

## Summary Judgment Review

**Case Name:** *Danny Lamonte v. City of Hampton, GA*

**Nature of the Order:** Final Report and Recommendation

**Magistrate Judge:** Catherine M. Salinas

**District Judge:** Amy Totenberg

**Claims & Outcomes:**

1. **Claim:** Racial discrimination in violation of Title VII
  - a. **Outcome:** Defendant's MSJ recommended
2. **Claim:** Violation of Georgia Whistleblower Act
  - a. **Outcome:** Defendant's MSJ recommended
3. **Claim:** Breach of contract
  - a. **Outcome:** Defendant's MSJ recommended

**Whether R&R Followed:** N/A

**For Race/Gender Discrimination Cases:**

**Race of Plaintiff:** Black

**Gender of Plaintiff:** N/A

**Long Summary:**

Plaintiff was hired by the City of Hampton, Georgia, to review, fix, and manage its finances. The position he interviewed for had not existed prior to him, and some of the councilmembers had voted against creating it. While interviewing for the position, Plaintiff failed to disclose criminal charges against him related to domestic violence accusations. The background check also did not find the charges (the records were found to be sealed) but did show that Plaintiff was having financial issues of his own. The City Manager intended to help Plaintiff fix his finances and told Plaintiff that the domestic violence charges would not cause a problem.

Plaintiff started his job, and eventually found some errors in the City's finances. Specifically, he found questionable charges on the credit cards and many budget amendments. When he brought it to the mayor, the mayor told him to adjust the budget so that the inconsistencies appeared to be fixed. Plaintiff refused. Eventually, Plaintiff's mugshot was found, and the City Council became aware of Plaintiff's criminal background. He was soon thereafter terminated for his false statements during his interview, and on his application.

Plaintiff's claim for racial discrimination, based on the facts that he was escorted out of the building, was suspended with pay, and then terminated him, failed because he was unable to show an adverse employment action. And because Plaintiff could not find a valid comparator to

show that he was treated less favorably, the Court could find no basis to hold in his favor for the termination.

The Court also dismissed Plaintiff's claim under the Georgia Whistleblower Act. Plaintiff's claim that he was retaliated against for finding accounting inconsistencies did not show that he articulated any particular law that had been broken to the mayor, and when the mayor told him how to handle the issue, he refused.

The Court also dismissed Plaintiff's breach of contract claim. Plaintiff argued that an oral agreement between himself and the City provided for a year of employment. The Court did not find Plaintiff's argument persuasive, as the City Charter stated all employees were at-will, and subject to removal or suspension at any time.

Moreover, because none of the above claims were sufficiently supported by evidence, the Court dismissed the remainder of Plaintiff's claims as they were derivative and required a valid claim to which the claim could attach.