

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STACEY KALBERMAN,

Plaintiff,

v.

GEORGIA GOVERNMENT
TRANSPARENCY AND CAMPAIGN
FINANCE COMMISSION, f/k/a GEORGIA
STATE ETHICS COMMISSION, HOLLY
LABERGE, in her Official capacity as
Executive Secretary of the Georgia
Government Transparency and Campaign
Finance Commission, and PATRICK
MILLSAPS, in his Individual capacity,

Defendants.

CIVIL ACTION
FILE NO. 2012CV216247

**PLAINTIFF STACEY KALBERMAN'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT GEORGIA GOVERNMENT TRANSPARENCY AND
CAMPAIGN FINANCE COMMISSION**

COMES NOW Plaintiff Stacey Kalberman ("Ms. Kalberman") by and through her undersigned counsel of record, pursuant to O.C.G.A. §§ 9-11-26 and 9-11-34, and hereby demands that Defendant Georgia Government Transparency and Campaign Finance Commission ("the Commission") respond to Plaintiff Stacey Kalberman's First Requests For Production Of Documents To Defendant Georgia Government Transparency And Campaign Finance Commission by producing the requested documents to Plaintiff's counsel of record within thirty (30) days after service hereof at the offices of Plaintiff's counsel, Kimberly A. Worth, Joyce Thrasher Kaiser & Liss, LLC, Suite 2600, Five Concourse Parkway, Atlanta, Georgia 30328.

DEFINITIONS

- a) The terms “document” or “documents” shall mean any written, recorded, filmed, or graphic matter, whether produced, reproduced or on paper, cards, tapes, film, electronic facsimile, computer storage devices, or any other media, including but not limited to, memoranda, notes, minutes, records, employment files, case files, pleadings, photographs, slides, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, notes, records and recordings of oral conversations, work papers, and also including but not limited to, originals, drafts and all copies which are different in any way from the original whether by interlineations, receipt stamped, notations, indications of copies sent or received, or otherwise.
- b) The term “identify” when used with reference to a document or written communication shall mean to state the type of document or communication (e.g., memorandum, employment application, letter, handwritten notes, etc.) to state its date, to briefly describe its contents, to identify the author (and if different, the originator or signer), and to identify the person (or, if widely distributed, the organization or classes of persons) to whom the document or communication was sent. You may produce the document or written communication in lieu of identifying it.
- c) The “Commission,” “you,” and “your” refers without limitation to Defendant Georgia Government Transparency and Campaign Finance Commission, its attorneys and agents, and all persons acting on its behalf, including without limitation its employees.

- d) The terms “Defendant Millsaps” and “Millsaps” refer without limitation to Defendant Patrick Millsaps, his attorneys and agents, and all persons acting on his behalf.
- e) “Defendants” shall refer to the Commission and Defendant Millsaps.
- f) The conjunctions “and” and “or” shall be interpreted conjunctively and shall not be interpreted disjunctively so as to exclude any information otherwise within the scope of this discovery.
- g) “Involving” and the derivatives thereof, means involving, including, summarizing, recording, containing, listing, pertaining, concerning, comprising, consisting, addressing, describing, mentioning, referring or reflecting.

REQUESTS TO PRODUCE

1.

Please produce any and all documents identified or otherwise referred to in your responses to Plaintiff’s First Continuing Interrogatories to Defendant Georgia Government Transparency and Campaign Finance Commission served concurrently herewith.

2.

Please produce the Commission’s entire investigative file concerning Nathan Deal, including all correspondence relating to that investigation into alleged ethical violations committed by his campaign for governor in the 2010 election cycle. Plaintiff acknowledges the sensitive nature of this request and agrees to the production of the responsive documents subject to a privilege log and offers that the documents will be viewed by counsel and Plaintiff only.

3.

Please produce any and all documents relating to the budget of the Commission from 2009 through 2012.

4.

Please produce any and all calculations or proposals prepared to support the financial necessity of cutting Plaintiff's salary in May to June 2011.

5.

Please produce documentation relating to renovations to the office of the Commission from January 1, 2010 through the present. Responsive materials should include, without limitation, documents evidencing who completed said renovations, the location of the renovations, the date of completion of the renovations, and the cost of the renovations.

6.

Please produce documentation showing the salaries of all Commission employees from 2005 through the present.

7.

Please produce documentation showing all fees and costs paid to outside counsel to the Commission from June 2011 through the present.

8.

Please produce any and all correspondence between Millsaps and any employee of the Commission or the Commissioners since January 1, 2010.

9.

Please produce any and all correspondence between Millsaps and Randolph Evans relating to the Commission's budget, the Commission's investigation into alleged ethics violations by Nathan Deal (the "Deal Investigation"), the employment of Plaintiff, the employment of Sherilyn Streicker, Millsaps' appointment to the Commission, and Millsaps' position with Mr. Gingrich's presidential campaign.

10.

Please produce any and all correspondence between Millsaps and Newt Gingrich and/or Mr. Gingrich's presidential campaign, relating to any issue pertinent to this matter, including the manner in which Millsaps obtained a position with Mr. Gingrich's presidential campaign.

11.

Please produce any and all correspondence between Millsaps and any other person relating to any issue relating to this matter, including the employment of Plaintiff, the employment of Sherilyn Streicker, Millsaps' appointment to the Commission, and the manner in which Millsaps obtained a position with Mr. Gingrich's presidential campaign.

12.

Please produce any and all correspondence between Millsaps and any person at the Commission or any other local, state, or federal authority, since January 1, 2010.

13.

Please produce the Secretary of State's monthly budget analysis for the Commission for Fiscal Year 2011.

14.

Please produce any and all e-mails between Plaintiff and the Commissioners since January 1, 2010.

15.

Please produce any and all e-mails between Plaintiff and Millsaps since January 1, 2010.

16.

Please produce any and all correspondence between Millsaps and the State of Georgia Governor's Office during Millsaps' tenure as a Commissioner.

17.

Please produce all documents showing political contributions made by Millsaps and/or any Commissioners since 2008.

18.

Please produce any and all records, documents, and correspondence relating to the cost and use of postage by the Commission.

19.

Please produce any and all records, documents, and correspondence relating to any supplemental budget request from the Commission from 2009 through the present.

20.

Please produce any and all documents relating to the current fiscal year budget of the Commission.

21.

Produce any and all documents, correspondence, or other records documenting communications since January 1, 2010 between any Commission employee, Commissioner, or Millsaps and a member or representative of the media.

22.

Produce any and all documents, correspondence, or other records consulted or prepared before June 9, 2011, which reflect proposals, draft plans, calculations, conversations, discussions, and/or deliberations regarding the cut to Plaintiff's salary and the termination of Ms. Streicker.

23.

Produce any and all documents, electrically stored information, and tangible things that Defendants intend to rely upon to prove their affirmative defenses.

24.

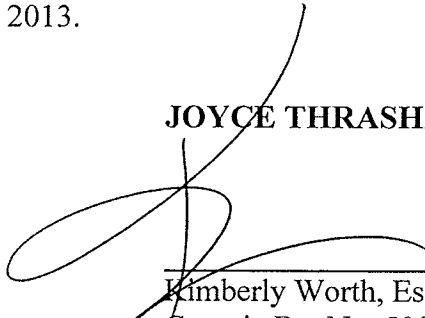
Please produce any and all documents, electrically stored information, and tangible things that Defendants intend to rely upon to prove that their actions were taken for legitimate, non-retaliatory reasons, as alleged in their seventh defense in their Answer.

25.

Please produce all documents, electrically stored information, and tangible things that Defendants may use to support their defenses against Plaintiff's claims.

This 24th day of March, 2013.

JOYCE THRASHER KAISER & LISS, LLC



Kimberly Worth, Esq.
Georgia Bar No. 500790
D. Barton Black, Esq.
Georgia Bar No. 119977

Attorneys for Stacey Kalberman

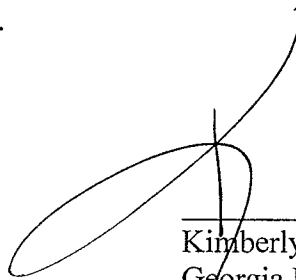
Five Concourse Parkway
Suite 2600
Atlanta, Georgia 30328
Telephone: (404) 760-6000
Facsimile: (404) 760-0225

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing *Plaintiff's First Request for Production of Documents to Defendant Georgia Government Transparency And Campaign Finance Commission* upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid for delivery, addressed to counsel of record as follows:

Bryan K. Webb
Senior Assistance Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334

This 26th day of March, 2013.



Kimberly Worth, Esq.
Georgia Bar No. 500790
D. Barton Black, Esq.
Georgia Bar No. 119977

JOYCE THRASHER KAISER & LISS, LLC

Five Concourse Parkway
Suite 2600
Atlanta, Georgia 30328
Telephone: (404) 760-6000
Facsimile: (404) 760-0225