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JAN 02, 2024 04:40 PM


Jason E. Bragg, Clerk
Effingham County, Georgia

IN THE STATE COURT OF EFFINGHAM COUNTY
STATE OF GEORGIA

SHANE RAMSEY,)
Plaintiff,)
v.)
YANCY FORD and JAMIE WELLS,)
Defendants.)

Civil Action No: **STCV2023000435**

DEFENDANT JAMIE WELLS' BRIEF IN SUPPORT OF MOTION TO DISMISS
PLAINTIFF'S COMPLAINT

COMES NOW Defendant Jamie Wells, and pursuant to O.C.G.A. §§ 9-2-5 and 9-11-12(b) and supporting case law, files this Brief in Support of his Motion to Dismiss the above-styled action due to the impermissible splitting of claims and the doctrine of prior pending action. In support of this motion, Defendant Wells respectfully shows the Court the following:

I. INTRODUCTION

Plaintiff, Shane Ramsey, previously filed a whistleblower action against Jamie Wells among others, which is currently pending. Subsequently, Plaintiff filed a second action alleging tortious interference, defamation, and related claims based on substantially the same set of facts. This constitutes impermissible claim splitting and violates the doctrine of prior pending action as articulated in O.C.G.A. § 9-2-5.

II. STATEMENT OF FACTS

a. Allegations in the First Complaint

Plaintiff filed the first action in the Superior Court of Effingham County on June 28, 2023. (Complaint in the First Action, attached hereto as Exhibit "A"). This First Action originally omitted

Defendant Jamie Wells as a Defendant. However, on August 21, 2023, Plaintiff moved to add Jamie Wells to the First Action as a defendant, claiming that Wells was a “necessary defendant” to the first action, as:

Approximately two (2) weeks after the filing of the lawsuit filed by Plaintiff, (with one of the allegations being that Defendant Yancy Ford threatened to contact Plaintiff’s new employee for the purpose of interfering with his employment) Jamie Wells contacted Plaintiff’s current employer and did exactly what was threatened. Wells contacted the Athletic Director’s personal cellular phone number, which is not published. He stated he was President of the ECHS Booster Club and that the football coach, John Ford is angry at Plaintiff for filing the suit. He further stated that Plaintiff was a bad coach and implied he was not going to do a good job; as he did not like the way Plaintiff coached his sons.

(Plaintiff’s Motion to Add Party Needed for Just Adjudication, p. 2, attached hereto as Exhibit “B”).

The Court granted this motion, and on September 28, 2023, Plaintiff filed his Amended Complaint in the First Action, including a claim against Effingham County School District (ECSD) and various individuals, including Defendant Jamie Wells, under the Georgia Whistleblower Act. (Plaintiff’s Amended Complaint in the “First Action,” *Shane Ramsey v. Effingham Board Member, F. Lamar Allen, Officially, Board Member, Vickie Decker, Officially, Board Member, Jan Landing, Officially, Board Member, Lynn Anderson, Officially, Board Member, Ben Johnson, Officially, Officially Dr. Yancy Ford, Officially, Amie Dickerson, Officially, Jamie Wells*, In the Superior Court of Effingham County, State of Georgia, Civil Action No.: SUCV2023000096, attached hereto as Exhibit “C”). In the Amended Complaint Ramsey, a former teacher and coach at Effingham County High School, alleged that he faced constructive discharge (forced resignation) due to a hostile work environment created by the defendants. (Amended Complaint, generally). This alleged hostility was claimed to have arisen following Ramsey's reporting of a racial epithet incident in the school

locker room. (Amended Complaint, ¶8). Despite his attempts to address this incident, Ramsey contended that his efforts were criticized and undermined by the administration, leading to a series of retaliatory actions that made his working conditions intolerable, ultimately compelling his resignation. (Amended Complaint, ¶¶8-13). In regard to Wells, his involvement consisted of the phone call detailed above.

In response to the first complaint, Defendant Wells filed a motion to dismiss under O.C.G.A. § 9-11-12(b)(6), arguing that the complaint failed to state a claim upon which relief could be granted against him. (Attached hereto as Exhibit “D”). The motion emphasized that Wells, being sued in his individual capacity and not as an employee or agent of ECSD, was not a proper party to an action under the Georgia Whistleblower Act. (Defendant Wells’ Brief in Support of Motion to Dismiss, p. 3). It also argued that the Act protects public employees from retaliation by public employers, a category into which Wells did not fit. (Defendant Wells’ Brief in Support of Motion to Dismiss, p. 4-5). The motion further contended that the complaint against Wells was facially defective as an individual cannot be sued under the Whistleblower Act, and thus, Wells should be dismissed from the case. (*Id.*) This motion is still pending in the First Action, which remains active against Defendant Ramsey.

b. Allegations in the Second Complaint

Following the filing of the motion to dismiss in the first complaint, Ramsey filed the instant (and second) lawsuit against Defendants Ford and Wells. (Complaint in Second Action, attached hereto as Exhibit “E”). It is this Second Action that Defendant Wells now moves to dismiss. This Second Action shifted focus to allegations of tortious interference with contractual relations, defamation/slander, defamation/libel, and civil conspiracy/aiding and abetting. Ramsey accused Wells of making defamatory and derogatory comments to his new employer at Rome High School,

allegedly acting on Ford's direction. (Complaint in Second Action, generally). These actions, as alleged, were purportedly intended to sabotage Ramsey's new employment and damage his reputation. (Id.) Ramsey claimed that these acts of interference and defamation directly resulted in financial and reputational harm. Additionally, the complaint suggested that Wells and Ford conspired to undertake these actions, further exacerbating the alleged damages. (Id.) Again, the allegations in the second complaint against Wells stemmed from the same phone call that brought Wells into the First Action, alleging that “[o]n July 11, 2023, not long after Ford had made the threat to Ramsey to contact his new employer, Wells at the direction of Ford, contacted Ramsey's athletic director on his unlisted personal cell phone. Wells did not know the athletic director at Rome High School at any time prior to the call.” (Complaint in the Second Action, ¶11). It was supposedly in this call that Wells allegedly “made defamatory, and derogatory comments about Ramsey, intimating that he was incompetent and unqualified to coach.” (Complaint in the Second Action, ¶12). This same call allegedly represented the purported conspiracy to retaliate against Ramsey contained in the First Action.

c. Intersection of the Two Complaints

While the first and second complaints are based on different legal theories (whistleblower retaliation and tortious interference/defamation respectively), there is a clear thematic and chronological overlap. Both complaints stem from the same underlying series of events—Ramsey's employment, the incident at ECSD, his subsequent resignation, and the alleged retaliatory actions that followed – primarily the alleged July 11 phone call. The Second Action can be viewed as a direct extension of the hostile environment and retaliatory actions alleged in the first, thus raising concerns of claim splitting and prior pending action as prohibited under Georgia law.

III. ARGUMENT

a. Legal Standard for Claim Splitting and Prior Pending Action

“No plaintiff may prosecute two actions in the courts at the same time for the same cause of action and against the same party. If two such actions are commenced simultaneously, the defendant may require the plaintiff to elect which he will prosecute. If two such actions are commenced at different times, the pendency of the former shall be a good defense to the latter.” O.C.G.A. § 9-2-5. A cause of action is split where a single cause, claim, or demand is divided into two or more parts, and an action is brought for one of such parts only, intending to reserve the rest for a separate action. Astin v. Callahan, 222 Ga. App. 226, 474 S.E.2d 81 (1996). Generally, the law will not permit a plaintiff to split up his cause of action and prosecute it piecemeal. Steve A. Martin Agency, Inc. v. PlantersFIRST Corp., 297 Ga. App. 780, 780, 678 S.E.2d 186, 187 (2009). To allow such a practice would create an unnecessary hardship on the defendant and would lead to useless multiplicity of suits. If a splitting of the action is attempted, the pendency of the first may be pleaded in abatement of the others, and a judgment upon the merits of one will act as a bar in the others. Id.; § 1:7. Splitting causes of action; prior pending action, Ga. Practice & Procedure § 1:7 (2023-2024 ed.).

b. Both Lawsuits Arise from the Same Alleged Acts by Defendant Wells, and Plaintiff may not Split his Claims Against Defendant Wells into Two Actions

An examination of the initial whistleblower complaint and the subsequent complaint reveals that they are grounded in the same set of facts, involve the same parties, and essentially seek redress for the same alleged injuries. This aligns with the prohibitions against claim splitting as outlined in cases like Cooper v. Public Finance Corp., 146 Ga. App. 250, 246 S.E.2d 684 (1978). Importantly, here there are overlapping parties and roles. In both lawsuits, Plaintiff Shane Ramsey

names Jamie Wells as a defendant. In the First Action, Wells is implicated in a broader context of an alleged failure in the whistleblowing process, while in the Second Action, Wells is accused of tortious interference and defamation. Despite the different legal theories, the core of both lawsuits involves Wells' alleged actions against Ramsey. Both lawsuits cover a common factual background, as both complaints stem from Ramsey's tenure and subsequent resignation from Effingham County School District (ECSD). The First Action focuses on the alleged insufficiency of the investigation into a locker room incident and the purported hostile work environment, leading to Ramsey's resignation, but included the subject July 11 phone call. The second complaint pivots on the aftermath of this resignation, particularly focusing on Wells' alleged actions. However, both are inextricably linked to the same sequence of events surrounding Ramsey's employment and resignation, and Wells' allegedly defamatory July 11 phone call.

The second lawsuit, while framing the actions as tortious interference and defamation, can be viewed as a continuation of the alleged retaliatory conduct initially raised in the whistleblower lawsuit. The alleged phone call and disparaging remarks by Wells in the Second Action appear to be a direct extension of the alleged retaliatory environment detailed in the first lawsuit, and in fact consist of the reason Wells was considered a necessary defendant in the First Action. The cases also have similar underlying objectives: in both lawsuits, Ramsey's objective is to seek redress for damages suffered due to the alleged actions of Wells and others. While the legal theories differ—whistleblower retaliation in the first and tortious interference and defamation in the second—the underlying objective of compensating Ramsey for damages arising from his resignation remains consistent.

The principle of not allowing claim splitting and the doctrine of prior pending action, as enshrined in O.C.G.A. § 9-2-5, seeks to prevent the judicial inefficiency and potential for

inconsistent verdicts that could result from simultaneous or successive litigation of the same cause of action against the same party. Jenkins v. Crea, 289 Ga. App. 174, 656 S.E.2d 849 (2008). Here, the similarities in the factual circumstances, parties involved, and the recitation of the alleged conduct from the first lawsuit into the second establish that the second complaint is essentially addressing the same cause of action as the first. According to Georgia law, this constitutes impermissible claim splitting and is barred by the doctrine of prior pending action. The resolution of the initial lawsuit would likely address the core issues raised in the Second Action lawsuit, rendering the second complaint redundant, unnecessary and legally impermissible.

c. The Parties in the First Action are Necessary and Proper Parties to this action, and Plaintiff failed to Join the other Parties Engaged in Alleged Retaliation Against Ramsey

As noted above, Plaintiff alleged in the First Action that Defendant Wells' alleged phone call was part of an alleged conspiracy with Defendant Yancy Ford (also a defendant in both lawsuits, Defendant Ford was identified as one of Plaintiff's "administrators" in the First Action), a ECSD official. This alleged conspiracy is both listed as a reason Wells is a necessary party to the First Action, and was included as a cause of action in the Second Action. According to Plaintiff, this phone call was part of the purported "retaliation" by ECSD, yet Plaintiff did not include all of the ECSD officials in the Second Action. Therefore, if Defendant Wells was a necessary party to the First Action, then all named Defendants in the First Action are necessary parties to the Second Action under O.C.G.A. § 9-11-19.

IV. CONCLUSION

Given the substantial overlap in the parties, factual circumstances, and underlying issues in both complaints, it is evident that the second lawsuit filed by Shane Ramsey against Jamie Wells constitutes impermissible claim splitting and is barred by the doctrine of prior pending action.

Furthermore, Plaintiff failed to join necessary parties to the litigation. Therefore, Defendant Wells respectfully requests that this Court grant the Motion to Dismiss the second complaint in its entirety.

WHEREFORE, Defendant JAMIE WELLS respectfully requests that his Motion to Dismiss be GRANTED.

This 2nd day of January, 2024.

RAHIMI, HUGHES & PADGETT, LLC

/s/J. WESLEY PADGETT
J. WESLEY PADGETT
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CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing **DEFENDANT JAMIE WELLS' BREIF IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT** has been served on counsel for all parties by placing same in the United States Mail in a properly addressed envelope with sufficient postage affixed thereon and/or via electronic mail to all other counsel of record to ensure delivery to:

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EXHIBIT A

IN THE SUPERIOR COURT OF EFFINGHAM COUNTY

STATE OF GEORGIA

JUN 28, 2023 01:00 PM

Jason E. Bragg, Clerk
Effingham County, Georgia

COMPLAINT AND JURY DEMAND

Plaintiff, Shane Ramsey, brings this action against his former employer, the Effingham County School District, under the Georgia Whistleblower Act, O.C.G.A. § 45-1-4, alleging as follows:

PARTIES JURISDICTION AND VENUE

1.

Plaintiff is a citizen of the State of Georgia who was formerly employed by the Effingham County School District (ECS).

2.

Defendant ECSD is a public school system vested with the constitutional duty to "establish and maintain public schools" within its geographical limits. Ga. Const. Art. VII Sect. 5. ECSD is governed by the Effingham County Board of Education, which is charged with the duty to maintain "management and control" of the ECSD system. Ga. Const. Art. VIII, Sect. 5. ECSD may be served by having process delivered to its administrative offices at 405 North Ash Street, Springfield, Georgia 31329. All Defendants can be served process at 405 North Ash Street, Springfield, Georgia 31329.

3.

Jurisdiction is conferred upon this Court pursuant to the Georgia Civil Practice Act; O.C.G.A. § 9-10-30.

4.

Venue is proper in this Court because it is a county and judicial district in which Defendants reside and in which Defendant does business, and it is the county and judicial district in which a substantial part of the events or omissions giving rise to Ramsey's claims occurred. Ga. Const. Art. VI, Par. III.

5.

Further, this action has been timely commenced within one (1) year of the adverse action taken against Shane Ramsey, that is, constructive discharge (forced

resignation). All timelines and jurisdictional requirements for this action have been satisfied. See Exhibit "A".

6.

Plaintiff, Shane Ramsey, (hereinafter referred to as "Ramsey") began working for ECSD approximately three (3) years ago as a teacher and coach.

7.

A. Ramsey had extensive teaching and coaching experience, having won a State Championship at his former school, Heritage High.

B. Ramsey was ultimately promoted to head coach of the baseball program at Effingham County High School. In his first year as head coach, he guided the team to the Elite Eight. During his tenure as a teacher, he received excellent performance evaluations and received raises each fiscal year.

8.

As a teacher and coach, Ramsey is a mandated reporter, and responsible for teaching and coaching young students entrusted in his care. He is responsible for maintaining and fostering an environment where his students and athletes are safe. He is charged with preventing and or correcting prohibited behavior among his team.

9.

Based upon his experience as a public employee with the State of Georgia as an educator and coach, Ramsey was familiar with the laws, procedures, rules regarding prohibited behavior and conduct.

10.

On or about November 15, 2022, Ramsey walked into the locker room. He noticed a racial epithet affixed to the locker by way of a label. He immediately contacted his administrators, Amy Dickerson (Dickerson) and Yancy Ford (Ford) and advised them what happened. He subsequently held team meetings to address the racial epithet and to reiterate that it was not to be tolerated and unacceptable behavior; not only in his locker room, but anywhere in the world. He began to undertake to find out who had done the heinous act, as he intended to dismiss them from the team. But he received zero support from the administrators. In fact, his reporting of unlawful conduct was criticized. He was advised that he could not dismiss the offending students from the team and that administration would take over the investigation.

11.

Ramsey was upset at the way the “investigation” was taking place and also by the lack of punishment to the offending students and the message he felt was being sent by failing to hold them accountable. He had rightfully concluded that the actions of the offending students were a violation of the law. During that time, the administration

never informed parents of what had transpired, and on or about December 6, 2022, a parent was made aware of what had happened and approached administration about what had happened. It was at that point that ECSD, Amy Dickerson and Yancy Ford undertook to create a hostile work environment and retaliate against Ramsey for his reporting of the incident.

12.

Ramsey was outspoken about the lack of consequences to the offending students, and the more he refused to bend to their demands, the more difficult Defendants made it for him to be able to do his job. Ramsey consulted with his immediate supervisor, Amie Dickerson, raising questions concerning the incident and directions he was given regarding not mentioning the incident, and concerns for the safety of all the affected students on his team given to violate state and federal rules, regulations, procedures, and policies. He was asked to "leave it alone" and let the administration handle it, knowing that it would get swept under the rug. It did for over a month, until a parent became aware of what had transpired and approached administration at all levels. Knowing that a cover-up was underway, Ramsey made it abundantly clear to Dickerson, Ford, and others that he was not going to assist in sweeping this unlawful behavior under the rug.

13.

After the parent with public with the incident and the District's efforts to sweep it under the rug, and to dismiss the concerns, Dickerson and Ford began harassing Ramsey and altered the terms of his employment by effectively creating a hostile work environment. Dickerson began to accuse Ramsey of misappropriation of funds for allowing players from the previous year's team to keep their uniforms. He then showed her documentation from where it was apparent to all that the uniform packages that players paid for would allow them to keep the uniforms. She then proceeded to tell him that he was bad for the culture of baseball, and that no one wanted to play for him. Next, she told him that he was ruined and that his program would fail. She also began "critiquing" his performance, with baseless accusations. She began to call him to her office repeatedly in an attempt to harass or intimidate him and quasi-threatened him for giving information to the parent who had launched an investigation into the incident.

14.

Ramsey reached out to Superintendent Ford on several occasions regarding Dickerson's harassing and intimidating behavior re: his reporting the incident. Ford did absolutely nothing. After roughly five (5) incidents of being targeted by Dickerson, Ramsey contacted an attorney and had them put them on notice of the conditions he was facing at the hands of Dickerson due to her disapproval of his alleged speaking

with the parent. Even after the letter from the attorney, the harassing and intimidating behavior by Dickerson and Ford did not subside. He was constantly being harassed and intimidated by Dickerson and Ford, sometimes with phone calls late into the night by Ford. The truth was unwelcome and ultimately the result was the work environment escalated into intolerable work conditions and Ramsey resigned. Further, at the behest of Ford, and contrary to any other high school sports program, parents began contacting the athletic director, Jake Darling, and Ford to complain about Ramsey. This was a concerted attempt to have grounds to terminate him for his protected whistle blowing.

15.

The conduct of the ECSD, Ford and Dickerson created hostile and intolerable conditions at work for Ramsey that were so intolerable that he was compelled to resign. This constructive discharge occurred when ECSD, Ford and Dickerson, instead of directly firing Ramsey, created a hostile and intolerable work atmosphere that forced him to quit involuntarily. Ramsey's reasonable decision to resign because of the hostile and intolerable working conditions is equated to a formal discharge. Upon Ford finding out of Ramsey's departure, he made the comment to the effect, "I can call the Board up there," implying that he could call the Board of the new district where he was hired to interfere with his hire.

16.

Ramsey gave ECSD, Ford and Dickerson an opportunity to remedy the situation prior to the constructive discharge. Despite repeated calls to Ford begging him to address Dickerson and being put on notice by Ramsey's attorney, nothing was done. In fact, it got worse.

17.

At all times relevant to this Complaint, the ECSD, State was a "public employer" for purposes of O.C.G.A. § 45-1-4.

RETALIATION IN VIOLATION OF THE GEORGIA WHISTLEBLOWER ACT

18.

At all times relevant to this lawsuit, Plaintiff was "public employees" for purposes of O.C.G.A. § 45-1-4.

19.

The Georgia Whistleblower Act provides the following prohibitions against retaliation against employees who complain of misconduct by public employers:

- (d)(1) No public employer shall make, adopt, or enforce any policy or practice preventing a public employee from disclosing a violation of or noncompliance with a law, rule, or regulation to either a supervisor or a government agency;
- (2) No public employer shall retaliate against a public employee for disclosing a violation of or noncompliance with a law, rule, or regulation to either a supervisor or a

government agency, unless the disclosure was made with knowledge that the disclosure was false or with reckless disregard for its truth or falsity;

(3) No public employer shall retaliate against a public employee for objecting to, or refusing to participate in, any activity, policy, or practice of the public employer that the public employee has reasonable cause to believe is in violation of or noncompliance with a law, rule, or regulation.

20.

The law also prohibits retaliation against any public employee for “objecting to, or refusing to participate in, any activity, policy, or practice of the public employer that the public employee has reasonable cause to believe is in violation of or noncompliance with a law, rule, or regulation.” O.C.G.A. § 45-1-4(d)(3).

21.

While Plaintiff was a public employee of ECSD, he objected to and disclosed to his supervisors Ford and Dickerson that the incident violated the rules, regulations, and procedures.

22.

Plaintiff’s objections were protected because they objected to and disclosed activities that violated State and federal laws, rules, procedures, and regulations.

23.

ECSD, Ford and Dickerson violated the Georgia Whistleblower Act by retaliating against Plaintiff for objecting to the violations of State and federal laws, rules, procedures, and regulations by creating hostile and intolerable work conditions, causing him to resign. His resignation was caused by the intolerable working conditions, thus a constructive discharge.

24.

Any reason given for Ramsey's forced resignation, that is, constructive discharge, is false and a pretext for the retaliation underlying the decision of Defendants to willfully create a hostile work environment to force his resignation.

25.

Defendants' actions were willful, reckless, and taken in willful disregard of the probable consequences of their actions.

26.

As a direct, legal, and proximate result of Defendants' unlawful conduct, Ramsey has suffered significant financial loss, in an amount to be proven at trial. Ramsey has suffered loss of stature with respect to his position in the community, damage to his professional reputation and mental and emotional stress. ECSD is liable for all economic and non-economic damages resulting from its acts of retaliation against Plaintiffs as proven at the trial of this action.

27.

Accordingly, Ramsey seeks compensatory and other damages and expenses allowed by law against Defendants, in an amount to be proven at trial.

28.

Ramsey further seeks all available declaratory and equitable relief against Defendants, as appropriate.

WHEREFORE, Plaintiffs respectfully ask this Court to:

1. Find, order, and declare that Defendant violated Plaintiff's rights under the Georgia Whistleblower Act;
2. Award Plaintiff all legal and equitable relief available under the law based on the facts proven after discovery, including compensatory damages, back and front pay, pre- and post-judgment interest at the maximum rates allowable by law, attorneys' fees and expenses of litigation, and any other relief justified by the evidence and the governing law;
3. Grant a trial by jury on all issues so triable; and
4. Grant any further relief deemed necessary, proper, or just.

[SIGNATURE APPEARS ON THE NEXT PAGE]

Respectfully submitted this 28th day of June 2023.

THE ERVIN LAW FIRM, P.C.

/s/Joseph B. Ervin

Joseph B. Ervin, Esq.
Attorney for Plaintiff Ramsey
State Bar No.: 240996

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(912) 220-3580

EXHIBIT B

IN THE SUPERIOR COURT OF EFFINGHAM COUNTY
STATE OF GEORGIA

SHANE RAMSEY,)
)
 PLAINTIFF,)
)
 v.) CASE NO. SUCV2023000096
)
)
 EFFINGHAM SCHOOL)
 DISTRICT, BOARD MEMBERS,)
 LAMAR ALLEN, OFFICIALLY)
 VICKIE DECKER, OFFICIALLY,)
 JAN LANDING, OFFICIALLY,)
 LYNN ANDERSON, OFFICIALLY,)
 BEN JOHNSON, OFFICIALLY,)
 DR. YANCY FORD OFFICIALLY AND)
 AMIE DICKERSON, OFFICIALLY,)
)
 DEFENDANTS.)
)

Jason E. Bragg
Jason E. Bragg, Clerk
Effingham County, Georgia

MOTION TO ADD PARTY NEEDED FOR JUST ADJUDICATION

Plaintiff, Shane Ramsey, hereby move, pursuant to OCGA § 9-11-19, to add Jamie Wells, to this civil action as a necessary defendant needed for just adjudication. As grounds for this motion, the Plaintiff states as follows:

1. Plaintiff, Shane Ramsey brought this civil action against Defendants for violation of the Georgia Whistleblower Act.
2. Plaintiff seeks to add Jamie Wells as a defendant, as an employee/agent of the Defendant Effingham County School District. Mr. Wells committed actions on July 11, 2023, that we

will attempt to prove at trial that were at the behest of the Defendant. Further, we will demonstrate that his relationship with the District and certain aspects of his relationship move him from an independent contractor/vendor to one of employee where *respondeat superior* will apply. Approximately two (2) weeks after the filing of the lawsuit filed by Plaintiff, (with one of the allegations being that Defendant Yancy Ford threatened to contact Plaintiff's new employee for the purpose of interfering with his employment) Jamie Wells contacted Plaintiff's current employer and did exactly what was threatened. Wells contacted the Athletic Director's personal cellular phone number, which is not published. He stated he was President of the ECHS Booster Club and that the football coach, John Ford is angry at Plaintiff for filing the suit. He further stated that Plaintiff was a bad coach and implied he was not going to do a good job; as he did not like the way Plaintiff coached his sons. Plaintiff will seek to prove at trial that he was directed to do it by Defendant Yancy Ford, and that Yancy Ford provided the number to Jamie Wells.

3. Based on the actions of Jamie Wells and the conspiracy between him and Defendant Yancy Ford to further retaliate against Plaintiff in violation of the Georgia Whistle Blower Act.

4. As a second separate and independent basis for requiring Wells to be added to this case, Wells is a party needed for just adjudication of this action under GA. CODE ANN. § 9-11-19(a)(1) because in its absence, this Court cannot award Plaintiff complete relief.

As such, Plaintiff requests:

- A. That Jamie Wells be added as a Defendant to the lawsuit and served with process and summons;
- B. Any and all other relief the court deems appropriate.

Respectfully submitted this 21st day of August 2023.

/s/ Joseph B. Ervin

Joseph B. Ervin
Attorney for the Plaintiff
Georgia Bar No. 240996

THE ERVIN LAW FIRM
3710 Waters Avenue
Savannah, GA 31404
912-220-3580

IN THE SUPERIOR COURT OF EFFINGHAM COUNTY
STATE OF GEORGIA

SHANE RAMSEY,)
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 v.) CASE NO. SUCV2023000096
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 LYNN ANDERSON, OFFICIALLY,)
 BEN JOHNSON, OFFICIALLY,)
 DR. YANCY FORD OFFICIALLY AND)
 AMIE DICKERSON, OFFICIALLY,)
)
 DEFENDANTS.)
)

Certificate of Service

I hereby certify that on the 21st day of August 2023, I electronically filed the foregoing document, with the Superior Court of Effingham County by using the Peachcourt File and Serve system. I certify that the following parties or their counsel of record are registered as Peachcourt Filers and that they will be served by the Peachcourt system:

Brian Smith, Esq.

/s/ Joseph B. Ervin

Joseph B. Ervin
Attorney for Plaintiff
Georgia Bar No.: 240996

EXHIBIT C

IN THE SUPERIOR COURT OF EFFINGHAM COUNTY
STATE OF GEORGIA

FILED IN OFFICE
CLERK OF SUPERIOR COURT
EFFINGHAM COUNTY, GEORGIA
SUCV2023000096
P
SEP 28, 2023 01:03 PM


Jason E. Bragg, Clerk
Effingham County, Georgia

SHANE RAMSEY,
PLAINTIFF

VS.

CIVIL ACTION NO. _____

EFFINGHAM SCHOOL DISTRICT,
BOARD MEMBER, F. LAMAR ALLEN, Officially
BOARD MEMBER, VICKIE DECKER, Officially
BOARD MEMBER, JAN LANDING, Officially
BOARD MEMBER, LYNN ANDERSON, Officially
BOARD MEMBER, BEN JOHNSON, Officially
DR. YANCY FORD, Officially
AMIE DICKERSON, Officially
JAMIE WELLS.
DEFENDANTS.

AMENDED COMPLAINT AND JURY DEMAND

Plaintiff, Shane Ramsey, brings this action against his former employer, the Effingham County School District and Jamie Wells, under the Georgia Whistleblower Act, O.C.G.A. Section §45-1-4, alleging as follows:

PARTIES JURISDICTION AND VENUE

1.

Plaintiff is a citizen of the state of Georgia who was formerly employed by the Effingham County School District (ECSD).

2.

Defendant ECSD is a public school system vested with the constitutional duty to "establish and maintain public schools" within its geographical limits. Ga. Const. Art. VII sect. 5. ECSD is governed by the Effingham County Board of Education, which is charged with the duty to maintain "management and control" of the ECSD system. Ga. Const. At. VIII, sect. 5. ECSD may be served by having process delivered to its administrative offices at 405 N. Ash St., Springfield, GA 31329.

2a.

Defendant Jamie Wells (Wells) is a resident of Effingham County, Georgia and agent of Defendant ECSD. He can served summons and process at his legal residence, 103 Gnann Way, Springfield, GA 31329.

3.

Jurisdiction is conferred upon this Court pursuant to the Georgia Civil Practice Act, including O.C.G.A. 9-11-30 and 9-11-91. Venue is proper in this Court because it is a county and judicial district in which Defendants reside and in which Defendant does business, and it is the county and judicial district in which a substantial part of the events or omissions giving rise to Ramsey's claims occurred. O.C.G.A. 9-0-31; Ga. Const. ar. VI, 2. Further, this action has been timely commenced within one (1) year of the adverse action taken against Shane Ramsey, that is constructive discharge (forced resignations). All time lines and jurisdictional

requirements for this action have been satisfied.

4.

Plaintiff, Shane Ramsey, (hereinafter referred to as "Ramsey") began working for ECSD approximately three (3) years ago as a teacher and coach.

5.

A. Ramsey had extensive teaching and coaching experience having won a State Championship at his former school, Heritage High.

B. Ramsey was ultimately promoted to head coach of the baseball program at Effingham County High School. In his first year as head coach, he guided the team to the Elite Eight. During his tenure as a teacher he received excellent performance evaluations and received raises each fiscal year.

6.

As a teacher and coach, Ramsey is a mandated reporter, and responsible for teaching and coaching young students entrusted in his care. He is responsible for maintaining and fostering an environment where his students and athletes are safe. He is charged with preventing and or correcting prohibited behavior among his team.

7.

Based upon his experience as a public employee with the State of Georgia as an educator and coach, Ramsey was familiar with the laws, procedures, rules regarding prohibited behavior and conduct.

8.

On or about November 15, 2022, Ramsey walked into the locker room. He noticed a racial epithet affixed to the locker by way of a label. He immediately contacted his administrators, Amy Dickerson (Dickerson) and Yancy Ford (Ford) and advised them what happened. He subsequently held team meetings to address the racial epithet and to reiterate that it was not to be tolerated and unacceptable behavior; not only in his locker room, but anywhere in the world. He began to undertake to find out who had done the heinous act, as he intended to dismiss them from the team. But he received zero support from the administrators. In fact, his reporting of the ~~unlawful conduct~~ was criticized. He was advised that he could not dismiss the offending students from the team and that administration would take over the investigation.

9.

Ramsey was upset at the way the “investigation” was taking place and also by the lack of punishment to the offending students and the message he felt was being sent by failing to hold them accountable. He had rightfully concluded that the actions of the offending ~~students~~ were a violation of law. During that time, the administration never informed parents of what had transpired, and on or

about December 6, 2022, a parent was made aware of what had happened and approached administration about what had happened. It was at that point that ECSD, Amy Dickerson and Yancy Ford undertook to create a hostile work environment and retaliate against Ramsey for his reporting of the incident.

10.

Ramsey was outspoken about the lack of consequences to the offending students, and the more he refused to bend to their demands, the more difficult Defendants made it for him to be able to do his job. Ramsey consulted with his immediate supervisor, Amie Dickerson, raising questions concerning the incident and directions he was given regarding not mentioning the incident, and concerns for the safety of all the affected students on his team given to violate state and federal rules, regulations, procedures and policies. He was asked to "leave it alone" and let administration handle it, knowing that it would get swept under the rug. It did for over a month, until a parent became aware of what had transpired and approached administration at all levels. Knowing that a cover-up was underway, Ramsey made it abundantly clear to Dickerson, Ford and others that he was not going to assist in sweeping this unlawful behavior under the rug.

11.

After the parent with public with the incident and the District's efforts to sweep it under the rug, and to dismiss the concerns, Dickerson and Ford began harassing Ramsey and altered the terms of his employment by effectively creating a

hostile work environment. Dickerson began to accuse Ramsey of misappropriation of funds for allowing players from the previous year's team to keep their uniforms. He then showed her documentation from where it was apparent to all that the uniform packages that ~~players paid for~~ would allow for them to keep the uniforms. She then proceeded to tell him that he was bad for the culture of baseball, and that no one wanted to play for him. Next, she told him that he was ruined and that his program would fail. She also began "critiquing" his performance, with baseless accusations. She began to call him to her office repeatedly in an attempt to harass or intimidate him and quasi-threatened him for giving information to the parent who had launched an investigation into the incident.

12.

Ramsey reached out to the superintendent, Ford on several occasions regarding Dickerson's harassing and intimidating behavior re: his reporting the incident. Ford did absolutely nothing. After roughly 5 incidents of being targeted by Dickerson, Ramsey contacted an attorney and had them put them on notice of the conditions he was facing at the hands of Dickerson due to her disapproval of his alleged speaking with the parent. Even after the letter from the attorney, the harassing and intimidating behavior by Dickerson and Ford did not subside. He was constantly being harassed and intimidated by Dickerson and Ford, sometimes with phone calls late into the night by Ford. The truth was unwelcome and, ultimately, as a result, the work environment escalated into intolerable work conditions and Ramsey resigned. Further, at the behest of Ford, and contrary to any

other high school sports program, parents began contacting the athletic director, Jake Darling and Ford to complain about Ramsey. This was a concerted attempt to have grounds to terminate him for his protected whistle blowing.

13.

The conduct of the ECSD, Ford and Dickerson created conditions at work for Ramsey that were so intolerable that he was compelled to resign. This constructive discharge occurred when ECSD, Ford and Dickerson, instead of directly firing Ramsey, created an intolerable work atmosphere that forced him to quit involuntarily. Ramsey's reasonable decision to resign because of the intolerable working conditions is equated to a formal discharge. Upon Ford finding out of Ramsey's departure, he made the comment to the effect, "I can call the Board up there," implying that he could call the Board of the new district where he was hired to interfere with his hire. After Plaintiff filed this suit, at the behest of Defendants Ford, and ECSDDefendant Wells contacted Plaintiff's employer and made disparaging comments with the intent to sabotage, hinder and negatively affect Plaintiff's employment. Wells was acting as an agent of Defendant ECSD.

14.

Ramsey gave ECSD, Ford and Dickerson an opportunity to remedy the situation prior to the constructive discharge. Despite repeated calls to Ford begging him to address Dickerson and being put on notice by Ramsey's attorney, nothing was done. In fact, it got

worse.

15.

At all times relevant to this Complaint, the ECSD, State was a “public employer” for purposes of O.C.G.A. § 45-1-4.

**RETALIATION IN VIOLATION OF THE GEORGIA
WHISTLEBLOWER ACT**

16.

At all times relevant to this lawsuit, Plaintiff was “public employees” for purposes of O.C.G.A. § 45-1-4.

17.

The Georgia Whistleblower Act provides the following prohibitions against retaliation against employees who complain of misconduct by public employers:

(d)(1) No public employer shall make, adopt or enforce any policy or practice preventing a public employee from disclosing a violation of or noncompliance with a law, rule, or regulation to either a supervisor or a government agency;

(2) No public employer shall retaliate against a public employee for

disclosing a violation of or noncompliance with a law, rule, or regulation to either a supervisor or a government agency, unless the disclosure was made with knowledge that the disclosure was false or with reckless disregard for its truth or falsity;

(3) No public employer shall retaliate against a public employee for objecting to, or refusing to participate in, any activity, policy or practice of the public employer that the public employee has reasonable cause to believe is in violation of or noncompliance with a law, rule or regulation.

18.

The law also prohibits retaliation against any public employee for “objecting to, or refusing to participate in, any activity, policy, or practice of the public employer that the public employee has reasonable cause to believe is in violation of or noncompliance with a law, rule, or regulation.” O.C.G.A. § 45-1-4(d)(3).

19.

While Plaintiff was a public employee of ECSD, he objected to and disclosed to his supervisors Ford and Dickerson that the incident violated the rules, regulations and procedures.

20.

Plaintiff's objections were protected because they objected to and disclosed activities that likely violated State and federal laws, rules, procedures and regulations.

21.

ECSD, Ford, Dickerson and Wells violated the Georgia Whistleblower Act by retaliating against Plaintiff for objecting to the violations of State and federal laws, rules, procedures and regulations by creating hostile and intolerable work conditions, causing him to resign. His resignation was caused by the intolerable working conditions, thus a constructive discharge.

22.

Any reason given for Ramsey's forced resignation, that is constructive discharge, is false and a pretext for the retaliation underlying the decision of Defendants to willfully create a hostile work environment to force his resignation.

23.

Defendants' actions were willful, reckless and taken in willful disregard of the probable consequences of their actions.

23.

As a direct, legal and proximate result of Defendants' unlawful conduct, Ramsey has suffered significant financial loss, in an amount to be proven at

trial. Ramsey has suffered loss of stature with respect to his position in the community, damage to his professional reputation and mental and emotional stress. ECSD is liable for all economic and non-economic damages resulting from its acts of retaliation against Plaintiffs as proven at the trial of this action.

24.

Accordingly, Ramsey seeks compensatory and other damages and expenses allowed by law against Defendants, in an amount to be proven at trial.

25.

Ramsey further seeks all available declaratory and equitable relief against Defendants, as appropriate.

WHEREFORE, Plaintiffs respectfully ask this Court to:

1. Find, order, and declare that Defendant violated Plaintiff's rights under the Georgia Whistleblower Act;
2. Award Plaintiff all legal and equitable relief available under the law based on the facts proven after discovery, including compensatory damages, back and front pay, pre- and post-judgment interest at the maximum rates allowable by law, attorneys' fees and expenses of litigation, and any other relief justified by the evidence and the governing law;