the Defendants, Plaintiff sustained severe emotional distress and anxiety.

**COUNT 10**  
**IMPUTED LIABILITY**

85.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 82 above as if fully restated.

84.

At all times relevant to this litigation, Defendant Bryant was working on the FVSU campus and was an employee of Defendant FVSU and was working within the scope of his employment.

85.

Defendant FVSU is responsible for the actions of the staff working on the premises under the theory of *respondeat superior*, agency or apparent agency.

86.

Defendant FVSU is also responsible for Defendant Bryant's conduct in providing security services at FVSU because Defendant FVSU had a nondelegable duty to provide security and safety for its students and invitees.

#### **COUNT 11**

#### **NEGLIGENT HIRING, TRAINING AND SUPERVISION AND NEGLIGENT**

#### **RETENTION**

87.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 86 above as if fully restated.

88.

Defendant FVSU was negligent in hiring, training, retention, and supervising Defendant Bryant while working in his scope of employment on the FVSU campus.

89.

Defendant FVSU owed a duty of care to Plaintiff to protect her rights and prevent her loss of liberty. Defendant FVSU owed a duty of care to Plaintiff because under the same or similar circumstances a reasonable, prudent, and careful person should have anticipated an injury to Plaintiff based upon Defendant FVSU's knowledge of Defendant Bryant's employment history and history of sex-based harassment and inappropriate conduct.

90.

Upon information and belief, Defendant FVSU knew or should have known through reasonable diligence of Defendant Bryant's propensity to engage in sexually inappropriate conduct with FVSU students.



91.

Defendant FVSU's negligence in hiring, training, retention, and supervising Defendant Bryant on the premises resulted in the and harassment assault of Plaintiff.

92.

Defendant FVSU retained Defendant Bryant as an employee on its campus while aware of the previous accusations made against him. Defendant FVSU continued to employ Defendant Bryant during and after each complaint filed against him. Complaints against Defendant Bryant's conduct were made as early as 2011 and continued throughout his years of employment. Defendant Bryant was allowed to keep his job and position and received good and excellent annual performance reviews.

#### COUNT 12

#### VIOLATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 ("Title IX"), 20 U.S.C. §1681(a), et seq.

93.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 92 above as if fully restated.

94.

At all times relevant to this litigation, Defendant FVSU was receiving federal funding as contemplated by Title IX.

95.

Defendant Board of Regents implemented and executed a policy manual that prohibits sexual misconduct and that ensures a safe learning environment to all students. Defendant Board of Regents failed to supervise and maintain their policy that resulted in the deprivation of Plaintiff's rights and liberties.

96.

Defendant FVSU implemented and executed policies and supervised the employee that resulted in the deprivation of Plaintiff's rights and liberties.

97.

Defendant FVSU is responsible for ensuring that all FVSU employees are properly trained and supervised to perform their duties.

98.

Defendant FVSU interfered with Plaintiff's right to an education based on sex, by failing to protect Plaintiff from sex-based sexual discrimination. Defendant Bryant's harassment was a continual pattern of harassment and assault that was so severe, pervasive, and objectively offensive that it deprived Plaintiff of access to the educational opportunities or benefits provided by FVSU.

99.

Defendant FVSU had actual knowledge and notice of Defendant Bryant's propensity towards sex-based harassment. Defendant Bryant had at least five (5) prior complaints of sexual harassment and/or assault and inappropriate behavior. Defendant FVSU was aware of the pattern of conduct demonstrated by Defendant Bryant, was wholly indifferent to Defendant Bryant's conduct, and failed to take appropriate and adequate measures to address Defendant Bryant's behavior.

100.

As a direct and proximate result of the Defendants' actions and deliberate indifference, Plaintiff suffered severe emotional distress and psychological damage. The sex-based harassment deprived Plaintiff of access to the educational opportunities or benefits of FVSU.

### **COUNT 13**

#### **42 U.S.C. § 1983 – VIOLATION OF CIVIL RIGHTS**

101.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 100 above as if fully restated.

102.

Defendants FVSU and Bryant, acting under color and authority of state law, have maliciously, intentionally and with deliberate indifference deprived Plaintiff of her rights, privileges and immunities secured by the United States Constitution and under color of law, specifically, deprivation of equal protection under the Fourteenth Amendment, and its laws pursuant to 42 U.S.C. § 1983.

103.

Defendants FVSU and Bryant maliciously, intentionally, and with deliberate indifference deprived Plaintiff of her Fourteenth Amendment rights, including the prohibition against denying any person equal protection under the laws by allowing a cycle of sex-based harassment to deprive Plaintiff of access to the educational opportunities or benefits of FVSU.

104.

As a result of Defendants' actions in depriving Plaintiff of her civil rights guaranteed under the United States Constitution pursuant to 42 U.S.C. § 1983, Plaintiff has lost education scholarship money, suffered extreme emotional distress, anxiety and stress.

**COUNT 14**

**42 U.S.C. § 1983 – VICARIOUS LIABILITY**

105.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 104 above as if fully restated.

106.

Defendants FVSU and Bryant have a persistent and widespread practice of allowing sex-based discrimination, failing to properly train and supervise officers, and being deliberately indifferent to the serious needs of students thereby allowing the deprivation of Plaintiff's civil rights, as described in Count 13 of this Complaint, entitled 42 U.S.C. § 1983 – Violation of Civil Rights.

107.

As a direct and proximate result of the Defendants' actions and deliberate indifference, Plaintiff suffered severe emotional distress and psychological damage and physical symptoms.

**COUNT 15**

**DAMAGES**

108.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 107 above as if fully restated.

109.

As a result of Defendants' conduct, Plaintiff has incurred medical expenses and will continue to incur medical expenses in the future. Plaintiff was forced to transfer school which resulted in the loss of her scholarship award. Plaintiff's grades suffered as a result the Defendants' action. Plaintiff attends counseling sessions and will incur the expense of future counseling sessions. Plaintiff's anguish and emotional distress manifested into a sudden weight gain, severe rash, and development of acne vulgaris.

110.

As a result of Defendants' conduct, Plaintiff has incurred mental and physical pain and suffering and will continue to experience pain and suffering in the future.

**COUNT 16**  
**PUNITIVE DAMAGES**

111.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 110 above as if fully restated.

112.

The Defendants acted willfully, maliciously, and with reckless disregard to the consequences of their actions, accordingly Plaintiff is entitled to an award of punitive damages under O.C.G.A. § 51-12-5.1.

WHEREFORE, Plaintiff prays that:

- (a) She recover the full value of any past and future medical expenses in an amount to be proven at trial;
- (b) She recover for mental and physical pain and suffering and emotional distress in an amount to be determined by the enlightened conscience of the jury;
- (c) A judgment be entered against Defendants, jointly and severally, for compensatory damages;
- (d) Defendants pay all of the costs of this action;

- (e) She recover such other and further relief as is just and proper; and
- (f) All issues be tried before a jury.

This 25 day of May, 2018.

**TERESA A. DiPONZIO, LLC**

By: 

**Teresa A. DiPonzio**  
Georgia Bar No. 575672

Attorney for Plaintiff  
PO Box 948  
Suwanee, GA 30024  
678-823-9960  
[teresa@diponziollegal.com](mailto:teresa@diponziollegal.com)  
[megan@diponziollegal.com](mailto:megan@diponziollegal.com)

# EXHIBIT "A"

Teresa A. DiPonzio  
Attorney and Mediator  
P.O. Box 948, Suwanee, GA 30045  
678.423.9960  
www.diponziolegal.com

April 18, 2018

VIA CERTIFIED MAIL/ RETURN RECEIPT REQUESTED and ELECTRONIC MAIL

Wade Damron, Director of Risk Management  
State of Georgia  
Department of Administrative Services  
200 Piedmont Avenue SE  
Suite 1208  
Atlanta, GA 30334  
wade.damron@dous.ga.gov

James M. Hull, Chair  
Board of Regents of the University  
System of Georgia  
270 Washington Street SW  
Atlanta, GA 30334

Edward Tate, Vice Chancellor of Legal Affairs  
Board of Regents of the University  
System of Georgia  
270 Washington Street SW  
Atlanta, GA 30334  
edward.tate@usg.edu

Kimberly Ballard-Washington  
Associate Vice Chancellor of Legal  
Affairs  
Board of Regents of the University  
System of Georgia  
270 Washington Street SW  
Atlanta, GA 30334  
kimberly.ballard-washington@usg.edu

RE: Antic Litem Notice  
Injured Party: Nya Hall  
Date of Injury: On or about February 11, 2018 through March 10, 2018  
Location: Fort Valley State University

Dear Risk Manager of the State of Georgia and Members of the Board of Regents of the University System of Georgia:

Please be advised that I have been retained to represent Ms. Nya Hall ("Ms. Hall") in regards to any claims of sexual harassment, sexual misconduct, assault/battery (unwanted touching), false imprisonment, negligence, negligent infliction of emotional distress, invasion of privacy, negligent hiring, negligent supervision, negligent security, and misrepresentation against Fort Valley State University ("Fort Valley") and involving Lt. W. Gene Bryant ("Bryant") arising out of several incidents in which Ms. Hall was contacted, approached or in the general vicinity of Bryant and was a victim of sexual harassment, et. al., in which Bryant: 1) entered Ms. Hall's dorm room,

touched Ms. Hall inappropriately and without permission 2) asked Ms. Hall for sex 3) offered to assist Ms. Hall with a recent arrest in exchange for sexual favors 4) called Ms. Hall and gave very detailed explanations of the sexual acts he would perform on her 5) made inappropriate comments about Ms. Hall's body. All of these incidents occurred at Fort Valley and Fort Valley hired, trained and was responsible for the supervision of Bryant. Further, Fort Valley was obligated to provide Ms. Hall with a safe and secure learning environment. Fort Valley is in violation of Title IX of the Education Amendment of 1972. Further, Fort Valley and Bryant are in violation of local, state and federal laws as well as the University Systems of Georgia Sexual Misconduct Policy and Fort Valley's Sexual Misconduct Policy.

Bryant and Fort Valley interfered with Ms. Hall's education and created an intimidating, hostile and offensive environment. As a result, Ms. Hall suffered the following injuries: pain and suffering, severe emotional distress, anxiety, fear, incidental expenses, consequential damages and loss of scholarship as she will not be returning to Fort Valley, and reserves the right to add to the list of injuries. The purpose of this letter is to serve as formal notice that our firm is representing Ms. Hall and to comply with any ante litem notice requirements. Please direct all future correspondence and telephone calls to this office.

Pursuant to O.C.G.A. § 50-21-26, as counsel for Ms. Hall, I am presenting her claim for general and special damages, both past and future, including but not limited to medical expenses, permanent disability, diminished earning capacity, lost wages, pain and suffering and any other damages allowed under Georgia law within the six-month period required by statute. While our investigation is still ongoing, we believe that the value of this claim may exceed One Hundred Thousand Dollars (\$100,000.00). If you contend this letter does not provide you with sufficient notice pursuant to O.C.G.A. § 50-21-26 and O.C.G.A. § 50-21-20 *et seq.*, or comply with said statute, please advise me immediately in writing, and we will correct any deficiencies.

With Kind Regards, I am

Sincerely,



Teresa A. DiPonzio

TAD/mvp  
cc: Client/ File



Teresa A. DiPonzio  
Attorney and Mediator  
P.O. Box 918, Sumner, GA 30688  
(678) 823-8966  
www.diponziolegal.com

April 15, 2018

**VIA CERTIFIED MAIL/ RETURN RECEIPT REQUESTED**

Kendall D. Isaac, Esq.  
Chief of Staff and University Counsel  
Fort Valley State University  
Huntington Hall  
1005 State University Drive  
Fort Valley, GA 31030

RE: Letter of Representation/Ante Litem Notice/ Spoliation Letter  
Injured Party: Nya Hall  
Date of Injury: On or about February 11, 2018 through March 10, 2018  
Location: Fort Valley State University

Dear Mr. Isaac:

Please be advised that I have been retained to represent Ms. Nya Hall ("Ms. Hall") in regards to any claims of sexual harassment, sexual misconduct, assault/battery (unwanted touching), false imprisonment, negligence, negligent infliction of emotional distress, invasion of privacy, negligent hiring, negligent supervision, negligent security, and misrepresentation against Fort Valley State University ("Fort Valley") and involving Lt. W. Gene Bryant ("Bryant") arising out of several incidents in which Ms. Hall was contacted, approached or in the general vicinity of Bryant and was a victim of sexual harassment, et. al., in which Bryant: 1) entered Ms. Hall's dorm room, touched Ms. Hall inappropriately and without permission 2) asked Ms. Hall for sex 3) offered to assist Ms. Hall with a recent arrest in exchange for sexual favors 4) called Ms. Hall and gave very detailed explanations of the sexual acts he would perform on her 5) made inappropriate comments about Ms. Hall's body. All of these incidents occurred at Fort Valley and Fort Valley hired, trained and was responsible for the supervision of Bryant. Further, Fort Valley was obligated to provide Ms. Hall with a safe and secure learning environment. Fort Valley is in violation of Title IX of the Education Amendment of 1972. Further, Fort Valley and Bryant are in violation of local, state and federal laws as well as the University Systems of Georgia Sexual Misconduct Policy and Fort Valley's Sexual Misconduct Policy.



Mr. Kendall D. Isaac  
Chief of Staff and University Counsel  
Fort Valley State University  
April 15, 2018  
Page 2

---

Bryant and Fort Valley interfered with Ms. Hall's education and created an intimidating, hostile and offensive environment. As a result, Ms. Hall suffered the following injuries: severe emotional distress, anxiety, fear, loss of scholarship as she will not be returning to Fort Valley, and reserves the right to add to the list of injuries. The purpose of this letter is to serve as formal notice that our firm is representing Ms. Hall, to comply with any ante litem notice requirements, and to request the preservation of certain evidence related to this accident. Please direct all future correspondence and telephone calls to this office.

Pursuant to O.C.G.A. § 50-21-26, as counsel for Ms. Hall, I am presenting her claim for general and special damages, both past and future, including but not limited to medical expenses, permanent disability, diminished earning capacity, lost wages, pain and suffering and any other damages allowed under Georgia law within the six-month period required by statute. While our investigation is still ongoing, we believe that the value of this claim may exceed One Hundred Thousand Dollars (\$100,000.00). If you contend this letter does not provide you with sufficient notice pursuant to O.C.G.A. § 50-21-26 and O.C.G.A. § 50-21-20 *et seq.*, or comply with said statute, please advise me immediately in writing, and we will correct any deficiencies.

We specifically request that the following evidence be maintained and preserved and not be destroyed, modified, altered, repaired or changed in any manner:

1. All surveillance videos from Ms. Hall's dormitory and Ms. Hall's hallway from February 1, 2018 through March 31, 2018;
2. Policy and procedure guides or manuals for your employees concerning conduct, sexual harassment, and sexual misconduct;
3. Internal affairs reports concerning these incidents;
4. Personnel files of Bryant;
5. Time cards, work schedules, payroll records, assignment sheets and other similar records for Bryant for the following time period February 1, 2018 through March 31, 2018;
6. All training records of Bryant;
7. Any complaints of excessive force, harassment, disciplinary records or incident reports in regards to Bryant for the past five years;
8. Audio recordings concerning these incidents;
9. Records of disciplinary proceedings or records of hearing for any matters involving Bryant;
10. Any documents relating to your investigation of these matter, all investigative reports, witness statements, videos, audio recordings, etc.

Mr. Kendall D. Isaac  
Chief of Staff and University Counsel  
Fort Valley State University  
April 15, 2018  
Page 3

---

11. Any other document or tangible evidence referencing, concerning or describing these incidents involving Ms. Hall.

If you fail to preserve and maintain this evidence, we will have no alternative but to seek any and all sanctions allowed under the law. *R.A. Siegel Co. v. Bowen*, 246 Ga. 177, 539 S.E.2d 873 (2000). Please govern yourself accordingly.

Sincerely,



Teresa A. DiPonzio  
Attorney

TAD/mvp  
cc: Client/ File

## EXHIBIT "B"

# BOARD OF REGENTS POLICY MANUAL

Official Policies of the University System of Georgia

## 6.6 Non-Discrimination and Anti-Harassment

The Board of Regents prohibits unlawful discrimination, harassment, and retaliation within the University System of Georgia (USG) and all USG institutions based on any characteristic protected by law.

# BOARD OF REGENTS POLICY MANUAL

Official Policies of the University System of Georgia

## 6.7 Sexual Misconduct Policy

In accordance with Title IX of the Education Amendments of 1972 ("Title IX"), the University System of Georgia (USG) does not discriminate on the basis of sex in any of its education programs or activities or in employment. The USG is committed to ensuring a safe learning and working environment for all members of the USG community. To that end, this Policy prohibits sexual misconduct, as defined herein.

In order to reduce incidents of sexual misconduct, USG institutions are required to provide prevention tools and to conduct ongoing awareness and prevention programming and training for the campus community. Such programs will promote positive and healthy behaviors and educate the campus community on consent, sexual assault, alcohol use, dating violence, domestic violence, stalking, bystander intervention, and reporting.

When sexual misconduct does occur, all members of the USG community are strongly encouraged to report it promptly through the procedures outlined in this Policy. The purpose of this Policy is to ensure uniformity throughout the USG in reporting and addressing sexual misconduct.

### **Reporting Structure**

All Equal Opportunity directors and others having responsibility for coordination of Title IX ("Coordinators") at USG institutions shall have a direct reporting relationship to both the institution's President or the President's



# EXHIBIT "C"

- About ▾
- Future Students ▾
- Academics ▾
- Student Life ▾
- Current Students ▾
- Athletics ▾
- Research ▾

## Campus Safety

Home (<http://www.fvsu.edu/>) » [About Fort Valley State University](http://www.fvsu.edu/about-fort-valley-state-university/) » [Administration](http://www.fvsu.edu/about-fort-valley-state-university/administration/) » [Legal Affairs and Risk Management](http://www.fvsu.edu/about-fort-valley-state-university/administration/legal) » Campus Safety

- [Legal Affairs and Risk Management](http://www.fvsu.edu/legal)
- [Meet the Chief of Staff and University Counsel](http://www.fvsu.edu/staff/kendall-isaac/)
- [Open Records Requests and Subpoenas](http://www.fvsu.edu/open-records-requests-and-subpoenas/)
- [Forms and Policies](http://www.fvsu.edu/policies)
- [Legal Affairs](http://www.fvsu.edu/about-fort-valley-state-university/administration/office-legal-affairs-2/legal-affairs/)
- [Police and Campus Safety](http://www.fvsu.edu/campus-safety/)
- [Title IX-Sexual Misconduct](http://www.fvsu.edu/title-ix-sexual-misconduct/)
- [Contracts and Compliance](http://www.fvsu.edu/about-fort-valley-state-university/administration/office-legal-affairs-2/contracts-and-compliance/)
- [Enterprise Risk Management Committee](http://www.fvsu.edu/about-fort-valley-state-university/administration/office-legal-affairs-2/enterprise-risk-management-committee/)
- [Environmental Health and Safety](http://www.fvsu.edu/about-fort-valley-state-university/administration/office-legal-affairs-2/environmental-health-safety/)
- [FVSU Free Speech Policy](#)

Campus Police  
Campus Security  
Announcement

Be Prepared  
Plan, Prepare, React:  
Active Shooter  
Response Options for

### Campus Police and Safety Contact Information

478-825-6211 or 478-825-6500; [911fvsu@fvsu.edu](mailto:911fvsu@fvsu.edu) (<mailto:911fvsu@fvsu.edu>)

Campus Security Data Analysis Tool (<http://ope.ed.gov/security>)

### MISSION

The mission of the Fort Valley State University Department of Campus Police and Safety is to ensure that the quality of campus life is enhanced by working collectively, cooperatively and effectively with the members of the university and within the framework of the U.S. Constitution. Also, our mission is to enforce the laws, preserve the peace, reduce fear and intimidation. We also strive to provide a safe environment for all affiliates of the university. The Department of Campus Police and Safety will abide by the rules designed and approved by the Board of Regents, who accredit state schools and universities. We will also adhere to the fundamental principle of a tradition of excellent police service and will remain in a manner that preserves and advance the democratic values of protecting the rights of all members of the university as guaranteed by the U.S. Constitution.

(<http://www.fvsu.edu/about-fort-valley-state-university/rent-fvsu-event-space/fvsu-free-speech-policy/>)

- Contact

(<http://www.fvsu.edu/legal-contact>)

The FVSU Department of Campus Police and Safety is committed to maintaining the highest degree of loyalty, integrity and professionalism in all its operations. We will adhere to impeccable integrity and careful protection of the rights of those we are sworn to serve.

## STAFF

The Fort Valley State University community is guarded 24 hours 7 days a week by both armed certified police officers that enforce laws on University property and areas adjacent to University property within 500 yards. Each certified police officer has attended a law enforcement officer's training course of a minimum of 640 hours to become certified with powers of arrest to handle the reporting, investigation and assist with the prosecution of any crime. The police officer's receive a minimum of 20 hours of recertification training each year to maintain their powers of arrest and certification. The Police force is assisted by non-certified security officers that assist the police officers with opening and closing buildings and basic security checks of buildings and facilities. All officers are training in CPR and First Aid bi-annually. In addition to Police and Security Officers, the department has certified communications officers who receive training through the Georgia POST council to handle emergency calls for assistance from students, faculty/staff and visitors who frequent our University. The administrative secretary and records clerk for the department review all Clery related reports and obtain statistical data from the departments incident reporting computer database, case files and daily activity log sheets, along with information from other local law enforcement agencies to include the FVSU Judicial Affairs office. The statistical data found is recorded on an annual basis and logged in the U.S. Department of Education online portal each year as required by federal mandate in addition to being published into a hard copy for dissemination to new/returning students at orientation and faculty/staff during annual faculty-staff institute. The annual crimes reported to FVSU and any other Institution of Higher Education can be found at the online site of <http://ope.ed.gov/security> (<http://ope.ed.gov/security/>).

## Admin:

**Director:** Chief Ken Morgan – 478-825-6280  
**Emergency Operations/Training:** Lieutenant Sharon Pauls – 478-825-6703  
**Administrative Assistant:** Jeanette Lucas – 478-825-6280  
**Dispatcher Lead Records/Decal:** Bernice Flowers – 478-825-6491  
**Terminal Agency Coordinator:** Bernice Flowers – 478-825-6491

## Patrol:

**Supervisor Dayshift:** Sgt. Carlos Felton – 478-827-3255  
**Supervisor Dayshift:** Sgt. Charles Pines – 478-825-3256  
**Supervisor Nightshit:** Corp. HaBert Chapple – 478-827-3257  
**Supervisor Nightshit:** Corp. Jerome Little – 478-825-6766

## Investigations/Clery/Compliance:

Sergeant Tatotshia Grier: 478-825-6072

## REPORTING OF CRIMES

Fort Valley State University and the FVSU Department of Campus Police and Safety strongly encourage the accurate and prompt reporting of criminal activity on campus and off campus from property crimes to any personal or violent crime to include sexual assaults and/or general harassment. The reporting of crimes can be voluntary and/or confidential. It is to be understood that confidential reporting may lead to difficulty in the follow up or validation of a crime. Reporting of Crimes will be denoted in the statistical data portion of the Annual Security Report when and where required. Any crime reported whether reported voluntarily or confidentially and meets the requirements as a reportable crime per Clery rules, will be noted in the Annual Security Report. If the crime occurred off campus, any of the below listed offices will assist with the proper reporting of the crime to the law enforcement agency with jurisdiction over the crime. Any and everyone are encouraged to report any crimes to the following:

EXHIBIT "D"



**Fort Valley State  
University**

A State and Land-Grant Institution  
University System of Georgia

**Office of Campus Police and Safety**

1005 State University Drive • Fort Valley, Georgia 31030-4313

April 7, 2011

TO: Sgt. W. Gene Bryant

FR: Chief Ken Morgan <sup>KM</sup>

RE: Letter of Counseling

Sgt. Bryant, I am in receipt of the Internal Review of a complaint filed against you by a co-worker regarding inappropriate language utilized during a shift briefing. Sgt. Martha Parker conducted numerous interviews of fellow co-workers and reserve officers working the shift at the time of the complaint. While Sgt. Parker found no intentional wrong doing on your part, it is to be noted that the tone and some of the words used were construed as inappropriate. Sgt. Bryant, I highly encourage you from this point forward to consider the verbiage and tone that you use when dealing with co-workers, reserve officers and anyone that Campus Police and Safety services.

Cc: Human Resources/Personnel File  
Dr. Dwayne M. Crew, Associate VP for Business and Finance  
Mr. Arthur Henderson, Vice President for Business and Finance

EXHIBIT "E"



**Fort Valley State  
University**

A State and Land Grant University  
University System of Georgia

**Office of the Vice President for Business and Finance**

1005 State University Drive • Fort Valley, Georgia 31030-4313

April 7, 2011

**Officer Wilbur Bryant  
Campus Police and Safety  
Fort Valley State University  
Fort Valley, Georgia 31030**

Dear Officer Bryant:

This letter constitutes an official notification that the investigation into the allegations of sexual harassment filed by [REDACTED] against you has been closed. Ms. Denise Eady concluded that the allegations were not warranted and that no further action was required at this time. While this decision from the university's perspective releases you from allegations of wrongdoing in this matter, I want to remind you to read and adhere to Fort Valley State University's Policy on sexual harassment and at all times to remain sensitive to the standards and requirements of that policy.

Human Resources Director Erika Gravett will be conducting diversity and sensitivity training for the entire campus police department in the near future. Your attendance is mandatory. If you have any further questions or need additional information, please contact me at extension 6200.

Dwayne M. Crew, DBA  
Associate Vice President for Business and Finance

cc: Dr. Canter Brown, Jr  
Mr. Arthur Henderson  
Ms. Erika Gravett  
Chief Kenneth Morgan  
Ms. Denise Eady



EXHIBIT "F"



**Fort Valley State  
University**

A State and Land-Grant Institution  
University System of Georgia

**Office of Campus Police and Safety**

1005 State University Drive • Fort Valley, Georgia 31030-4313

**November 11, 2011**

**TO: Sgt. W. Gene Bryant**

**FR: Chief Ken Morgan**

**RE: Letter of Counseling**

As you are aware, a recent former student, [REDACTED], made a complaint/allegation with the City of Fort Valley Police Department regarding her vehicle being damaged and naming you as a potential suspect. [REDACTED] expressed to the City of Fort Valley Police Officer investigating her case that you may have damaged her vehicle due to a broken off or jilted relationship. The FVSU Compliance Officer made contact with [REDACTED] who stated she did not wish to provide any statements.

In my interview with you, you acknowledged that you were friends with [REDACTED] and [REDACTED]'s family in that you had helped her in the past both as a student and as a friend. Though [REDACTED] refused to provide a statement to the FVSU's compliance officer, I must counsel and caution you to be mindful of personal friendships with students, because we have authority over them. Just remember to be professional at all times which will reduce the chances of you being named in criminal and potential unethical matters.

**Cc: Personnel File  
Dr. Dwayne M. Crew, Associate VP for Business and Finance  
Mr. Arthur Henderson, Vice President for Business and Finance**

EXHIBIT "G"



**Fort Valley State  
University**

A State and Land-Grant Institution  
University System of Georgia

**Office of Campus Police and Safety**

1005 State University Drive • Fort Valley, Georgia 31030-4313

November 26, 2013

TO: Sgt. W. Gene Bryant

FR: Chief Ken Morgan 

RE: Letter of Counseling

RECEIVED

DEC - 2 2013

FVSU HUMAN RESOURCES

Sgt. Bryant, on November 25, 2013 during our weekly supervisor's meeting some off colored remarks were made by you that was directed to Sgt. Jessica Escobedo. Although the remarks were made in a joking manner, it was still deemed inappropriate. As a member of the command staff it is imperative that you understand the impact you have on the functionality of the department, as we must set examples by being mindful of what we say and not make jokes or remarks that may appear to be offensive to others.

Sgt. Bryant, as a supervisor your position is very important with the Department of Campus Police. This letter will serve as a letter of counseling for inappropriate remarks. Failure to adhere to this directive may result in other disciplinary actions.

478-825-6304 • Fax 478-825-6701

An Equal Opportunity, Affirmative Action Institution

EXHIBIT "H"



**Fort Valley State  
University**

A State and Land-Grant Institution  
University System of Georgia

**Office of Campus Police and Safety**

1005 State University Drive • Fort Valley, Georgia 31030-4313

March 7, 2014

TO: Sergeant W. Gene Bryant

FR: Chief Ken Morgan *km*

RE: Letter of Suspension/Reprimand

On Wednesday, March 5, 2014, I met with HR Director, Tricia Addison, and V.P. Of Business and Finance, Lynn Hobbs, regarding an issue of your having a non-university employee in University Housing on Monday, March 3, 2014. Mrs. Addison and Mrs. Hobbs had concluded an investigation into a report that you were utilizing University housing for un-official business. Mrs. Denise Eady was also present in an unofficial compliance capacity, as Mrs. Eady indicated this was not a compliance issue.

Based on Mrs. Addison and Mrs. Hobbs investigation, you had a friend/associate to stop by the campus (Apt. #1 University Housing) to help you with tax preparation. The friend and/or associate was left there alone at around 10 am until representatives from the Office of the V.P. of Business and Finance and Plant Operations arrived to check the apartment in preparation for a future visitor to the University, unknowing that the President's Office had afforded you a key to the facility. Mrs. Addison and Mrs. Hobbs met with you that same day whereby you acknowledged making a poor decision and that you were coming back on your lunch break to meet with the friend/associate.

Sgt. Bryant, it is imperative that you exercise good, solid professional judgment at all times. Police officers, administrators and FVSU supervisors/managers are held to a high standard of professionalism.

For your unprofessional conduct of allowing a non-University employee performing a non-University related task or function unsupervised access to a University facility, it was recommended that you receive a written reprimand and one (1) day suspension without pay. Your date of suspension will be Friday, March 14th. You may request a review of this action to the next highest authority within five (5) business days from the date on this letter. Your letter of appeal/review should be directed to Dr. Ivelaw Lloyd Griffith, President of Fort Valley State University.

478-825-6304 • Fax 478-825-6701

An Equal Opportunity, Affirmative Action Institution

# EXHIBIT "I"

RECEIVED

AUG - 6 2014

## Memorandum

FVSU HUMAN RESOURCES

To: Wilbur Bryant, Sargeant  
 CC: Ken Morgan, Chief of Campus Safety  
 From: Jessica Bailey *JB*  
 Date: 8/6/2014  
 Re: Professional Development

In our meeting of August 6, 2014, the expectations regarding conduct in interactions with other employees of Fort Valley State University were made clear. The specific professional development desired for you relates to respectful communication. Since it is desired that you show cultural sensitivity and respect for others in your oral and written communication, your tone of voice, and in your facial and body language, you are being required to complete a Skillsoft training, which can be accessed through the following website:

The Impact of Situation and Style When Communicating with Diplomacy and Tact (Course)  
 Link: [http://usglearning.skillport.com/skillportfe/assetSummaryPage.action?assetid=comm\\_34\\_a01\\_hs\\_enus&fromShare=yes](http://usglearning.skillport.com/skillportfe/assetSummaryPage.action?assetid=comm_34_a01_hs_enus&fromShare=yes)

When you have completed the course, you will be able to print a certificate of completion which should be forwarded to Human Resources to be enclosed in your personnel file. If you need assistance logging into Skillsoft, please contact the Office of Human Resources at 478.825.6301.

You should feel free to discuss any concerns that you might have regarding our discussion with me or a representative for HR.

Your signature acknowledges this discussion. It does not indicate agreement or disagreement with this Professional Development Plan.

*Sgt. Dan Ryan*  
 \_\_\_\_\_  
 Employee Signature

*8-6-2014*  
 \_\_\_\_\_  
 Date

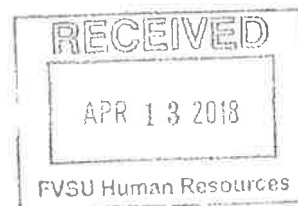
*Chief Ken Morgan*  
 \_\_\_\_\_  
 Supervisor's Signature

*8-6-2014*  
 \_\_\_\_\_  
 Date

*Jessica Bailey*  
 \_\_\_\_\_  
 Provost's Signature

*8/6/14*  
 \_\_\_\_\_  
 Date

EXHIBIT "J"



**Fort Valley State  
University**

A State and Land-Grant Institution  
University System of Georgia

**Office of Campus Police and Safety**

1005 State University Drive • Fort Valley, Georgia 31030-4313

**MEMORANDUM**

April 13, 2018

TO: Lt. W. Gene Bryant

FR: Chief Ken Morgan 

RE: Title IX Investigative Conclusion - Sanction

On Tuesday, March 28, 2018 you were officially notified of a complaint made by a female student against you from the Title IX coordinator/investigator for the University. The Title IX coordinator/investigator has notified you of the conclusion in that it was cited that ***"There is sufficient information to support the claims regarding inappropriate contact with a female student."***

Based on the aforementioned, the following sanctions have been recommended and are being imposed;

1. You will serve an unpaid suspension of a week, beginning April 30–May 4, 2018.
2. Your outside activities/secondary employment privileges are hereby suspended effective immediately for 90 days; after which, you must reapply on but not before July 13, 2018.
3. You are required to complete an online course pertaining to Sexual Misconduct prevention/harassment that will be assigned by the Title IX Coordinator through D2L, which must be completed before April 30, 2018
4. As the training coordinator for the FVSU Police Department, I will be registering you for the first available Law Enforcement Manager's training courses from the Georgia Public Safety Training Center in which you will need to complete the three - 40 hour/week long management courses.

Lt. Bryant, you are a recognized leader within the department and manage supervisors and their subordinates daily. Your actions related to the Title IX investigation is not emblematical of a leader within the department.

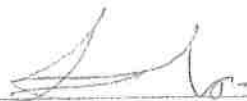
In accordance with the University System of Georgia's Board of Regents and Fort Valley State University policies, you have the right to appeal the suspension decision to the President of Fort Valley State University. The appeal must be made in writing and must be received within ten (10) working days of the date of this letter. If you have any

questions or need further clarification, please let me know or reach out to the Office of Human Resources.

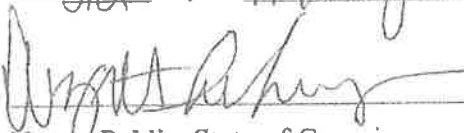
Cc. Mr. Kendall Isaac, Chief of Staff  
Personnel file

VERIFICATION

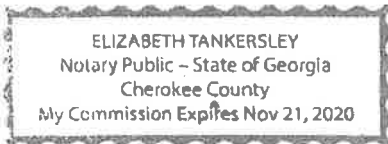
PERSONALLY appeared, Nya Hall, affiant, before the undersigning attesting officer authorized by law to administer oaths, and who, after first being duly sworn, deposes and states that the facts contained in the within and foregoing pleadings are true and correct to the best of affiant's personal knowledge and belief.


  
\_\_\_\_\_  
Nya Hall, Affiant

Sworn and subscribed before me,  
this 22 day of May, 2018.

  
\_\_\_\_\_  
Notary Public, State of Georgia

My commission expires: NOV 21 2020



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Eliz Masteron</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>												
<p>1. Article Addressed to:</p> <p><i>Mr. Christopher Carr                  Attorney General GA                  40 Capital Square SW                  Atlanta, GA 30334</i></p>  <p>9590 9402 3410 7227 4521 95</p>	<p>B. Received by (Printed Name)  <i>Eliz Masteron</i></p> <p>C. Date of Delivery  <i>6/7/18</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                  If YES, enter delivery address below: <input type="checkbox"/> No</p>												
<p>2. Article Number (Transfer from service label)                  7018 0040 0000 7219 2814</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™												
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery												
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise												
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™												
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 <span style="float: right;">Domestic Return Receipt</span></p>													

*Teresa A. DiPonzio, Attorney  
 P.O. Box 943  
 Suwanee, GA 30024*

*Mr. Christopher Carr  
 Attorney General of Georgia  
 40 Capital Square, SW  
 Atlanta, GA 30334*

**RECEIVED**  
 JUN 04 2018  
 DEPARTMENT OF LAW


PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**CERTIFIED MAIL®**




7018 0040 0000 7219 2814

1028




30334



U.S. POSTAGE  
 PAID  
 BUFORD, GA  
 30518  
 MAY 30 18  
 AMOUNT  
**\$8.67**  
 R2303S103222-1




SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Eliz Masterson</i>      <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)      C. Date of Delivery  <i>Eliz Masterson</i>      <i>6/7/18</i></p>
<p>1. Article Addressed to:</p> <p><i>Mr. Christopher Carr                  Attorney General GA                  40 Capital Square SW                  Atlanta, GA 30334</i></p>  <p>9590 9402 3410 7227 4521 95</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                  If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p><i>7018 0040 0000 7219 2814</i></p>	<p>3. Service Type</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Adult Signature</li> <li><input type="checkbox"/> Adult Signature Restricted Delivery</li> <li><input type="checkbox"/> Certified Mail®</li> <li><input type="checkbox"/> Certified Mail Restricted Delivery</li> <li><input type="checkbox"/> Collect on Delivery</li> <li><input type="checkbox"/> Collect on Delivery Restricted Delivery</li> <li><input type="checkbox"/> Priority Mail Express®</li> <li><input type="checkbox"/> Registered Mail™</li> <li><input type="checkbox"/> Registered Mail Restricted Delivery</li> <li><input type="checkbox"/> Return Receipt for Merchandise</li> <li><input type="checkbox"/> Signature Confirmation™</li> <li><input type="checkbox"/> Signature Confirmation Restricted Delivery</li> </ul>

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

*Suwanee, GA 30024*


*Mr. Christopher Carr  
 Attorney General of Georgia  
 40 Capital Square, SW  
 Atlanta, GA 30334*



7018 0040 0000 7219 2814

United States Postal Service

USPS TRACKING#




9590 9402 3410 7227 4521 95

First-Class Mail Postage & Fees Paid USPS Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box •

*Teresa A. DiPonzio, Attorney  
 P.O. Box 948  
 Suwanee, GA 30024*

U.S. POSTAGE PAID BUFORD, GA 30518 MAY 30 18 AMOUNT \$8.67 R23038103222-1



1028 30334

IN THE SUPERIOR COURT OF PEACH COUNTY  
STATE OF GEORGIA

*NYA HALL,*

Plaintiff,

v.

*FORT VALLEY STATE UNIVERSITY,  
BOARD OF REGENTS OF THE UNIVERSITY  
SYSTEM OF GEORGIA,  
WILBUR GENE BRYANT, and JOHN DOES  
1-5,*

Defendants.

CIVIL ACTION


FILE NO.: 18-V-0129

**CERTIFICATE OF SERVICE**

This is to certify that pursuant to O.C.G.A. § 50-21-35, on this 30<sup>th</sup> day of May, 2018, I served Attorney General Christopher Carr with a file stamped copy of the Verified Complaint filed in the above-captioned case by placing a copy of the same in the United States mail in a properly addressed envelope with adequate postage affixed thereto to insure delivery via certified mail, return receipt requested, to the following:

***Mr. Christopher Carr  
Attorney General of Georgia  
40 Capital Square, S.W.  
Atlanta, GA 30334***


This 30<sup>th</sup> day of May 2018.

  
\_\_\_\_\_  
***Teresa A. DiPonzio***  
Georgia Bar No.: 575672

Attorney for Plaintiff  
Post Office Box 948  
Suwanee, Georgia 30024  
678.823.9960  
[teresa@diponziollegal.com](mailto:teresa@diponziollegal.com)

FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
PEACH COUNTY, GEORGIA  
**18-V-0129**

MAY 30, 2018 12:23 PM



Joe Wilder, Clerk  
Peach County, Georgia

IN THE SUPERIOR COURT OF PEACH COUNTY  
STATE OF GEORGIA

*NYA HALL,*

Plaintiff,

v.

*FORT VALLEY STATE UNIVERSITY,  
BOARD OF REGENTS OF THE UNIVERSITY  
SYSTEM OF GEORGIA,*

*WILBUR GENE BRYANT, and JOHN DOES  
1-5,*

Defendants.

CIVIL ACTION

FILE NO.: 18-V-0129

**CERTIFICATE OF SERVICE**

This is to certify that pursuant to O.C.G.A. § 50-21-35, on this 30<sup>th</sup> day of May, 2018, I served Attorney General Christopher Carr with a file stamped copy of the Verified Complaint filed in the above-captioned case by placing a copy of the same in the United States mail in a properly addressed envelope with adequate postage affixed thereto to insure delivery via certified mail, return receipt requested, to the following:

***Mr. Christopher Carr  
Attorney General of Georgia  
40 Capital Square, S.W.  
Atlanta, GA 30334***

This 30<sup>th</sup> day of May 2018.



***Teresa A. DiPonzio***  
Georgia Bar No.: 575672

Attorney for Plaintiff  
Post Office Box 948  
Suwanee, Georgia 30024  
678.823.9960  
[teresa@diponziollegal.com](mailto:teresa@diponziollegal.com)

FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
PEACH COUNTY, GEORGIA

**18-V-0129**

**JUL 02, 2018 04:04 PM**

Joe Wilder, Clerk  
Peach County, Georgia

IN THE SUPERIOR COURT OF PEACH COUNTY  
STATE OF GEORGIA

Nya Hall,  
:  
Plaintiff,  
:  
:  
:  
v.  
:  
:  
FORT VALLEY STATE UNIVERSITY,  
:  
BOARD OF REGENTS OF THE  
:  
UNIVERSITY SYSTEM OF GEORGIA,  
:  
WILBUR GENE BRYANT, and  
:  
JOHN DOES 1-5,  
:  
:  
Defendants.  
:  
:

CIVIL ACTION  
FILE NO. 18-V-0129

**ANSWER OF DEFENDANT FORT VALLEY STATE UNIVERSITY**

COMES NOW the Defendant that Plaintiff has designated as Fort Valley State University ("FVSU")<sup>1</sup> and responds to Plaintiff's Complaint in the above styled civil action, as follows:

FIRST DEFENSE

The Complaint fails in whole or in part to state a claim against this Defendant upon which relief can be granted.

<sup>1</sup> FVSU is not a legal entity capable of suing and being sued. Rather, FVSU is a university within the University System of Georgia; thus, it is simply a part of the Board of Regents of the University System of Georgia and should not be named as a separate defendant in this case.

SECOND DEFENSE

Subject matter jurisdiction is lacking to the extent that this action against FVSU is barred by sovereign immunity and/or Eleventh Amendment immunity.

THIRD DEFENSE

This action against FVSU is barred in whole or in part by the doctrines of sovereign immunity and/or Eleventh Amendment immunity.

FOURTH DEFENSE

Plaintiff has failed to comply strictly with all of the ante litem notice requirements in O.C.G.A. § 50-21-26(a).

FIFTH DEFENSE

Plaintiff's tort claims against this Defendant should be dismissed to the extent they are based upon the acts or omissions of a person who was not acting within the scope of any official duties or employment for a state government entity at the time(s) in question in this case.

SIXTH DEFENSE

Plaintiff's tort claims against this Defendant should be dismissed to the extent Plaintiff seeks recovery for losses resulting from acts or omissions for which there is no waiver of sovereign immunity under the Georgia Tort Claims Act, pursuant to O.C.G.A. § 50-21-24.

SEVENTH DEFENSE

FVSU is not itself a state government entity, but rather is a part of the Board of Regents of the University System of Georgia ("BOR"), with the result that FVSU lacks capacity to be sued in this case and should be dismissed as a separately named Defendant.

EIGHTH DEFENSE

This Defendant is not a person capable of suit under 42 U.S.C. § 1983.

NINTH DEFENSE

Plaintiff's civil rights claims fail, in whole or in part, because this Defendant has not denied Plaintiff any rights, privileges, or immunities secured by the Constitution or laws of the United States or the State of Georgia.

TENTH DEFENSE

Plaintiff failed to exhaust her administrative remedies with respect to some or all of her claims prior to filing her Complaint.

ELEVENTH DEFENSE

Plaintiff's own conduct and/or conduct of others constitute intervening causes of any purported damage to Plaintiff.

TWELFTH DEFENSE

The Complaint is barred, in whole or in part, by the doctrines of waiver and estoppel, including failing to notify an appropriate person.

THIRTEENTH DEFENSE

This Defendant is not liable under Title IX because of the existence of an effective and non-discriminatory policy for reporting and redressing sexual harassment and other types of sex discrimination, which was followed in this case.

FOURTEENTH DEFENSE

This action against FVSU is or may be barred in whole or in part by the doctrine of laches.

FIFTEENTH DEFENSE

This Defendant denies that it was negligent as alleged in Plaintiff's Complaint.

SIXTEENTH DEFENSE

To the extent that the proximate cause of Plaintiff's alleged injuries and damages was the act or omission of a person or persons for whose acts or omissions this Defendant is not liable, the Plaintiff is not entitled to recover against this Defendant in this case.

SEVENTEENTH DEFENSE

Plaintiff's alleged injuries and damages were not proximately caused by any act or omission on the part of this

Defendant, with the result that the Plaintiff is not entitled to recover against this Defendant in this case.

EIGHTEENTH DEFENSE

Plaintiff's action against this Defendant should be dismissed to the extent it seeks recovery for punitive damages or interest prior to judgment, because such damages and interest are not permitted pursuant to O.C.G.A. § 50-21-30.

NINETEENTH DEFENSE

This Defendant cannot be held liable on any federal claims based upon a theory of *respondeat superior*.

TWENTIETH DEFENSE

Plaintiff's tort action against this Defendant should be dismissed to the extent it seeks recovery for losses resulting from assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, or interference with contractual rights, for which there is no waiver of sovereign immunity under the Georgia Tort Claims Act, pursuant to O.C.G.A. § 50-21-24(7).

TWENTY-FIRST DEFENSE

This action is or may be barred in whole or in part by the doctrines of proximate cause, avoidance of consequences, assumption of the risk, contributory negligence, or failure to mitigate.



TWENTY-SECOND DEFENSE

Answering the specific paragraphs of Plaintiff's Complaint, this Defendant shows the following:

1.

This Defendant admits that Plaintiff has subjected herself to the jurisdiction of this Court by filing this lawsuit, but otherwise is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Complaint, and thus can neither admit nor deny the same.

2.

In response to the allegations contained in paragraph 2 of the Complaint, this Defendant denies that FVSU is a legal entity capable of suing or being sued, and shows instead that FVSU is a unit of BOR. As such, FVSU should not be named as a separate defendant in this civil action and process should not be served upon the President of FVSU; rather, process should be served upon the Chancellor of BOR. This Defendant admits that the FVSU campus is located in Peach County, and events that occur on the FVSU campus occur in Peach County. This Defendant admits that venue appears to be proper in the Peach County Superior Court pursuant to O.C.G.A. § 50-21-28, but denies subject matter jurisdiction to the extent that this civil action is barred by

sovereign immunity. Any remaining allegations in paragraph 2 are denied as pled.

3.

This Defendant denies as pled the allegations contained in the first two sentences of paragraph 3 of the Complaint, but admits that BOR is the state agency within the executive branch of state government that is vested with the authority and responsibility, by statute, to manage and operate the State of Georgia's university system as provided by law; admits that BOR's offices are located at 270 Washington Street, Atlanta, Georgia 30334; admits that FVSU is a university within the University System of Georgia; admits that officers or employees at universities within the University System of Georgia are employees of BOR; admits that FVSU is a member university of BOR; and admits that BOR is the proper state government entity to sue for alleged torts committed by university employees at FVSU within the scope of their official duties or employment. This Defendant denies the allegations contained in the third sentence of paragraph 3. In response to the remainder of paragraph 3, this Defendant denies subject matter jurisdiction to the extent that this action is barred by sovereign immunity, admits that process must be served upon BOR's Chancellor, Dr. Steve Wrigley, at the stated address, and denies that service upon BOR's Chancellor is all that is required to perfect service

of process as mandated by the Georgia Tort Claims Act in O.C.G.A. § 50-21-35.

4.

This Defendant admits the allegations contained in paragraph 4 of the Complaint.

5.

This Defendant admits the allegations contained in paragraph 5 of the Complaint.

6.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint, and thus can neither admit nor deny the same.

7.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint, and thus can neither admit nor deny the same.

8.

This Defendant denies subject matter jurisdiction to the extent that this civil action is barred by sovereign immunity, but otherwise admits the allegations contained in paragraph 8 of the Complaint.

9.

In response to the allegations contained in paragraph 9 of the Complaint, this Defendant denies subject matter jurisdiction to the extent that this civil action is barred by sovereign immunity, but admits that venue appears to be proper in Peach County pursuant to O.C.G.A. § 50-21-28.

10.

In response to the allegations contained in paragraph 10 of the Complaint, this Defendant admits that BOR is the state agency within the executive branch of state government that is vested with the authority and responsibility, by statute, to manage and operate the State of Georgia's university system as provided by law, including FVSU. This Defendant admits that BOR has a policy manual containing written policies that speak for themselves, selected excerpts from which appear to be attached to the Complaint, and admits that BOR's policies prohibit sexual misconduct as defined therein.

11.

In response to the allegations contained in paragraph 11 of the Complaint, this Defendant admits that FVSU is a university within BOR that is located in Fort Valley, Peach County, Georgia, that FVSU offers undergraduate and graduate programs, and that FVSU's student enrollment numbers are as set forth in

its written enrollment records for whatever time period may be at issue, which records speak for themselves.

12.

In response to the allegations contained in paragraph 12 of the Complaint, this Defendant admits that FVSU has a Campus Police Department comprised of P.O.S.T. certified police officers, with a mission statement that speaks for itself and which appears to have been attached to the Complaint and quoted in part. This Defendant further admits that it expects its P.O.S.T. certified police officers to adhere to the P.O.S.T. standards that are a part of their P.O.S.T. training and certification.

13.

This Defendant admits the allegations contained in the first sentence of paragraph 13 of the Complaint. In response to the allegations contained in the second sentence of paragraph 13, this Defendant incorporates by reference the applicable written records regarding when Bryant received certification and started employment with FVSU, as if restated and set forth herein.

14 - 20.

In response to the allegations contained in paragraphs 14, 15, 16, 17, 18, 19, and 20 of the Complaint, this Defendant answers that its knowledge or information regarding the matters

alleged are as set forth in the records regarding same which, being written documents, will speak for themselves. This Defendant denies as pled any allegations of Plaintiff that are referenced, quoted, or summarized either incorrectly or only in part, or which are set forth out of their full or accurate context, and this Defendant incorporates by reference any applicable records as if restated in full and set forth specifically herein.

21.

Any knowledge or information that this Defendant may have regarding the matters alleged in paragraph 21 is contained in records which, being written documents, will speak for themselves. As such, this Defendant incorporates by reference any applicable records as if restated in full and set forth specifically herein. In addition, to the extent that any such records or information contained within them may be subject to governmental privacy protections, this Defendant can neither admit nor deny any protected information contained therein, and thus must answer that it is without knowledge or information sufficient to form a belief as to the truth of the matters alleged, and can neither admit nor deny the same.

22.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations

contained in paragraph 22 of the Complaint, and thus can neither admit nor deny the same.

23 - 36.

In response to the allegations contained in paragraphs 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 of the Complaint, this Defendant answers that its knowledge or information regarding the matters alleged are as set forth in the records regarding same which, being written documents, will speak for themselves. This Defendant denies as pled any allegations of Plaintiff that are referenced, quoted, or summarized either incorrectly or only in part, or which are set forth out of their full or accurate context, and this Defendant incorporates by reference any applicable records as if restated in full and set forth specifically herein. This Defendant is without knowledge or information sufficient to form a belief as to the truth of any of the allegations contained in these paragraphs that are not contained within written records, and thus can neither admit nor deny the same.

37 - 38.

Any knowledge or information that this Defendant may have regarding the matters alleged in paragraphs 37 and 38 is contained in records which, being written documents, will speak for themselves. As such, this Defendant incorporates by reference any applicable records as if restated in full and set

forth specifically herein. In addition, to the extent that any such records or information contained within them may be subject to governmental privacy protections, this Defendant can neither admit nor deny any protected information contained therein, and thus must answer that it is without knowledge or information sufficient to form a belief as to the truth of the matters alleged, and can neither admit nor deny the same.

39.

This Defendant denies that it caused the alleged injuries and damages but otherwise is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 39 of the Complaint, and thus can neither admit nor deny the same.

RESPONSE TO COUNT 1 - ASSAULT AND BATTERY

40.

This Defendant incorporates its responses to paragraphs 1 through 39, above, as if restated in full and set forth specifically herein.

41.

This Defendant admits that Defendant Bryant was a BOR employee who worked at FVSU, denies that the alleged conduct was a part of Bryant's official duties or employment for BOR or FVSU, admits that an illegal and unwanted sexual touching constitutes a battery under Georgia law, and otherwise is



without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained in paragraph 41 of the Complaint, and thus can neither admit nor deny the same.

42.

In general, this Defendant admits that an illegal and unwanted sexual touching of one person by another would be harmful and offensive and would constitute a battery under Georgia law, and otherwise is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained in paragraph 42 of the Complaint, and thus can neither admit nor deny the same.

43.

This Defendant admits that Defendant Bryant was a BOR employee who worked at FVSU, denies that the alleged conduct was done "as an employee of FVSU" or was a part of Bryant's official duties or employment for BOR or FVSU, admits that attempting an illegal and unwanted sexual touching constitutes an assault under Georgia law, and otherwise is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained in paragraph 43 of the Complaint, and thus can neither admit nor deny the same.

44.

The allegations contained in paragraph 44 of the Complaint are not directed to this Defendant, and so no response is called for from this Defendant. Should any response be deemed called for from FVSU, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44 of the Complaint, and thus can neither admit nor deny the same.

45.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 45 of the Complaint, and thus can neither admit nor deny the same.

RESPONSE TO COUNT 2 - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

46.

This Defendant incorporates its responses to paragraphs 1 through 45, above, as if restated in full and set forth specifically herein.

47.

This Defendant admits that Defendant Bryant was a BOR employee who worked at FVSU, denies that the alleged conduct was a part of Bryant's official duties or employment for BOR or FVSU, and otherwise is without knowledge or information sufficient to form a belief as to the truth of the remaining

allegations contained in paragraph 47 of the Complaint, and thus can neither admit nor deny the same.

48.

This Defendant denies as pled the allegations contained in the first sentence of paragraph 48 of the Complaint, but admits that it was aware of certain complaints against Bryant as set forth in the written records regarding same, admits that said complaints were investigated, and admits that appropriate training and/or discipline occurred as set forth in the documentation regarding same. This Defendant denies the allegations contained in the second sentence of paragraph 48 of the Complaint.

49.

This Defendant denies paragraph 49 of the Complaint to the extent that the allegations contained therein assert or imply that this Defendant engaged in the intentional infliction of emotional distress or that this Defendant proximately caused Plaintiff to suffer emotional distress, anxiety, or physical health issues, but otherwise is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and thus can neither admit nor deny the same.

RESPONSE TO COUNT 3 - FALSE IMPRISONMENT

50.

This Defendant incorporates its responses to paragraphs 1 through 49, above, as if restated in full and set forth specifically herein.

51.

This Defendant admits that Defendant Bryant was a BOR employee who worked at FVSU, denies that the alleged conduct was a part of Bryant's official duties or employment for BOR or FVSU, and otherwise is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 51 of the Complaint, and thus can neither admit nor deny the same.

52.

This Defendant denies paragraph 52 of the Complaint to the extent that the allegations contained therein assert or imply that this Defendant committed a false imprisonment or that this Defendant proximately caused Plaintiff to suffer extreme anxiety and stress, but otherwise is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and thus can neither admit nor deny the same.

RESPONSE TO COUNT 4 - FRAUD AND MISREPRESENTATION

53.

This Defendant incorporates its responses to paragraphs 1 through 52, above, as if restated in full and set forth specifically herein.

54.

This Defendant denies the allegations contained in paragraph 54 of the Complaint.

55.

This Defendant denies the allegations contained in the first sentence of paragraph 55 of the Complaint. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of paragraph 55, and thus can neither admit nor deny the same.

56 - 59.

This Defendant is without knowledge or information sufficient to form a belief as to Plaintiff's alleged reliance, but otherwise denies the allegations contained in paragraphs 56, 57, 58, and 59 of the Complaint.

RESPONSE TO COUNT 5 - NEGLIGENCE

60.

This Defendant incorporates its responses to paragraphs 1 through 59, above, as if restated in full and set forth specifically herein.

61.

This Defendant denies the allegations contained in paragraph 61 of the Complaint.

62.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 62 of the Complaint, and thus can neither admit nor deny the same.

63.

This Defendant denies negligence and proximate cause, but otherwise is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 63 of the Complaint, and thus can neither admit nor deny the same.

RESPONSE TO COUNT 6 - PROFESSIONAL NEGLIGENCE

64.

This Defendant incorporates its responses to paragraphs 1 through 63, above, as if restated in full and set forth specifically herein.

65 - 67.

The allegations contained in paragraphs 65, 66, and 67 of the Complaint are not directed to this Defendant. To the extent that any response may be deemed called for from this Defendant, said allegations are denied.

RESPONSE TO COUNT 7 - BREACH OF CONTRACT

68.

This Defendant incorporates its responses to paragraphs 1 through 67, above, as if restated in full and set forth specifically herein.

69 - 71.

This Defendant denies that its handbook, policies, or mission statement constitute "contracts" as alleged, and denies the remaining allegations contained in paragraphs 69, 70, and 71 of the Complaint.

RESPONSE TO COUNT 8 - PREMISES LIABILITY

72.

This Defendant incorporates its responses to paragraphs 1 through 71, above, as if restated in full and set forth specifically herein.

73.

In response to the allegations contained in paragraph 73 of the Complaint, this Defendant answers that its duties are as provided by law, denies that its legal duties can be altered or

expanded by Plaintiff's allegations, and denies any allegation or implication that this Defendant breached any applicable duty in connection with the facts and circumstances at issue in this case.

74.

This Defendant denies the allegations contained in the first sentence of paragraph 74 of the Complaint. In response to the allegations contained in the second sentence of paragraph 74, this Defendant's knowledge or information regarding the matters alleged are as set forth in the records regarding same which, being written documents, will speak for themselves. This Defendant denies as pled any allegations of Plaintiff that summarize said records or reference them only in part, and incorporates by reference any applicable records as if restated in full and set forth specifically herein.

75 - 77.

This Defendant denies the allegations contained in paragraphs 75, 76, and 77 of the Complaint.

RESPONSE TO COUNT 9 - VICARIOUS LIABILITY

78.

This Defendant incorporates its responses to paragraphs 1 through 77, above, as if restated in full and set forth specifically herein.



79.

In response to the allegations contained in paragraph 79 of the Complaint, this Defendant admits that Defendant Bryant was a BOR employee who worked for the FVSU Campus Police Department, but denies that the conduct of which he is accused was within the scope of his official state duties or employment. Any remaining allegations in this paragraph are denied as pled.

80 - 82.

This Defendant denies the allegations contained in paragraphs 80, 81, and 82 of the Complaint.

RESPONSE TO COUNT 10 - IMPUTED LIABILITY

83.

This Defendant incorporates its responses to paragraphs 1 through 82, above, as if restated in full and set forth specifically herein.

84.

In response to the allegations contained in paragraph 84 of the Complaint, this Defendant admits that Defendant Bryant was a BOR employee who worked at the FVSU Campus Police Department, but denies that the conduct of which he is accused in this case was a part of his official state duties or employment.

85 - 86.

This Defendant denies the allegations contained in paragraphs 85 and 86 of the Complaint.

RESPONSE TO COUNT 11 - NEGLIGENT HIRING, TRAINING  
AND SUPERVISION AND NEGLIGENT RETENTION

87.

This Defendant incorporates its responses to paragraphs 1 through 86, above, as if restated in full and set forth specifically herein.

88.

This Defendant denies the allegations contained in paragraph 88 of the Complaint.

89.

In response to the allegations contained in paragraph 89 of the Complaint, this Defendant answers that its duties are as provided by law, denies that its legal duties can be altered or expanded by Plaintiff's allegations, and denies any allegation or implication that this Defendant breached any applicable duty in connection with the facts and circumstances at issue in this case. Any remaining allegations in this paragraph are denied as pled.

90 - 91.

This Defendant denies the allegations contained in paragraphs 90 and 91 of the Complaint.

92.

This Defendant denies as pled the allegations contained in paragraph 92 of the Complaint, but admits that it was aware of

certain complaints against Bryant as set forth in the written records regarding same, admits that said complaints were investigated, admits that appropriate training and/or discipline occurred as set forth in the documentation regarding same, and admits that his performance reviews were as reflected in the documents pertaining to same. This Defendant denies any allegations of Plaintiff that summarize said records or reference them only in part, and incorporates by reference any applicable records as if restated in full and set forth specifically herein.

RESPONSE TO COUNT 12 - VIOLATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 ("Title IX"), 20 U.S.C. § 1681(a), et seq.

93.

This Defendant incorporates its responses to paragraphs 1 through 92, above, as if restated in full and set forth specifically herein.

94.

In response to the allegations contained in paragraph 94 of the Complaint, this Defendant answers that any federal funding received by it is as provided by law and as reflected in the pertinent funding paperwork, which is incorporated by reference as if restated in full and set forth specifically herein. Any remaining allegations are denied as pled.

95.

In response to the allegations contained in the first sentence of paragraph 95 of the Complaint, this Defendant admits that BOR has a policy manual containing written policies that speak for themselves, and admits that BOR's policies prohibit sexual misconduct as defined therein. This Defendant denies the allegations contained in the second sentence of paragraph 95.

96 - 97.

This Defendant denies as pled the allegations contained in paragraphs 96 and 97 of the Complaint, and shows instead that BOR and its member institutions promulgate, implement, and execute policies, and that university officials and employees at the various BOR universities, including FVSU, train and supervise their employees as per the various organizational charts and chains of command. This Defendant denies any allegation or implication that BOR/FVSU officials deprived Plaintiff of rights and liberties, and denies that BOR/FVSU officials failed to properly train or supervise. This Defendant further denies that Georgia law imposes a duty to "ensure" or "insure."

98 - 100.

This Defendant denies the allegations contained in paragraphs 98, 99, and 100 of the Complaint.

RESPONSE TO COUNT 13 - 42 U.S.C. § 1983 - VIOLATION OF CIVIL RIGHTS

101.

This Defendant incorporates its responses to paragraphs 1 through 100, above, as if restated in full and set forth specifically herein.

102 - 104.

This Defendant denies the allegations contained in paragraphs 102, 103, and 104 of the Complaint.

RESPONSE TO COUNT 14 - 42 U.S.C. § 1983 - VICARIOUS LIABILITY

105.

This Defendant incorporates its responses to paragraphs 1 through 104, above, as if restated in full and set forth specifically herein.

106 - 107.

This Defendant denies the allegations contained in paragraphs 106 and 107 of the Complaint.

RESPONSE TO COUNT 15 - DAMAGES

108.

This Defendant incorporates its responses to paragraphs 1 through 107, above, as if restated in full and set forth specifically herein.

109 - 110.

This Defendant denies paragraphs 109 and 110 of the Complaint to the extent that the allegations contained therein

assert or imply that this Defendant proximately caused Plaintiff's grades to suffer, proximately caused Plaintiff to incur medical expenses, proximately caused Plaintiff to suffer anguish and emotional distress or physical health issues, proximately caused Plaintiff to incur mental and physical pain and suffering, or proximately caused Plaintiff to have to transfer schools, but otherwise is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in these paragraphs, and thus can neither admit nor deny the same.

RESPONSE TO COUNT 16 - PUNITIVE DAMAGES

111.

This Defendant incorporates its responses to paragraphs 1 through 110, above, as if restated in full and set forth specifically herein.

112.

This Defendant denies the allegations contained in paragraph 112 of the Complaint.

VERIFICATION

Should subject matter jurisdiction be established as to any claims against this Defendant, then a Verification of this Defendant's Answer will be attached by way of an amended or supplemental pleading with regard to any such claims.



CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the within and foregoing ANSWER TO COMPLAINT, by depositing a copy thereof, postage prepaid, in the United States Mail properly addressed upon the following:

Teresa A. DiPonzio  
Teresa A. DiPonzio, LLC  
P.O. Box 948  
Suwanee, GA 30024


This 2<sup>nd</sup> day of July, 2018.

/s/ Loretta L. Pinkston-Pope  
Loretta L. Pinkston-Pope  
Georgia Bar No. 580385



**FILED IN OFFICE**  
CLERK OF SUPERIOR COURT  
PEACH COUNTY, GEORGIA  
**18-V-0129**

JUL 05, 2018 05:29 PM

  
Joe Wilder, Clerk  
Peach County, Georgia

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

NYA HALL,

Plaintiff,

v.

FORT VALLEY STATE UNIVERSITY,  
BOARD OF REGENTS OF THE  
UNIVERSITY SYSTEM OF GEORGIA,  
WILBUR GENE BRYANT, and JOHN  
DOES 1-5,

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION FILE NO. 18-V-0129

---

**ANSWER OF DEFENDANT WILBUR GENE BRYANT TO PLAINTIFF'S  
COMPLAINT**

COMES NOW DEFENDANT WILBUR GENE BRYANT ("Bryant") with this his Answer to Plaintiff's Complaint, showing this Honorable Court as follows:

**FIRST DEFENSE**

The within Complaint, in whole or in part, fails to state a claim against Bryant upon which relief can be granted and all such claims should be dismissed.

**SECOND DEFENSE**

Bryant is not subject to suit in his official capacity under 42 U.S.C. § 1983.

**THIRD DEFENSE**

The within Complaint is barred by the doctrines of sovereign immunity, qualified immunity, governmental immunity and/or official immunity.

**FOURTH DEFENSE**

The within Complaint, in whole or in part, is barred by Article I, Section II, Paragraph IX of the Georgia Constitution of 1983, as amended, by the Georgia Tort Claims Act, O.C.G.A. § 50-21-20 et seq.

**FIFTH DEFENSE**

This Honorable Court lacks subject matter jurisdiction over Bryant.

**SIXTH DEFENSE**

Plaintiff's claims are barred by her failure to comply with O.C.G.A. § 50-21-26.

**SEVENTH DEFENSE**

Bryant is immune from liability pursuant to O.C.G.A. § 50-21-25.

**EIGHTH DEFENSE**

Plaintiff has failed to comply with the provisions of O.C.G.A. § 50-21-35 and the within Complaint should be dismissed.

**NINTH DEFENSE**

Specifically responding to the allegations contained in the numbered paragraphs, Bryant further answers as follows:

**1.**

Bryant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 1 of Plaintiff's Complaint.

**2.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 2 of Plaintiff's Complaint.

3.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 3 of Plaintiff's Complaint.

4.

Bryant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 4 of Plaintiff's Complaint and hence denies same and demands strict proof thereof by Plaintiff.

5.

Bryant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 5 of Plaintiff's Complaint and hence denies same and demands strict proof thereof by Plaintiff.

6.

Bryant admits the allegations contained in ¶ 6 of Plaintiff's Complaint.

7.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 7 of Plaintiff's Complaint.

8.

Defendant denies the allegations contained in ¶ 8 of Plaintiff's Complaint.

9.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 9 of Plaintiff's Complaint.

10.

To the extent any answer is required of Bryant to the allegations contained in ¶ 10 of Plaintiff's Complaint, Bryant is without knowledge or information sufficient to form a belief as to the truth of same and hence denies same and demands strict proof thereof by Plaintiff.

11.

To the extent any answer is required of Bryant to the allegations contained in ¶ 11 of Plaintiff's Complaint, Bryant is without knowledge or information sufficient to form a belief as to the truth of same and hence denies same and demands strict proof thereof by Plaintiff.

12.

Bryant denies the allegations contained in ¶ 12 of Plaintiff's Complaint.

13.

Defendant denies the allegations contained in ¶ 13 of Plaintiff's Complaint.

14.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 14 of Plaintiff's Complaint.

15.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 15 of Plaintiff's Complaint.

16.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 16 of Plaintiff's Complaint.

17.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 17 of Plaintiff's Complaint.

18.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 18 of Plaintiff's Complaint.

19.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 19 of Plaintiff's Complaint.

20.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 20 of Plaintiff's Complaint.

21.

To the extent any answer is required of Bryant to the allegations contained in ¶ 21 of Plaintiff's Complaint, Bryant is without knowledge or information sufficient to form a belief as to the truth of same and hence denies same and demands strict proof thereof by Plaintiff.

22.

To the extent any answer is required of Bryant to the allegations contained in ¶ 22 of Plaintiff's Complaint, Bryant is without knowledge or information sufficient to form a belief as to the truth of same and hence denies same and demands strict proof thereof by Plaintiff.

23.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 23 of Plaintiff's Complaint.

**24.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 24 of Plaintiff's Complaint.

**25.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 25 of Plaintiff's Complaint.

**26.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 26 of Plaintiff's Complaint.

**27.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 27 of Plaintiff's Complaint.

**28.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 28 of Plaintiff's Complaint.

**29.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 29 of Plaintiff's Complaint.

**30.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 30 of Plaintiff's Complaint.

**31.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 31 of Plaintiff's Complaint.

**32.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 32 of Plaintiff's Complaint.

**33.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 33 of Plaintiff's Complaint.

**34.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 34 of Plaintiff's Complaint.

**35.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 35 of Plaintiff's Complaint.

**36.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 36 of Plaintiff's Complaint.

**37.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 37 of Plaintiff's Complaint.

**38.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 38 of Plaintiff's Complaint.

**39.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 39 of Plaintiff's Complaint.

**40.**

By way of response to ¶ 40 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

**41.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 41 of Plaintiff's Complaint.

**42.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 42 of Plaintiff's Complaint.

**43.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 43 of Plaintiff's Complaint.

**44.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 44 of Plaintiff's Complaint.



**45.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 45 of Plaintiff's Complaint.

**46.**

By way of response to ¶ 46 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

**47.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 47 of Plaintiff's Complaint.

**48.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 48 of Plaintiff's Complaint.

**49.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 49 of Plaintiff's Complaint.

**50.**

By way of response to ¶ 50 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

**51.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 51 of Plaintiff's Complaint.

**52.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 52 of Plaintiff's Complaint.

**53.**

By way of response to ¶ 53 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

**54.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 54 of Plaintiff's Complaint.

**55.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 55 of Plaintiff's Complaint.

**56.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 56 of Plaintiff's Complaint.

**57.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 57 of Plaintiff's Complaint.

**58.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 58 of Plaintiff's Complaint.

**59.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 59 of Plaintiff's Complaint.

**60.**

By way of response to ¶ 60 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

**61.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 61 of Plaintiff's Complaint.

**62.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 62 of Plaintiff's Complaint.

**63.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 63 of Plaintiff's Complaint.

**64.**

By way of response to ¶ 64 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

**65.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 65 of Plaintiff's Complaint.

**66.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 66 of Plaintiff's Complaint.

**67.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 67 of Plaintiff's Complaint.

**68.**

By way of response to ¶ 68 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

**69.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 69 of Plaintiff's Complaint.

**70.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 70 of Plaintiff's Complaint.

**71.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 71 of Plaintiff's Complaint.

**72.**

By way of response to ¶ 72 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

73.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 73 of Plaintiff's Complaint.

74.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 74 of Plaintiff's Complaint.

75.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 75 of Plaintiff's Complaint.

76.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 76 of Plaintiff's Complaint.

77.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 77 of Plaintiff's Complaint.

78.

By way of response to ¶ 78 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

79.

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 79 of Plaintiff's Complaint.

**80.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 80 of Plaintiff's Complaint.

**81.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 81 of Plaintiff's Complaint.

**82.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 82 of Plaintiff's Complaint.

**83.**

By way of response to ¶ 83 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

**84.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 84 of Plaintiff's Complaint.

**85.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 85 of Plaintiff's Complaint.

**86.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 86 of Plaintiff's Complaint.

**87.**

By way of response to ¶ 87 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

**88.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 88 of Plaintiff's Complaint.

**89.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 89 of Plaintiff's Complaint.

**90.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 90 of Plaintiff's Complaint.

**91.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 91 of Plaintiff's Complaint.

**92.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 92 of Plaintiff's Complaint.

**93.**

By way of response to ¶ 93 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

**94.**

To the extent any answer is required of Bryant to the allegations contained in ¶ 94 of Plaintiff's Complaint, Defendant shows that he is without knowledge or information sufficient to form a belief as to the truth of same and demands strict proof thereof by Plaintiff.

**95.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 95 of Plaintiff's Complaint.

**96.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 96 of Plaintiff's Complaint.

**97.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 97 of Plaintiff's Complaint.

**98.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 98 of Plaintiff's Complaint.

**99.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 99 of Plaintiff's Complaint.

**100.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 100 of Plaintiff's Complaint.



**101.**

By way of response to ¶ 101 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

**102.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 102 of Plaintiff's Complaint.

**103.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 103 of Plaintiff's Complaint.

**104.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 104 of Plaintiff's Complaint.

**105.**

By way of response to ¶ 105 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

**106.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 106 of Plaintiff's Complaint.

**107.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 107 of Plaintiff's Complaint.

**108.**

By way of response to ¶ 108 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

**109.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 109 of Plaintiff's Complaint.

**110.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 110 of Plaintiff's Complaint.

**111.**

By way of response to ¶ 111 of Plaintiff's Complaint, Bryant incorporates all answers and defenses set forth as above as though fully stated herein.

**112.**

Bryant invokes his Fifth Amendment right against self-incrimination in response to the allegations in ¶ 112 of Plaintiff's Complaint.

WHEREFORE having set forth his answer and defenses, Bryant prays that he be discharged with judgment in his favor on each of the aforesaid defenses and in the alternative, that a jury trial be had on all issues so triable.

(Signature on following page)

This 5<sup>th</sup> day of July, 2018.

Respectfully submitted,

APPELBAUM & HENEFELD, P.C.

/s/ Eve Appelbaum

Eve Appelbaum

Georgia Bar No. 020899

*Attorney for Defendant Wilbur Gene Bryant*

9 Lenox Pointe, N.E., Suite B  
Atlanta, Georgia 30324  
404-841-1275  
Fax 404-841-0248  
eea@aps-law.com

(Certificate of Service on following page)



This 5<sup>th</sup> day of July, 2018.

Respectfully submitted,

APPELBAUM & HENEFELD, P.C.

/s/ Eve Appelbaum

Eve Appelbaum

Georgia Bar No. 020899

*Attorney for Defendant Wilbur Gene Bryant*

9 Lenox Pointe, N.E., Suite B  
Atlanta, Georgia 30324  
404-841-1275  
Fax 404-841-0248  
[eea@aps-law.com](mailto:eea@aps-law.com)

FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
PEACH COUNTY, GEORGIA

**18-V-0129**

JUL 19, 2018 02:58 PM

Joe Wilder, Clerk  
Peach County, Georgia

IN THE SUPERIOR COURT OF PEACH COUNTY  
STATE OF GEORGIA

Nya Hall,

Plaintiff,

v.

FORT VALLEY STATE UNIVERSITY,  
BOARD OF REGENTS OF THE  
UNIVERSITY SYSTEM OF GEORGIA,  
WILBUR GENE BRYANT, and  
JOHN DOES 1-5,

Defendants.

CIVIL ACTION  
FILE NO. 18-V-0129

ANSWER OF DEFENDANT BOARD OF REGENTS OF THE  
UNIVERSITY SYSTEM OF GEORGIA

COMES NOW Defendant Board of Regents of the University  
System of Georgia ("BOR") and responds to Plaintiff's Complaint  
in the above styled civil action, as follows:

FIRST DEFENSE

The Complaint fails in whole or in part to state a claim  
against this Defendant upon which relief can be granted.

SECOND DEFENSE

Subject matter jurisdiction is lacking to the extent that  
this action against BOR is barred by sovereign immunity and/or  
Eleventh Amendment immunity.

THIRD DEFENSE

This action against BOR is barred in whole or in part by the doctrines of sovereign immunity and/or Eleventh Amendment immunity.

FOURTH DEFENSE

Plaintiff has failed to comply strictly with all of the ante litem notice requirements in O.C.G.A. § 50-21-26(a).

FIFTH DEFENSE

Plaintiff's tort claims against this Defendant should be dismissed to the extent they are based upon the acts or omissions of a person who was not acting within the scope of any official duties or employment for a state government entity at the time(s) in question in this case.

SIXTH DEFENSE

Plaintiff's tort claims against this Defendant should be dismissed to the extent Plaintiff seeks recovery for losses resulting from acts or omissions for which there is no waiver of sovereign immunity under the Georgia Tort Claims Act, pursuant to O.C.G.A. § 50-21-24.

SEVENTH DEFENSE

This Defendant is not a person capable of suit under 42 U.S.C. § 1983.

EIGHTH DEFENSE

Plaintiff's civil rights claims fail, in whole or in part, because this Defendant has not denied Plaintiff any rights, privileges, or immunities secured by the Constitution or laws of the United States or the State of Georgia.

NINTH DEFENSE

Plaintiff failed to exhaust her administrative remedies with respect to some or all of her claims prior to filing her Complaint.

TENTH DEFENSE

Plaintiff's own conduct and/or conduct of others constitute intervening causes of any purported damage to Plaintiff.

ELEVENTH DEFENSE

The Complaint is barred, in whole or in part, by the doctrines of waiver and estoppel, including failing to notify an appropriate person.

TWELFTH DEFENSE

BOR is not liable under Title IX because of the existence of an effective and non-discriminatory policy for reporting and redressing sexual harassment and other types of sex discrimination, which was followed in this case.



THIRTEENTH DEFENSE

This action against BOR is or may be barred in whole or in part by the doctrine of laches.

FOURTEENTH DEFENSE

This Defendant denies that it was negligent as alleged in Plaintiff's Complaint.

FIFTEENTH DEFENSE

To the extent that the proximate cause of Plaintiff's alleged injuries and damages was the act or omission of a person or persons for whose acts or omissions this Defendant is not liable, the Plaintiff is not entitled to recover against this Defendant in this case.

SIXTEENTH DEFENSE

Plaintiff's alleged injuries and damages were not proximately caused by any act or omission on the part of this Defendant, with the result that the Plaintiff is not entitled to recover against this Defendant in this case.

SEVENTEENTH DEFENSE

Plaintiff's action against this Defendant should be dismissed to the extent it seeks recovery for punitive damages or interest prior to judgment, because such damages and interest are not permitted pursuant to O.C.G.A. § 50-21-30.

EIGHTEENTH DEFENSE

This Defendant cannot be held liable on any federal claims based upon a theory of *respondeat superior*.

NINETEENTH DEFENSE

Plaintiff's tort action against this Defendant should be dismissed to the extent it seeks recovery for losses resulting from assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, or interference with contractual rights, for which there is no waiver of sovereign immunity under the Georgia Tort Claims Act, pursuant to O.C.G.A. § 50-21-24(7).

TWENTIETH DEFENSE

This action is or may be barred in whole or in part by the doctrines of proximate cause, avoidance of consequences, assumption of the risk, contributory negligence, or failure to mitigate.

TWENTY-FIRST DEFENSE

Answering the specific paragraphs of Plaintiff's Complaint, this Defendant shows the following:

1.

This Defendant admits that Plaintiff has subjected herself to the jurisdiction of this Court by filing this lawsuit, but otherwise is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in

paragraph 1 of the Complaint, and thus can neither admit nor deny the same.

2.

In response to the allegations contained in paragraph 2 of the Complaint, this Defendant denies that FVSU is a legal entity capable of suing or being sued, and shows instead that FVSU is a unit of BOR. As such, FVSU should not be named as a separate defendant in this civil action and process should not be served upon the President of FVSU; rather, process should be served upon the Chancellor of BOR. This Defendant admits that the FVSU campus is located in Peach County, and events that occur on the FVSU campus occur in Peach County. This Defendant admits that venue appears to be proper in the Peach County Superior Court pursuant to O.C.G.A. § 50-21-28, but denies subject matter jurisdiction to the extent that this civil action is barred by sovereign immunity. Any remaining allegations in paragraph 2 are denied as pled.

3.

This Defendant denies as pled the allegations contained in the first two sentences of paragraph 3 of the Complaint, but admits that BOR is the state agency within the executive branch of state government that is vested with the authority and responsibility, by statute, to manage and operate the State of Georgia's university system as provided by law; admits that

BOR's offices are located at 270 Washington Street, Atlanta, Georgia 30334; admits that FVSU is a university within the University System of Georgia; admits that officers or employees at universities within the University System of Georgia are employees of BOR; admits that FVSU is a member university of BOR; and admits that BOR is the proper state government entity to sue for alleged torts committed by university employees at FVSU within the scope of their official duties or employment. This Defendant denies the allegations contained in the third sentence of paragraph 3. In response to the remainder of paragraph 3, this Defendant denies subject matter jurisdiction to the extent that this action is barred by sovereign immunity, admits that process must be served upon BOR's Chancellor, Dr. Steve Wrigley, at the stated address, and denies that service upon BOR's Chancellor is all that is required to perfect service of process as mandated by the Georgia Tort Claims Act in O.C.G.A. § 50-21-35.

4.

This Defendant admits the allegations contained in paragraph 4 of the Complaint.

5.

This Defendant admits the allegations contained in paragraph 5 of the Complaint.

6.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint, and thus can neither admit nor deny the same.

7.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint, and thus can neither admit nor deny the same.

8.

This Defendant denies subject matter jurisdiction to the extent that this civil action is barred by sovereign immunity, but otherwise admits the allegations contained in paragraph 8 of the Complaint.

9.

In response to the allegations contained in paragraph 9 of the Complaint, this Defendant denies subject matter jurisdiction to the extent that this civil action is barred by sovereign immunity, but admits that venue appears to be proper in Peach County pursuant to O.C.G.A. § 50-21-28.

10.

In response to the allegations contained in paragraph 10 of the Complaint, this Defendant admits that BOR is the state

agency within the executive branch of state government that is vested with the authority and responsibility, by statute, to manage and operate the State of Georgia's university system as provided by law, including FVSU. This Defendant admits that BOR has a policy manual containing written policies that speak for themselves, selected excerpts from which appear to be attached to the Complaint, and admits that BOR's policies prohibit sexual misconduct as defined therein.

11.

In response to the allegations contained in paragraph 11 of the Complaint, this Defendant admits that FVSU is a university within BOR that is located in Fort Valley, Peach County, Georgia, that FVSU offers undergraduate and graduate programs, and that FVSU's student enrollment numbers are as set forth in its written enrollment records for whatever time period may be at issue, which records speak for themselves.

12.

In response to the allegations contained in paragraph 12 of the Complaint, this Defendant admits that FVSU has a Campus Police Department comprised of P.O.S.T. certified police officers, with a mission statement that speaks for itself and which appears to have been attached to the Complaint and quoted in part. This Defendant further admits that it expects its P.O.S.T. certified police officers to adhere to the P.O.S.T.

standards that are a part of their P.O.S.T. training and certification.

13.

This Defendant admits the allegations contained in the first sentence of paragraph 13 of the Complaint. In response to the allegations contained in the second sentence of paragraph 13, this Defendant incorporates by reference the applicable written records regarding when Bryant received certification and started employment with FVSU, as if restated and set forth herein.

14 - 20.

In response to the allegations contained in paragraphs 14, 15, 16, 17, 18, 19, and 20 of the Complaint, this Defendant answers that its knowledge or information regarding the matters alleged are as set forth in the records regarding same which, being written documents, will speak for themselves. This Defendant denies as pled any allegations of Plaintiff that are referenced, quoted, or summarized either incorrectly or only in part, or which are set forth out of their full or accurate context, and this Defendant incorporates by reference any applicable records as if restated in full and set forth specifically herein.

21.

Any knowledge or information that this Defendant may have regarding the matters alleged in paragraph 21 is contained in records which, being written documents, will speak for themselves. As such, this Defendant incorporates by reference any applicable records as if restated in full and set forth specifically herein. In addition, to the extent that any such records or information contained within them may be subject to governmental privacy protections, this Defendant can neither admit nor deny any protected information contained therein, and thus must answer that it is without knowledge or information sufficient to form a belief as to the truth of the matters alleged, and can neither admit nor deny the same.

22.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of the Complaint, and thus can neither admit nor deny the same.

23 - 36.

In response to the allegations contained in paragraphs 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 of the Complaint, this Defendant answers that its knowledge or information regarding the matters alleged are as set forth in the records regarding same which, being written documents, will



speak for themselves. This Defendant denies as pled any allegations of Plaintiff that are referenced, quoted, or summarized either incorrectly or only in part, or which are set forth out of their full or accurate context, and this Defendant incorporates by reference any applicable records as if restated in full and set forth specifically herein. This Defendant is without knowledge or information sufficient to form a belief as to the truth of any of the allegations contained in these paragraphs that are not contained within written records, and thus can neither admit nor deny the same.

37 - 38.

Any knowledge or information that this Defendant may have regarding the matters alleged in paragraphs 37 and 38 is contained in records which, being written documents, will speak for themselves. As such, this Defendant incorporates by reference any applicable records as if restated in full and set forth specifically herein. In addition, to the extent that any such records or information contained within them may be subject to governmental privacy protections, this Defendant can neither admit nor deny any protected information contained therein, and thus must answer that it is without knowledge or information sufficient to form a belief as to the truth of the matters alleged, and can neither admit nor deny the same.

39.

This Defendant denies that it caused the alleged injuries and damages but otherwise is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 39 of the Complaint, and thus can neither admit nor deny the same.

RESPONSE TO COUNT 1 - ASSAULT AND BATTERY

40.

This Defendant incorporates its responses to paragraphs 1 through 39, above, as if restated in full and set forth specifically herein.

41.

This Defendant admits that Defendant Bryant was a BOR employee who worked at FVSU, denies that the alleged conduct was a part of Bryant's official duties or employment for BOR or FVSU, admits that an illegal and unwanted sexual touching constitutes a battery under Georgia law, and otherwise is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained in paragraph 41 of the Complaint, and thus can neither admit nor deny the same.

42.

In general, this Defendant admits that an illegal and unwanted sexual touching of one person by another would be

harmful and offensive and would constitute a battery under Georgia law, and otherwise is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained in paragraph 42 of the Complaint, and thus can neither admit nor deny the same.

43.

This Defendant admits that Defendant Bryant was a BOR employee who worked at FVSU, denies that the alleged conduct was done "as an employee of FVSU" or was a part of Bryant's official duties or employment for BOR or FVSU, admits that attempting an illegal and unwanted sexual touching constitutes an assault under Georgia law, and otherwise is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained in paragraph 43 of the Complaint, and thus can neither admit nor deny the same.

44.

The allegations contained in paragraph 44 of the Complaint are not directed to this Defendant, and so no response is called for from this Defendant. Should any response be deemed called for from BOR, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44 of the Complaint, and thus can neither admit nor deny the same.

45.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 45 of the Complaint, and thus can neither admit nor deny the same.

RESPONSE TO COUNT 2 - INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS

46.

This Defendant incorporates its responses to paragraphs 1 through 45, above, as if restated in full and set forth specifically herein.

47.

This Defendant admits that Defendant Bryant was a BOR employee who worked at FVSU, denies that the alleged conduct was a part of Bryant's official duties or employment for BOR or FVSU, and otherwise is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 47 of the Complaint, and thus can neither admit nor deny the same.

48.

This Defendant denies as pled the allegations contained in the first sentence of paragraph 48 of the Complaint, but admits that it was aware of certain complaints against Bryant as set forth in the written records regarding same, admits that said complaints were investigated, and admits that appropriate

training and/or discipline occurred as set forth in the documentation regarding same. This Defendant denies the allegations contained in the second sentence of paragraph 48 of the Complaint.

49.

This Defendant denies paragraph 49 of the Complaint to the extent that the allegations contained therein assert or imply that this Defendant engaged in the intentional infliction of emotional distress or that this Defendant proximately caused Plaintiff to suffer emotional distress, anxiety, or physical health issues, but otherwise is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and thus can neither admit nor deny the same.

RESPONSE TO COUNT 3 - FALSE IMPRISONMENT

50.

This Defendant incorporates its responses to paragraphs 1 through 49, above, as if restated in full and set forth specifically herein.

51.

This Defendant admits that Defendant Bryant was a BOR employee who worked at FVSU, denies that the alleged conduct was a part of Bryant's official duties or employment for BOR or FVSU, and otherwise is without knowledge or information

sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 51 of the Complaint, and thus can neither admit nor deny the same.

52.

This Defendant denies paragraph 52 of the Complaint to the extent that the allegations contained therein assert or imply that this Defendant committed a false imprisonment or that this Defendant proximately caused Plaintiff to suffer extreme anxiety and stress, but otherwise is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and thus can neither admit nor deny the same.

RESPONSE TO COUNT 4 - FRAUD AND MISREPRESENTATION

53.

This Defendant incorporates its responses to paragraphs 1 through 52, above, as if restated in full and set forth specifically herein.

54.

This Defendant denies the allegations contained in paragraph 54 of the Complaint.

55.

This Defendant denies the allegations contained in the first sentence of paragraph 55 of the Complaint. BOR is without knowledge or information sufficient to form a belief as to the

truth of the allegations contained in the second sentence of paragraph 55, and thus can neither admit nor deny the same.

56 - 59.

This Defendant is without knowledge or information sufficient to form a belief as to Plaintiff's alleged reliance, but otherwise denies the allegations contained in paragraphs 56, 57, 58, and 59 of the Complaint.

RESPONSE TO COUNT 5 - NEGLIGENCE

60.

This Defendant incorporates its responses to paragraphs 1 through 59, above, as if restated in full and set forth specifically herein.

61.

This Defendant denies the allegations contained in paragraph 61 of the Complaint.

62.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 62 of the Complaint, and thus can neither admit nor deny the same.

63.

This Defendant denies negligence and proximate cause, but otherwise is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in

paragraph 63 of the Complaint, and thus can neither admit nor deny the same.

RESPONSE TO COUNT 6 - PROFESSIONAL NEGLIGENCE

64.

This Defendant incorporates its responses to paragraphs 1 through 63, above, as if restated in full and set forth specifically herein.

65 - 67.

The allegations contained in paragraphs 65, 66, and 67 of the Complaint are not directed to this Defendant. To the extent that any response may be deemed called for from this Defendant, said allegations are denied.

RESPONSE TO COUNT 7 - BREACH OF CONTRACT

68.

This Defendant incorporates its responses to paragraphs 1 through 67, above, as if restated in full and set forth specifically herein.

69 - 71.

BOR denies that FVSU's handbook, policies, or mission statement constitute "contracts" as alleged, and denies the remaining allegations contained in paragraphs 69, 70, and 71 of the Complaint.



RESPONSE TO COUNT 8 - PREMISES LIABILITY

72.

This Defendant incorporates its responses to paragraphs 1 through 71, above, as if restated in full and set forth specifically herein.

73.

In response to the allegations contained in paragraph 73 of the Complaint, BOR answers that its duties are as provided by law, denies that its legal duties can be altered or expanded by Plaintiff's allegations, and denies any allegation or implication that this Defendant breached any applicable duty in connection with the facts and circumstances at issue in this case.

74.

This Defendant denies the allegations contained in the first sentence of paragraph 74 of the Complaint. In response to the allegations contained in the second sentence of paragraph 74, this Defendant's knowledge or information regarding the matters alleged are as set forth in the records regarding same which, being written documents, will speak for themselves. This Defendant denies as pled any allegations of Plaintiff that summarize said records or reference them only in part, and incorporates by reference any applicable records as if restated in full and set forth specifically herein.

75 - 77.

This Defendant denies the allegations contained in paragraphs 75, 76, and 77 of the Complaint.

RESPONSE TO COUNT 9 - VICARIOUS LIABILITY

78.

This Defendant incorporates its responses to paragraphs 1 through 77, above, as if restated in full and set forth specifically herein.

79.

In response to the allegations contained in paragraph 79 of the Complaint, this Defendant admits that Defendant Bryant was a BOR employee who worked for the FVSU Campus Police Department, but denies that the conduct of which he is accused was within the scope of his official state duties or employment. Any remaining allegations in this paragraph are denied as pled.

80 - 82.

This Defendant denies the allegations contained in paragraphs 80, 81, and 82 of the Complaint.

RESPONSE TO COUNT 10 - IMPUTED LIABILITY

83.

This Defendant incorporates its responses to paragraphs 1 through 82, above, as if restated in full and set forth specifically herein.

84.

In response to the allegations contained in paragraph 84 of the Complaint, this Defendant admits that Defendant Bryant was a BOR employee who worked at the FVSU Campus Police Department, but denies that the conduct of which he is accused in this case was a part of his official state duties or employment.

85 - 86.

This Defendant denies the allegations contained in paragraphs 85 and 86 of the Complaint.

RESPONSE TO COUNT 11 - NEGLIGENT HIRING, TRAINING  
AND SUPERVISION AND NEGLIGENT RETENTION

87.

This Defendant incorporates its responses to paragraphs 1 through 86, above, as if restated in full and set forth specifically herein.

88.

This Defendant denies the allegations contained in paragraph 88 of the Complaint.

89.

In response to the allegations contained in paragraph 89 of the Complaint, this Defendant answers that its duties are as provided by law, denies that its legal duties can be altered or expanded by Plaintiff's allegations, and denies any allegation or implication that this Defendant breached any applicable duty

in connection with the facts and circumstances at issue in this case. Any remaining allegations in this paragraph are denied as pled.

90 - 91.

This Defendant denies the allegations contained in paragraphs 90 and 91 of the Complaint.

92.

BOR denies as pled the allegations contained in paragraph 92 of the Complaint, but admits that FVSU was aware of certain complaints against Bryant as set forth in the written records regarding same, admits that said complaints were investigated, admits that appropriate training and/or discipline occurred as set forth in the documentation regarding same, and admits that his performance reviews were as reflected in the documents pertaining to same. BOR denies any allegations of Plaintiff that summarize said records or reference them only in part, and incorporates by reference any applicable records as if restated in full and set forth specifically herein.

RESPONSE TO COUNT 12 - VIOLATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 ("Title IX"), 20 U.S.C. § 1681(a), et seq.

93.

This Defendant incorporates its responses to paragraphs 1 through 92, above, as if restated in full and set forth specifically herein.

94.

In response to the allegations contained in paragraph 94 of the Complaint, BOR answers that any federal funding received by FVSU is as provided by law and as reflected in the pertinent funding paperwork, which is incorporated by reference as if restated in full and set forth specifically herein. Any remaining allegations are denied as pled.

95.

In response to the allegations contained in the first sentence of paragraph 95 of the Complaint, BOR admits that it has a policy manual containing written policies that speak for themselves, and admits that BOR's policies prohibit sexual misconduct as defined therein. This Defendant denies the allegations contained in the second sentence of paragraph 95.

96 - 97.

BOR denies as pled the allegations contained in paragraphs 96 and 97 of the Complaint, and shows instead that BOR and its member institutions promulgate, implement, and execute policies, and that university officials and employees at the various BOR universities, including FVSU, train and supervise their employees as per the various organizational charts and chains of command. This Defendant denies any allegation or implication that BOR/FVSU officials deprived Plaintiff of rights and liberties, and denies that BOR/FVSU officials failed to properly

train or supervise. This Defendant further denies that Georgia law imposes a duty to "ensure" or "insure."

98 - 100.

This Defendant denies the allegations contained in paragraphs 98, 99, and 100 of the Complaint.

RESPONSE TO COUNT 13 - 42 U.S.C. § 1983 - VIOLATION OF CIVIL RIGHTS

101.

This Defendant incorporates its responses to paragraphs 1 through 100, above, as if restated in full and set forth specifically herein.

102 - 104.

This Defendant denies the allegations contained in paragraphs 102, 103, and 104 of the Complaint.

RESPONSE TO COUNT 14 - 42 U.S.C. § 1983 - VICARIOUS LIABILITY

105.

This Defendant incorporates its responses to paragraphs 1 through 104, above, as if restated in full and set forth specifically herein.

106 - 107.

BOR denies the allegations contained in paragraphs 106 and 107 of the Complaint.

RESPONSE TO COUNT 15 - DAMAGES

108.

This Defendant incorporates its responses to paragraphs 1 through 107, above, as if restated in full and set forth specifically herein.

109 - 110.

This Defendant denies paragraphs 109 and 110 of the Complaint to the extent that the allegations contained therein assert or imply that BOR proximately caused Plaintiff's grades to suffer, proximately caused Plaintiff to incur medical expenses, proximately caused Plaintiff to suffer anguish and emotional distress or physical health issues, proximately caused Plaintiff to incur mental and physical pain and suffering, or proximately caused Plaintiff to have to transfer schools, but otherwise is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in these paragraphs, and thus can neither admit nor deny the same.

RESPONSE TO COUNT 16 - PUNITIVE DAMAGES

111.

This Defendant incorporates its responses to paragraphs 1 through 110, above, as if restated in full and set forth specifically herein.

112.

This Defendant denies the allegations contained in paragraph 112 of the Complaint.

VERIFICATION

Should subject matter jurisdiction be established as to any claims against this Defendant, then a Verification of this Defendant's Answer will be attached by way of an amended or supplemental pleading with regard to any such claims.

This Defendant denies any and all other allegations in the Complaint not referred to herein specifically, denies all prayers of the Complaint, and denies that the Plaintiff is entitled to recover against this Defendant in this case.

THIS DEFENDANT DEMANDS A TRIAL BY A TWELVE (12) PERSON JURY ON ANY ISSUE OF FACT NOT CAPABLE OF RESOLUTION AS A MATTER OF LAW.

WHEREFORE, having fully responded to the allegations of Plaintiff's Complaint, this Defendant prays that it be dismissed with costs taxed to the Plaintiff.

Respectfully submitted,

CHRISTOPHER M. CARR  
Attorney General

112505

KATHLEEN M. PACIOUS  
Deputy Attorney General

558555



/s/ Loretta L. Pinkston-Pope

LORETTA L. PINKSTON-POPE 580385  
Senior Assistant Attorney General

/s/ Ron Boyter

RON BOYTER 073553  
Senior Assistant Attorney General

PLEASE ADDRESS ALL  
COMMUNICATIONS TO:

LORETTA L. PINKSTON-POPE  
Senior Assistant Attorney General  
40 Capitol Square, SW  
Atlanta, Georgia 30334-1300  
Telephone: (404) 656-3370

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the within and foregoing ANSWER TO COMPLAINT, by depositing a copy thereof, postage prepaid, in the United States Mail properly addressed upon the following:

Teresa A. DiPonzio  
Teresa A. DiPonzio, LLC  
P.O. Box 948  
Suwanee, GA 30024

Eve A. Appelbaum  
Appelbaum & Henefeld, P.C.  
9 Lenox Pointe NE, Suite B  
Atlanta, GA 30324

This 19<sup>th</sup> day of July, 2018.

/s/ Loretta L. Pinkston-Pope  
Loretta L. Pinkston-Pope  
Georgia Bar No. 580385