

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

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ANGELA FORTNER,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. _____
v.	)	
	)	
STATE OF TENNESSEE, THE	)	JURY DEMAND
UNIVERSITY OF TENNESSEE,	)	
PRESIDENT OF THE UNIVERSITY	)	
JOSEPH DIPIETRO, individually	)	
And in his official capacity,	)	
CHANCELLOR OF THE	)	
UNIVERSITY OF TENNESSEE	)	
AT MARTIN THOMAS RAKES,	)	
individually and in his official capacity,	)	
	)	
Defendants.	)	

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NOTICE OF REMOVAL

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TO: United States District Court  
Western District of Tennessee  
Eastern Division  
111 South Highland Avenue, Room 262  
Jackson, Tennessee 38301

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441, 1443, and 1446, Defendants State of Tennessee, The University of Tennessee, Joseph DiPietro, and Thomas Rakes, collectively referred to as "Defendants," remove to this Court an action commenced in the Circuit Court for Weakley County, Tennessee, in which all

jurisdictional requirements under 28 U.S.C. §§ 1331 and 1343 have been met. In support of this Notice, Defendants state:

1. On February 10, 2014, an action was commenced in the Circuit Court for Weakley County, Tennessee, entitled *Angela Fortner v. State of Tennessee, University of Tennessee, President of the University of Tennessee and Thomas Rakes, Chancellor of the University of Tennessee at Martin*, Civil Action No. 2014CV9. The action was brought under 42 U.S.C. § 1983 alleging violation of Plaintiff's civil rights under the First and Fourteenth Amendments to the United States Constitution.

2. A Summons for each defendant was issued by the Circuit Court on February 10, 2014. The State of Tennessee was served with the Summons and Complaint on February 20, 2014. The other defendants were served with the Summons and Complaint on February 24, 2014.

3. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over Plaintiff's claims against all Defendants because all of the claims arise under the Constitution and laws of the United States. This Court also has original jurisdiction over Plaintiff's claims, which allege violations of civil rights, pursuant to 28 U.S.C. § 1343. This action accordingly may be removed to this Court by the Defendants pursuant to 28 U.S.C. §§ 1441(a) and 1443.

4. Defendants now remove to this Court all claims asserted by Plaintiff in this action. Copies of all process and pleadings served upon the Defendants to date are attached hereto as Collective Exhibit A.

5. Venue is proper in the Western District of Tennessee, Eastern Division.

6. This Notice of Removal is filed within 30 days after receipt of the Complaint by the Defendants.

8. Defendants are filing written notice of this Notice of Removal with the Circuit Court Clerk for Weakley County, Tennessee at Dresden contemporaneously with this filing, a copy of which is attached as Exhibit B.

9. Copies of all documents filed by Defendants in both Weakley County Circuit Court and with this Court have been served on Plaintiff's counsel.

Respectfully submitted this 21st day of March, 2014.

/s/ Thomas C. Doolan  
Thomas C. Doolan BPR # 012513  
Associate General Counsel  
The University of Tennessee  
Office of the General Counsel  
719 Andy Holt Tower  
Knoxville, TN 37996-0170  
(865) 974-3245  
[tdoolan@tennessee.edu](mailto:tdoolan@tennessee.edu)

Attorney for All Defendants

#### **CERTIFICATE OF SERVICE**

I hereby certify that on March 21, 2014, a true and correct copy of the foregoing Notice of Removal was served via first-class mail, postage prepaid, to

Michael L. Weinman  
112 S. Liberty Street, Suite 321  
P.O. Box 266  
Jackson, Tennessee 38302

/s/ Thomas C. Doolan  
Thomas C. Doolan

JS 44 (Rev. 12/12)

### CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p><b>I. (a) PLAINTIFFS</b></p> <p>Angela Fortner</p> <p><b>(b)</b> County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p><b>(c)</b> Attorneys <i>(Firm Name, Address, and Telephone Number)</i>                  Michael L. Weinman                  112 S. Liberty Street, Suite 321, PO Box 266                  Jackson, TN 38302 731-423-5565</p>	<p><b>DEFENDANTS</b></p> <p>State of Tennessee, The University of Tennessee, UT President Joseph DiPietro and UT Martin Chancellor Thomas Rakes</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i>                  Thomas C. Doolan, Associate General Counsel, Univ. of TN                  719 Andy Holt Tower, Knoxville, TN 37996-0170 865-974-3245</p>
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<p><b>II. BASIS OF JURISDICTION</b> <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. NATURE OF SUIT** *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES		
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p><b>PERSONAL PROPERTY</b></p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<p><b>PROPERTY RIGHTS</b></p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p><b>Habeas Corpus:</b></p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p><b>Other:</b></p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN** *(Place an "X" in One Box Only)*

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from Another District *(specify)*     6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*

Brief description of cause: Civil Rights/employment

**VII. REQUESTED IN COMPLAINT:**     CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$ \_\_\_\_\_    CHECK YES only if demanded in complaint: JURY DEMAND:  Yes     No

**VIII. RELATED CASE(S) IF ANY** *(See instructions):*    JUDGE \_\_\_\_\_    DOCKET NUMBER \_\_\_\_\_

DATE: 03/21/2014    SIGNATURE OF ATTORNEY OF RECORD: /s/ Thomas C. Doolan

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

IN THE CIRCUIT COURT OF TENNESSEE FOR THE  
TWENTY-SEVENTH JUDICIAL DISTRICT AT DRESDEN, WEAKLEY COUNTY

**COPY**

ANGELA FORTNER,

Plaintiff,

VS.

STATE OF TENNESSEE, THE UNIVERSITY  
OF TENNESSEE, PRESIDENT OF THE  
UNIVERSITY OF TENNESSEE JOSEPH  
DIPIETRO, individually and in his official  
capacity, CHANCELLOR OF THE  
UNIVERSITY OF TENNESSEE AT MARTIN  
THOMAS RAKES, individually and in his  
official capacity,

Defendants.

No. 2014CV9  
Jury Trial Demanded

**FILED**  
**WEAKLEY COUNTY**  
FEB 10 2014  
TIME *Helly W. Foster*  
CIRCUIT COURT CLERK

COMPLAINT

COMES now the Plaintiff, Angela Fortner, by and through counsel, Michael L. Weinman,  
and for cause of action would state as follows:

**I. JURISDICTION AND VENUE**

I. This is an action for damages and declaratory relief to redress the violation of  
rights secured by the First and Fourteenth Amendments to the Constitution of the United States  
of America. Jurisdiction is invoked pursuant to 42 U.S.C. §§ 1983, 1988 as this Court has  
jurisdiction to hear this cause of action. The actions complained of herein occurred in Weakley

County, Tennessee, within the jurisdiction and venue of this Court.

## **II. PARTIES**

2. The Plaintiff, Angela Fortner, was at all times mentioned in this complaint a resident of Weakley County, Tennessee.

3. Defendant, State of Tennessee, hereinafter "State," is a political subdivision of the United States of America and operates the University of Tennessee at Martin as a state university in Weakley County, Tennessee at all times pertinent hereto. The State may be served by serving Robert E. Cooper, Jr., P.O. Box 20207, Nashville, Tennessee 37202.

4. Defendant, the University of Tennessee ("UT"), is the arm of the State of Tennessee that is responsible for the operation of the State's university system including the University of Tennessee at Martin ("UT Martin") with its principal office located at 325 Administration Building, University of Tennessee Martin Campus, Martin, Tennessee 38238. Defendant, the University of Tennessee, is responsible for the administration, operation and supervision of the University of Tennessee at Martin and for the promulgation and enforcement of rules, regulations, policies, customs and practices relevant thereto and at all times pertinent was acting under color of law.

5. Defendant, Joseph DiPietro ("DiPietro"), is and was at all times relevant hereto the President of the University of Tennessee and as such was responsible for the administration, operation and supervision of University of Tennessee campuses and for the promulgation and enforcement of rules, regulations, policies, customs and practices relevant thereto and at all times pertinent hereto was acting in that capacity and under color of state law.

6. Defendant, Thomas Rakes ("Rakes"), is the Chancellor of the University of Tennessee at Martin and is responsible for the administration, operation and supervision of the

University of Tennessee at Martin and for the promulgation and enforcement of rules, regulations, policies customs and practices relevant thereto and at all times pertinent hereto was acting in that capacity and under color of state law.

### **III. STATEMENT OF FACTS**

7. Plaintiff began her employment with the Defendants at the University of Tennessee at Martin on or about October of 2000. At the time of her termination Plaintiff was the IT Manager for the Information Technology Services Department helpdesk, responsible for the operation of the helpdesk and the supervision of 5 full time employees and 10-12 part time employees. Plaintiff was an exemplary employee and had never been subjected to any disciplinary actions as an employee of the Defendants

8. On or about March 30, 2012 some of the student's employed by the Defendants and working under the Plaintiff's direction created a Facebook group about the UT Martin Helpdesk and asked Plaintiff to join the Facebook group. Plaintiff joined the group.

9. On May 10, 2012, one of the members of the Facebook group posted a picture and comment pertaining to the microwave oven that was utilized by the Helpdesk workers. Another member of the group commented on the picture "we really should clean that microwave" on May 10, 2012. Plaintiff responded to the comment that the microwave should be cleaned, stating with her own comment that she agreed it should be cleaned. Plaintiff avers that her response to the post was protected speech under the First Amendment.

10. On October 11, 2013, Plaintiff received a notice from UT Martin's Human Resources' Director Phil Bright ("Bright") and her Supervisor Terry Lewis ("Lewis") requesting that she meet with them to discuss issues involving her employment. That same day Plaintiff met with Bright and Lewis.

11. Lewis stated that because Plaintiff had joined the Facebook group, viewed some of the information on the group's page, and did not "do" anything about the group that she had two options: resign or be terminated. Lewis and Bright then produced a resignation form that had already been prepared and ready prior to the meeting.

12. Bright informed Plaintiff that if she resigned, she would be paid for her vacation days. Bright did not inform Plaintiff that if she chose to resign instead of being terminated she would be unable to appeal the decision to terminate her employment as authorized by the University of Tennessee Human Resource System Policy ("UT Policy"). Plaintiff asked Bright several questions about her termination which he was unable to answer. Bright also failed to direct Plaintiff to someone who could answer her questions. Plaintiff avers that the Defendants' ultimatum that she resign or be terminated effectively discharged her from further employment with the Defendants.

13. Plaintiff avers that the reason for her termination/discharge was because she had engaged in constitutionally protected speech and her right to association when she was invited to join a Facebook group by a former student employee, joined the group, and commented on a Facebook post.

14. Plaintiff further avers that Defendants termination of her employment did not follow the procedures mandated by the UT Policy

#### **IV. CAUSES OF ACTION**

##### **Claims brought pursuant to 42 U.S.C. § 1983**

##### **A. FIRST AMENDMENT CLAIMS**

15. Plaintiff incorporates by reference the allegations contained in paragraphs 1



through 14 of the Complaint set forth above.

16. Plaintiff avers that Defendants acting separately and/or conspiring together, under color of law, in either or both their individual and/or official capacities and as policy makers for UT and UT Martin, retaliated against the Plaintiff for engaging in speech protected by the First Amendment to the United States Constitution in violation of Plaintiff's rights under said Amendment resulting in the damages listed below.

17. Plaintiff further avers that Defendants, acting separately and/or conspiring together, under color of law, in either or both their individual and/or official capacities, retaliated against the Plaintiff for her constitutional right of association protected by the First Amendment to the United States Constitution in violation of Plaintiff's rights under said Amendment resulting in the damages listed below.

#### **B. FOURTEENTH AMENDMENT DUE PROCESS CLAIMS**

18. Plaintiff incorporates by reference the factual statements contained in paragraphs 1 through 17 of the Complaint set forth above.

19. Plaintiff submits that the Defendants had in place at the time of her termination certain policies and procedures enacted by the University of Tennessee System Policy as guaranteed by the University of Tennessee to state employees, applicable to Plaintiff, guaranteeing her the right to certain procedures pertaining to disciplinary actions, including unsatisfactory work performance or work-related behavior, and termination, which the Defendants failed to follow. Plaintiff further avers that these policies and procedures created rights enforceable under the due process clause of the Fourteenth Amendment to the United States Constitution, and that each of the Defendants acting separately and/or conspiring together, under color of law, in either or both their individual and/or official capacities, denied her

procedural due process of law within the meaning of the Fourteenth Amendment to the United States Constitution, when they failed to afford her these procedures resulting in the damages listed below.

20. Plaintiff further alleges that Defendants' policies and procedures left an identifiable risk when Defendants, UT and UT Martin, granted uncircumscribed discretion to the Director and Supervisor of UT Martin's Human Resources by not providing any guidance on requesting for resignation. Defendants illegally delegated this uncircumscribed discretion to both the Supervisor and Director.

#### **V. DAMAGES**

21. As a direct and proximate cause of the foregoing deprivations of constitutional rights committed by Defendants, Plaintiff suffered monetary losses due to the loss of her salary and other benefits of employment. Defendants' actions complained of herein, have also caused Plaintiff to suffer severe emotional harm and mental anguish, embarrassment and inconvenience and she has had to retain legal counsel to pursue this action

22. As a basis for punitive damages against the individually named Defendants, Plaintiff Angela Fortner would show that the deprivations of constitutional freedoms and rights were knowingly, intentionally, and maliciously done and/or with reckless and/or deliberate indifference to these constitutionally protected rights and said acts were further an abuse of the power and trust for public officers and employees.

#### **VI. PRAYERS FOR RELIEF**

**WHEREFORE PREMISES CONSIDERED, Plaintiff respectfully requests:**

a. That process issue and be served upon the Defendants, requiring them to appear and answer this Complaint, in accordance with the Tennessee Rules of Civil Procedure;

b. That the Defendants' practices, complained herein, be declared in violation of and in contravention of the United States Constitution;

c. Grant Plaintiff any compensatory damages to which she is entitled arising out of Defendant's actions including, but not limited to, damages for her severe emotional distress not to exceed \$500,000.00.

d. That Plaintiff be awarded punitive damages to which she is entitled under 42 U.S.C. § 1983 as a result of the actions complained of herein;

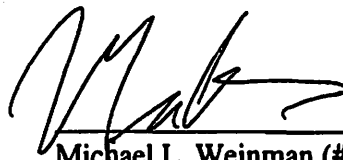
e. That Plaintiff be awarded the reasonable costs in prosecuting this action and prejudgment interest, including reasonable attorney's fees pursuant to 42 U.S.C. § 1988;

f. That Plaintiff be awarded a trial by jury;

g. That Plaintiff be awarded such other, further and general relief to which they may be entitled under either law or equity.

Respectfully Submitted,

WEINMAN & ASSOCIATES

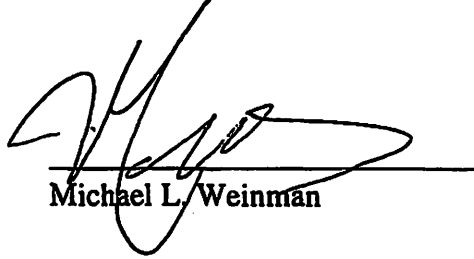


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Michael L. Weinman (# 015074)  
*Attorney for Plaintiff*  
112 S. Liberty Street, Suite 321  
P.O. Box 266  
Jackson, Tennessee 38302  
(731) 423-5565  
mike@weinmanandassoc.com

**COST BOND**

I, the undersigned, stand as surety for any amounts required by law or included in the clerks bill of costs in this cause.



Michael L. Weinman

IN THE CIRCUIT COURT OF TENNESSEE FOR THE TWENTY-SEVENTH JUDICIAL DISTRICT AT DRESDEN, WEAKLEY COUNTY

RECEIVED ON  
FEB 24 '14  
UT Office of  
General Counsel

ANGELA FORTNER, )  
 )  
Plaintiff, )  
 )  
VS. )  
 )  
 )  
 )  
STATE OF TENNESSEE, THE UNIVERSITY )  
OF TENNESSEE, PRESIDENT OF THE )  
UNIVERSITY OF TENNESSEE JOSEPH )  
DIPIETRO, individually and in his official )  
capacity, CHANCELLOR OF THE )  
UNIVERSITY OF TENNESSEE AT MARTIN )  
THOMAS RAKES, individually and in his )  
official capacity, )  
 )  
 )  
Defendants. )

No. 2014 CVA  
Jury Trial Demanded

ORIGINAL

SUMMONS

To the above named Defendant(s): Dr. Joe DiPietro, President of the University of Tennessee  
831 Andy Holt Tower  
Knoxville, TN 37996

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and serving a copy of your answer to the Complaint upon Michael L. Weinman, Plaintiff's attorney, whose address is 112 S. Liberty Street, Suite 321, P.O. Box 266, Jackson, TN 38302, an answer to the complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Witness, \_\_\_\_\_, Clerk of said court, at office the 10th day of Feb, 2014.

By: Paul Belaw, Clerk  
Kellyn Jayne, Deputy Clerk

NOTICE TO THE DEFENDANT(S):

Tennessee law provides a ten thousand dollar (\$10,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary, however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

---

## RETURN ON SERVICE OF SUMMONS

I hereby certify and return that on the \_\_\_\_ day of \_\_\_\_\_, 2014, I served this summons together with a copy of the complaint herein as follows:

---

\_\_\_\_\_  
Name of Process Server

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(This summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure)

IN THE CIRCUIT COURT OF TENNESSEE FOR THE TWENTY-SEVENTH JUDICIAL DISTRICT AT DRESDEN, WEAKLEY COUNTY

RECEIVED ON  
FEB 24 '14  
UT Office of  
General Counsel

ANGELA FORTNER, )  
 )  
 Plaintiff, )  
 )  
 VS. )  
 )  
 )  
 )  
 STATE OF TENNESSEE, THE UNIVERSITY )  
 OF TENNESSEE, PRESIDENT OF THE )  
 UNIVERSITY OF TENNESSEE JOSEPH )  
 DIPIETRO, individually and in his official )  
 capacity, CHANCELLOR OF THE )  
 UNIVERSITY OF TENNESSEE AT MARTIN )  
 THOMAS RAKES, individually and in his )  
 official capacity, )  
 )  
 )  
 Defendants. )

No. 2014 CV 9  
Jury Trial Demanded

ORIGINAL

SUMMONS

To the above named Defendant(s): The University of Tennessee, Martin  
c/o Dr. Joe DiPietro, President of the University of Tennessee  
831 Andy Holt Tower  
Knoxville, TN 37996

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and serving a copy of your answer to the Complaint upon Michael L. Weinman, Plaintiff's attorney, whose address is 112 S. Liberty Street, Suite 321, P.O. Box 266, Jackson, TN 38302, an answer to the complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Witness, \_\_\_\_\_, Clerk of said court, at office the 10<sup>th</sup> day of Feb, 2014.  
\_\_\_\_\_  
Clerk  
By: Kelly at Fortner  
Deputy Clerk

NOTICE TO THE DEFENDANT(S):  
Tennessee law provides a ten thousand dollar (\$10,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary, however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

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## RETURN ON SERVICE OF SUMMONS

I hereby certify and return that on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, I served this summons together with a copy of the complaint herein as follows:

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\_\_\_\_\_  
Name of Process Server

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(This summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure)



IN THE CIRCUIT COURT OF TENNESSEE FOR THE  
TWENTY-SEVENTH JUDICIAL DISTRICT AT DRESDEN, WEAKLEY COUNTY

ANGELA FORTNER, )  
 )  
 Plaintiff, )  
 )  
 VS. )  
 )  
 )  
 )  
 STATE OF TENNESSEE, THE UNIVERSITY )  
 OF TENNESSEE, PRESIDENT OF THE )  
 UNIVERSITY OF TENNESSEE JOSEPH )  
 DIPIETRO, individually and in his official )  
 capacity, CHANCELLOR OF THE )  
 UNIVERSITY OF TENNESSEE AT MARTIN )  
 THOMAS RAKES, individually and in his )  
 official capacity, )  
 )  
 Defendants. )

No. 2014 CV 9  
Jury Trial Demanded

ORIGINAL

SUMMONS

To the above named Defendant(s): Dr. Thomas Rakes, Chancellor  
325 Administration Building  
Martin, TN 38238

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and serving a copy of your answer to the Complaint upon Michael L. Weinman, Plaintiff's attorney, whose address is 112 S. Liberty Street, Suite 321, P.O. Box 266, Jackson, TN 38302, an answer to the complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Witness, \_\_\_\_\_, Clerk of said court, at office the 10<sup>th</sup> day of Feb, 2014.

By: Kelli J. Forsythe Clerk  
Kelli J. Forsythe Deputy Clerk

NOTICE TO THE DEFENDANT(S):

Tennessee law provides a ten thousand dollar (\$10,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary, however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

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## RETURN ON SERVICE OF SUMMONS

I hereby certify and return that on the \_\_\_\_ day of \_\_\_\_\_, 2014, I served this summons together with a copy of the complaint herein as follows:

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\_\_\_\_\_  
Name of Process Server

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(This summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure)

IN THE CIRCUIT COURT OF TENNESSEE FOR THE TWENTY-SEVENTH JUDICIAL DISTRICT AT DRESDEN, WEAKLEY COUNTY

ANGELA FORTNER,

Plaintiff,

VS.

STATE OF TENNESSEE, THE UNIVERSITY OF TENNESSEE, PRESIDENT OF THE UNIVERSITY OF TENNESSEE JOSEPH DIPIETRO, individually and in his official capacity, CHANCELLOR OF THE UNIVERSITY OF TENNESSEE AT MARTIN THOMAS RAKES, individually and in his official capacity.

Defendants.

No. 2014 CVA Jury Trial Demanded

ORIGINAL

Service accepted on behalf of Defendant State of TN, UT this 2/20, 14 Lucy Honey Haynes, Chief Deputy

SUMMONS

To the above named Defendant(s): State of Tennessee c/o Robert E. Cooper, Jr., Attorney General P.O. Box 20207 Nashville, TN 37202

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and serving a copy of your answer to the Complaint upon Michael L. Weinman, Plaintiff's attorney, whose address is 112 S. Liberty Street, Suite 321, P.O. Box 266, Jackson, TN 38302, an answer to the complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Witness Service accepted on behalf of Defendant State of TN this 2/20, 14 Lucy Honey Haynes, Chief Deputy Clerk of said court, at office the 10th day of Feb, 2014. Paul Belieu, Clerk By: Kelly Joseph, Deputy Clerk

NOTICE TO THE DEFENDANT(S):

Tennessee law provides a ten thousand dollar (\$10,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary, however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

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**RETURN ON SERVICE OF SUMMONS**

I hereby certify and return that on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, I served this summons together with a copy of the complaint herein as follows:

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*[Faint, illegible text, likely a signature or stamp]*

\_\_\_\_\_  
**Name of Process Server**  
\_\_\_\_\_  
\_\_\_\_\_

**(This summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure)**

*[Faint, illegible text, likely a signature or stamp]*



United States District Court for the Western District of Tennessee, Eastern Division. A copy of the Notice of Removal is attached hereto.

Respectfully submitted this 21st day of March, 2014.



Thomas C. Doolan BPR # 012513  
Associate General Counsel  
The University of Tennessee  
Office of the General Counsel  
719 Andy Holt Tower  
Knoxville, TN 37996-0170  
(865) 974-3245  
[tdoolan@tennessee.edu](mailto:tdoolan@tennessee.edu)

Attorney for All Defendants

### CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2014, a true and correct copy of the foregoing Notice of Removal was served via first-class mail, postage prepaid, to

Michael L. Weinman  
112 S. Liberty Street, Suite 321  
P.O. Box 266  
Jackson, Tennessee 38302



Thomas C. Doolan