

Summary Judgment Review

Case Name: *Terry Riggins v. City of Atlanta and Michael Geisler*

Nature of the Order: Order

Magistrate Judge:

District Judge: J.P. Boulee

Claims & Outcomes:

1. **Claim:** Fraud
 - a. **Outcome:** Defendant's MSJ recommended
2. **Claim:** Georgia Whistleblower Act
 - a. **Outcome:** Defendant's MSJ recommended

Whether R&R Followed: N/A

For Race/Gender Discrimination Cases:

Race of Plaintiff: N/A

Gender of Plaintiff: N/A

Long Summary:

Plaintiff worked for Atlanta's Department of Watershed Management. She went to an Atlanta City Council meeting to alert the Council of potential water contamination. Michael Geisler is the City's former Chief Operating Officer. He met with the Council and told them that there would be no retaliation against employees who came to the meeting. The Council then summarized the concerns to Geisler. She was later terminated for making statements that were untrue.

Plaintiff brought a claim of fraud against Geisler, specifically because he said he would not retaliate against employees who had spoken up about the possible contamination. The Court determined Geisler to be protected from the suit in his official capacity, and therefore Plaintiff had to show actual malice. Plaintiff was unable to do so because she only stated that Geisler knew that she had not engaged in any reckless disregard of the truth but did not provide evidence supporting that statement.

Plaintiff also brought a claim against the City for retaliation in violation of the Georgia Whistleblower Act. The Court determined that her claim was time-barred because Plaintiff received a notice stating her position was to be terminated. Plaintiff argued that the notice falsely stated she was to be terminated for comments she made to an Investigator, when in fact she was terminated for her statements made to the Council, and therefore it didn't constitute notice of adverse action. Further, she argued that the statute of limitations was thus tolled due to the City's fraudulent concealment of its true reasons for terminating her employment. The Court

determined the notice to be sufficient because evidence showed she was aware of the termination even before the notice was sent, and Plaintiff only restated her contentions from the Complaint rather than discussed the three factors required to show that the statute of limitations should have been tolled.