

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr., Circuit Court Judge

Case No. 2011-CP-37-279
Appellate Case No. 2014-001282

RECEIVED

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SC Court of Appeals

Miriam R. Noorai

Appellant,

v.

School District of Pickens County,
School District of Oconee County,
and Gary Culler, Donald Boggs, Richard
Hudak, Ernestine Williams, Marilyn
Raines, and Dr. Kelly Pew, in their
individual capacities,

Respondents.

**RECORD ON APPEAL
VOLUME II**

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INDEX

Affidavit of Miriam R. Nooria, dated December 26, 2013.....	1
Second Amended Complaint, filed June 11, 2012.....	9
Answer to Second Amended Complaint by Defendants School District of Pickens County, Gary Culler, Donald Boggs, Richard Hudak, Marilyn Raines and Dr. Kelly Pew, filed June 28, 2012	30
Transcript of Summary Judgment Hearing, April 7, 2014	48
Order granting Defendants' Motion for Summary Judgment, filed May 13, 2014.....	70
Defendants School District of Pickens County, Gary Culler, Donald Boggs, Richard Hudak, Marilyn Raines and Dr. Kelly Pew's Motion for Summary Judgment, filed January 30, 2013.	106
Amended Motion for Summary Judgment Defendants School District of Pickens County, Gary Culler, Donald Boggs, Richard Hudak, Marilyn Raines and Dr. Kelly Pew, filed August 14, 2013..	110
Defendants School District of Pickens County, Gary Culler, Donald Boggs, Richard Hudak, Marilyn Raines and Dr. Kelly Pew's Memorandum of Law in Support of Amended Motion for Summary Judgment	114
Attachments to Defendants School District of Pickens County, Gary Culler, Donald Boggs, Richard Hudak, Marilyn Raines and Dr. Kelly Pew's Memorandum of Law in Support of Amended Motion for Summary Judgment..	179
Defendants School District of Oconee County and Earnestine Williams' of Motion for Summary Judgment, dated August 9, 2013	436
Defendants School District of Oconee County and Earnestine Williams' Memorandum in Support of Motion for Summary Judgment, dated April 2, 2014.....	439
Order continuing hearing on Motions for Summary Judgment, dated February 15, 2013.	566
Order Relieving Plaintiff's Counsel (Larry C. Brandt), dated June 6, 2013	567
Order continuing hearing on Motions for Summary Judgment, dated October 7, 2013	571
Order continuing hearing on Motions for Summary Judgment, dated December 5, 2013.....	572
Certificate of Appellant	573

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)

IN THE COURT OF COMMON PLEAS

Mariam R. Noorai,)
)
Plaintiff,)

C.A. No. 2011-CP-37-279

vs.)

**DEFENDANTS SCHOOL DISTRICT OF
OCONEE COUNTY AND EARNESTINE
WILLIAMS' MEMORANDUM IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT**

Sch. Dist. of Pickens Co., Sch. Dist. of)
Oconee Co., and Gary Culler, Donald)
Boggs, Richard Hudak, Earnestine)
Williams and Dr. Kelly Pew, in their)
individual capacities,)

Defendants.)

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COUNTY OF OCONEE

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Mariam R. Noorai,
Plaintiff,

C.A. No. 2011-CP-37-279

vs.

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Oconee Co., and Gary Culler, Donald
Boggs, Richard Hudak, Earnestine
Williams and Dr. Kelly Pew, in their
individual capacities,

Defendants.

I. INTRODUCTION

Defendants, School District of Oconee County ("SDOC") and Earnestine Williams, moved for summary judgment on August 12, 2013. After withdrawals of Plaintiff's counsel and unavoidable continuances, this matter is set for hearing on April 7, 2014. SDOC and Ms. Williams submit that no genuine issues of material fact exist and they are entitled to judgment as a matter of law on Plaintiff's claims against them for the reasons set forth below.

II. FACTS

SDOC and Ms. Williams adopt and incorporate by reference the facts pertaining to Ms. Noorai's employment with School District of Pickens County ("SDPC") contained in the SDPC defendants' motion for summary judgment.

Ms. Noorai has never been employed by SDOC. Prior to filing this lawsuit, she applied for and was not hired for teaching positions at West Oak Middle School in the summer of 2009 and a summer school grant-funded teaching position at Seneca Middle School in the late spring/summer of 2010.

Ms. Noorai first applied for two vacant English teaching positions at West Oak Middle School in SDOC or around June 2009. (Verderosa Dep. pp. 13-15.) She was interviewed by a team of teachers and administrators at West Oak Middle. (Verderosa Dep. pp. 17-29, 31.) Based on her interview, Ms. Noorai was not a finalist for either position and her references were not contacted. (Verderosa Dep. pp. 36-39, 48-49, 61-62, 65, 70-72, 78; Williams Dep. pp. 38-39, 55-56.) It is undisputed that SDOC only checks references for finalists for teaching positions. (Williams Dep. pp. 38-39; Verderosa Dep. pp. 35-38.) Obviously, checking references for every applicant would be inefficient and a waste of time.

Ms. Williams had no involvement in the West Oak decision and was unaware of Ms. Noorai's application or candidacy at that time. (Williams Dep. pp. 10-13, 24, 31, 39-40, 42-46, 99.) In fact, Ms. Williams was not even aware Ms. Noorai had applied for a position at West Oak Middle School until Ms. Noorai requested a meeting with Ms. Williams several months later. (Williams Dep. pp. 12-13.) Because Ms. Noorai was not a finalist for West Oak Middle positions, no one from West Oak or SDOC contacted Defendant Culler, Ms. Noorai's former principal at Edwards Middle School in SDPC, or any other SDPC teacher or administrator with regard to Ms. Noorai's candidacy for the position she sought at West Oak Middle. (Verderosa Dep. pp. 37-39; Culler Dep. pp. 97-99; Williams Dep. pp. 38-39, 60, 86.) Likewise, no agent of SDPC contacted any SDOC administrator or teacher with regard to Ms. Noorai's suitability for the vacancies. (Verderosa Dep. pp. 37-39, 53-54; Williams Dep. pp. 60, 86; Culler Dep. pp. 97-99; Pew Dep. pp. 64-65.) Ms. Noorai concedes she has no evidence that Ms. Williams ever contacted Mr. Culler or anyone else at SDPC. (Noorai Dep. pp. 357-359, 367-368.)

A few months after her unsuccessful application at West Oak Middle, Ms. Noorai requested a meeting with Ms. Williams, the Assistant Superintendent for Human Resources. Ms. Williams met with Ms. Noorai on October 1, 2009. (Williams Dep. pp. 11-13, 43-45.) Ms. Williams was unaware of the reason Ms. Noorai desired the meeting, but Ms. Williams

listened to Ms. Noorai's concerns and advised her that completing substitute teacher training and taking some substitute teaching assignments would help her "get her foot in the door" and improve her candidacy. (Williams Dep. pp. 11-13, 43-45; Noorai Dep. pp. 369-371.) Ms. Noorai concedes that she has no evidence that Ms. Williams communicated any aspect of their meeting or made any statement regarding Ms. Noorai at any time. (Noorai Dep. pp. 407-409.) Aside from meeting Mr. Culler at depositions, Ms. Williams had never spoken with him at all, let alone about Ms. Noorai. (Williams Dep. pp. 60, 86; Culler Dep. pp. 97-99.) Ms. Williams' undisputed testimony is that she has not communicated with anyone regarding Ms. Noorai's employment with SDPC (Williams Dep. p. 86), and this is consistent with the testimony of relevant SDPC deponents. (Pew Dep. pp. 64-65; Culler Dep. p. 97.)

Ms. Noorai's next application for employment with SDOC was for a summer school position at Seneca Middle School in the late spring of 2010. (Noorai Dep. pp. 402-407 & Dep. Exhs. 28-30) She was interviewed by Tammy Brock, who was in charge of the summer school grant. Ms. Noorai was not selected for a summer school position because more qualified candidates were available. (Brock Dep. pp. 26-32.) Ms. Brock explained that in her view, Ms. Noorai was not a good candidate for a summer school position working with at-risk children because Ms. Noorai shared in her interview that she did not sign her contract of employment with SDPC at the end of the 2009 school year because of "a student issue" at Edwards Middle School. (Brock Dep. pp. 30-33; Noorai Dep. pp. 404-407.) Unlike Ms. Noorai, the other candidates had significant experience working with the group to be served by the summer school grant. (Brock Dep. pp. 46-47.) Ms. Brock had no contact with Mr. Culler or any SDPC representative with regard to Ms. Noorai. (Brock Dep. pp. 30, 42-44.) Ms. Noorai concedes that she has no evidence that Ms. Brock had any communication with SDPC with regard to the decision not to hire Ms. Noorai. (Noorai Dep. p. 407.) Al Leroy, the Seneca Middle School

Principal, also testified that he had no contact with SDPC or Mr. Culler regarding Ms. Noorai's application and candidacy for the summer school position. (Leroy Dep. pp. 30-31.)

After she was not hired for the summer school position, Ms. Noorai sent a letter threatening legal action. (Noorai Dep. Exh. 30.) Ms. Noorai has never completed substitute teacher training with SDOC. (Noorai Dep. p. 371.) She has continued to apply for and has been rejected for employment in Anderson, Greenville, and Charleston. (Noorai Dep. pp. 385-390.) Ms. Noorai does not contend that SDOC has done anything to prevent her from obtaining a job in any of those districts. (Noorai Dep. pp. 407-409.)

Ms. Noorai filed this case on March 22, 2011. Since that filing, Ms. Noorai has applied for many jobs at SDOC regardless of qualifications. (Noorai Dep. pp. 377-378.) SDOC has decided not to interview and consider Ms. Noorai for vacant positions due to her pending litigation against SDOC, which SDOC officials believe to be without merit. (Lucas Dep. pp. 54-57.)

III. ARGUMENT

A. Plaintiff's Defamation Claim Against SDOC Fails As A Matter Of Law.

Plaintiff's Fifth Cause of Action is styled "defamation" against only defendants SDPC, SDOC, and Culler. (Compl. ¶¶ 73-80.) She does not identify any particular employee of SDOC who made any alleged defamatory statement about her, and does not identify any defamatory statement in the Amended Complaint. "In order to prove defamation, the plaintiff must show (1) a false and defamatory statement was made; (2) the unprivileged publication was made to a third party; (3) the publisher was at fault; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication." *Erickson v. Jones St. Publishers, L.L.C.*, 629 S.E.2d 653, 664 (2006); *Castine v. Castine*, 743 S.E.2d 93, 96 (S.C. Ct. App. 2013).

First, Ms. Noorai can offer no evidence of any defamatory communication by any SDOC employee. The Complaint identifies no such statements, and Ms. Noorai's affidavit identified no such statements. At her deposition, Ms. Noorai admitted she has no evidence that Ms. Williams has ever spoken about her to anyone and did not say anything Ms. Noorai considered to be inappropriate in their meeting. (Noorai Dep. pp. 374, 377.) She has not identified any other potentially defamatory statement ever made by a SDOC employee. The failure to prove a defamatory communication is fatal to her defamation claim.

Second, Ms. Noorai cannot show publication of any statement to a third party. As she admits, she has no evidence that Ms. Williams or any other SDOC employee had *any* communication about her to a third party, let alone a defamatory communication. (Noorai Dep. p. 377.) Because Ms. Noorai cannot satisfy these elements of her defamation claim, that cause of action fails as a matter of law.

**B. Even if Plaintiff Could Prove Any Alleged Defamatory Communication,
It Would Have Been Privileged As A Matter of Law.**

Communications between officers and employees of a corporation are qualifiedly privileged if made in good faith and in the usual course of business. *Constant v Spartanburg Steel Prods., Inc.*, 447 S.E.2d 194, 196 (S.C. 1994). In general, the question whether an occasion gives rise to a qualified or conditional privilege is one of law for the court. *Murray v. Holman*, 542 S.E.2d 743, 749 (S.C. 2001). The privilege applies unless the Plaintiff can show actual malice. See *Eubanks v. Smith*, 354 S.E.2d 898, 902 (S.C. 1987). As noted, Ms. Noorai has not pleaded or alleged any defamatory statement or defamatory action taken by any employee or agent of SDOC. Any intra-corporate communication regarding Ms. Noorai within SDOC, even if it could be proven by Ms. Noorai, thus would be privileged as a matter of law and Ms. Noorai has demonstrated no actual malice. See *Fulton v. Atl Coast Line R. Co.*, 67 S.E.2d

425 (S.C. 951).¹

**C. Plaintiff Cannot Establish The Elements Of A Civil Conspiracy Claim
Against Defendant Williams As A Matter of Law.**

"A civil conspiracy is a combination of two or more persons joining for the purpose of injuring and causing special damage to the plaintiff." *McMillan v. Oconee Mem. Hosp., Inc.*, 626 S.E.2d 884, 886 (S.C. 2006), *Cricket Cove Ventures, LLC v. Gilland*, 701 S.E.2d 39 (S.C. Ct. App. 2010). "It is well-settled in South Carolina that the tort of civil conspiracy contains three elements: (1) a combination of two or more persons; (2) for the purpose of injuring the plaintiff; (3) causing plaintiff special damage." *Cowburn v. Leventis*, 619 S.E.2d 437, 453 (S.C. Ct. App. 2005). "In order to establish a conspiracy, evidence, either direct or circumstantial, must be produced from which a party may reasonably infer the joint assent of the minds of two or more parties to the prosecution of the unlawful enterprise." Some evidence that the alleged conspirators "acted with malice towards" the plaintiff is required *Waldrep Bros Beauty Supply, Inc. v. Wynn Beauty Supply Co., Inc.*, 992 F.2d 59, 63 (4th Cir 1993) (applying South Carolina law). Here, Ms. Noorai cannot establish those elements.

Ms. Noorai can produce no evidence that Ms. Williams "combined" with any other defendant Ms. Williams' clear testimony is that she has never had any contact or communication with SDPC employees regarding Plaintiff. (Williams Dep. pp. 60, 86.). Ms. Noorai's testimony does nothing to dispute or undercut Ms. Williams' testimony and she can point to no other evidence that Ms. Williams acted in concert with SDPC with regard to any aspect of Ms. Noorai's employment with SDPC or prospective employment with SDOC. (Noorai Dep. pp. 357-359, 368, 374, 377).

¹ Ms. Noorai cannot maintain a defamation claim against a public body like the School District in this context under the Tort Claims Act because she must prove "actual malice" by a School District employee. Because SDOC cannot be liable for its employees' actions outside the scope of employment under S.C. Code Ann § 15-78-60(17), Plaintiff's defamation claim against SDOC as an entity would necessarily be barred by the Tort Claims Act and fail as a matter of law.

Further, Ms. Noorai has produced no evidence that reasonably leads to the inference that Ms. Williams positively or tacitly came to a mutual understanding with anyone to seek to accomplish a common and unlawful plan to injure her. Mere speculation about a party's motives with respect to certain conduct does not constitute proof of a conspiracy. *See First Union Nat. Bank of S. Carolina v. Soden*, 511 S.E.2d 372, 383 (S.C. Ct. App. 1998). It is not enough to simply allege that conspiracies are generally secret and difficult to prove. South Carolina courts have consistently held evidence must amount to more than speculation and conjecture to submit a case to the jury. *See Ellis v. Oliver*, 473 S.E.2d 793, 795 (S.C. 1996). Because the record is devoid of any evidence suggesting or proving that Ms. Williams undertook any enterprise for the purpose of injuring Ms. Noorai, let alone one in concert with the SDPC defendants, she cannot establish any evidence of Ms. Williams' involvement in any civil conspiracy to harm Ms. Noorai as a matter of law.

D. Plaintiff's Third Cause Of Action Styled "Negligence/Gross Negligence" Is Not A Viable Cause Of Action In This Context Under South Carolina Law And Must Be Dismissed.

In her Third Cause of Action in the Amended Complaint, Plaintiff alleges that SDOC has negligently failed to hire her for various positions based solely on her self-assessment that she is the most qualified candidate for every job for which she might apply. Obviously, SDOC believes that it has hired more qualified candidates for each position that Ms. Noorai has applied. However, even if Ms. Noorai could somehow objectively prove that she was more qualified on paper than the candidates hired for these jobs, nothing in South Carolina statutory or common law provides a rejected applicant a cause of action in tort against a prospective employer who chooses another candidate. Employers in this state are allowed to set their own qualifications for jobs and there is simply no duty to select a candidate with the best college grades or most degrees. Nothing requires employers to ignore an applicant's attitude, demeanor, maturity, judgment or lack thereof, or actual ability to perform the job. Otherwise, every rejected

applicant for every job in this State could potentially have a claim for "negligent failure to hire," if he or she did not get a job she desired, simply by claiming better qualifications than the successful candidate. Federal and state discrimination laws not alleged in the Complaint afford job applicants appropriate protection from being rejected on the basis of race, sex, age, disability, or other protected characteristics or activities. Even in that context, federal courts have systematically granted summary judgment on the basis that "[i]t is the perception of the decision maker which is relevant, not the self-assessment of the plaintiff." *Evans v Technologies Applications & Serv. Co.*, 80 F.3d 954, 960–61 (4th Cir. 1996), and absent discrimination or retaliation under federal law, the decision as between the candidates is a business judgment within the defendant's discretion, which the Court will not disturb. *See Holland v. Washington Homes, Inc.*, 487 F.3d 208 (4th Cir. 2007).

In summary, absent any claim of discrimination, there is no basis or reason for the court to recognize a tort cause of action for disgruntled job applicants. Employers need the discretion to hire the candidates they believe are the best fit for their businesses or organizations, and recognizing such a claim in this context would open the floodgates of general tort liability by subjecting any and every hiring decision to potential judicial scrutiny and damages. Accordingly, SDOC is entitled to summary judgment on Plaintiff's "negligence/gross negligence" claim.

E. Any Dispute Regarding Ms. Verderosa's Testimony Is Irrelevant To Plaintiff's Proof of Any Of Her Claims Against Ms. Williams And SDOC, The Only SDOC Defendants In This Case, And Does Not Create A Genuine Issue of Material Fact.

Ms. Verderosa is not an individual defendant in this case. Ms. Noorai does not contend that Ms. Verderosa defamed her, conspired against her, or engaged in "negligence/gross negligence" toward her. She attributes a single statement to Ms. Verderosa in her futile effort to create a genuine issue of material fact to avoid summary judgment. However, whether

Ms. Verderosa did or did not tell Ms. Noorai that "after checking references, we did not offer you the position," is not a genuine or material factual dispute for purposes of Ms. Noorai's claims against the SDOC defendants because:

- It is not defamatory or capable of any defamatory meaning and was published to no one other than Ms. Noorai.
- It does nothing to establish that Defendant Williams engaged in some type of civil conspiracy with the SDPC Defendants to injure Plaintiff.
- There is simply no cause of action for "negligent failure to hire" a job applicant in South Carolina.

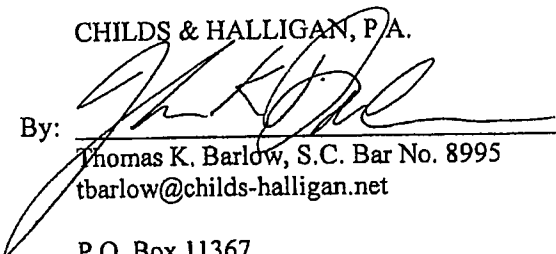
Thus, any claimed factual dispute regarding Ms. Noorai's recollection of Ms. Verderosa's alleged statements and Ms. Verderosa's testimony on that issue does not create a genuine issue of *material* fact preventing summary judgment in her case against SDOC or Ms. Williams. *See Smith v. Breedlove*, 661 S.E.2d 67, 71 (S.C. 2008) (identifying a genuine issue of fact that is not "material" cannot prevent summary judgment).

IV. CONCLUSION

For all of the foregoing reasons, Plaintiff's evidence fails to satisfy each element of her alleged causes of action and Defendants SDOC and Ms. Williams are entitled to judgment as a matter of law on all claims.

Respectfully submitted,

CHILDS & HALLIGAN, P.A.

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April 2, 2014

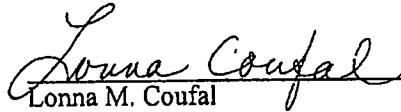
Columbia, South Carolina

CERTIFICATE OF SERVICE BY MAIL

The undersigned of Childs & Halligan, P.A., hereby certifies that she has served the following counsel of record with the foregoing **DEFENDANTS SCHOOL DISTRICT OF OCONEE COUNTY AND EARNESTINE WILLIAMS' MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** by mailing a copy of same, postage prepaid and return address clearly indicated, to the following on this 2nd day of April, 2014:

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Lonna M. Coufal

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)

IN THE COURT OF COMMON PLEAS

Mariam R. Noorai,)
Plaintiff,)

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**INDEX OF EXHIBITS:
DEFENDANTS SCHOOL DISTRICT OF
OCONEE COUNTY AND EARNESTINE
WILLIAMS' MEMORANDUM IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT**

TAB

Deposition Excerpts:

Tammy Alexander Brock.....	1
Gary Culler.....	2
Al Douglas Leroy.....	3
Ralph Michael Lucas	4
Miriam Noorai	5
Kelly Uldrick Pew....	6
Jamie Verderosa.....	7
Earnestine Williams	8

1

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COUNTY OF OCONEE

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vs.

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Earnestine Williams, Marilyn
Raines and Dr. Kelly Pew, in
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Defendants.

DEPOSITION OF TAMMY ALEXANDER BROCK

Pursuant to Notice of Deposition and/or agreements
in the above entitled case, the Deposition of Tammy
Alexander Brock was taken at the law offices of Larry C.
Brandt, 3691 Blue Ridge Boulevard, Walhalla, South
Carolina, on Monday, October 15th, 2012, commencing at 2:32
p.m.

COPY

KAREN BELANGER
CERTIFIED VERBATIM REPORTER, MASTER

FOOTHILLS COURT REPORTING
864-991-2570

1 Q. But what I'm saying is, you said they just have to be
2 certified.

3 A. Yes, sir, that's all the grant states.

4 Q. And they would be, let's say, middle school certified
5 in a subject.

6 A. Right.

7 Q. Or high school certified in a subject, or elementary
8 certified in a subject.

9 A. I don't know about the specifics of their
10 certification. I just know they all held
11 certificates.

12 Q. My question is, if you had the social services, would
13 that be a middle school certification or would it
14 have been high school certification? Social
15 sciences.

16 A. For our purposes?

17 Q. Yes, your program.

18 A. That would not have been something I would have
19 considered. As long as they held a certificate, then
20 I was meeting the requirements of the grant.

21 Q. Tell me, walk me through how you conducted the
22 interview process for that job, those jobs.

23 A. For candidates who are unfamiliar with the grant, I
24 spent a great deal of time discussing with them what
25 the grant was about, our expectations for the grant,

1 the purpose of the grant through the district. There
2 was a lot of time spent on those particular issues.
3 Then we moved beyond that. I believe I had handouts
4 for them, showing them things that had been done in
5 the past through the program, expectations of what we
6 planned to do that year through the program. So a
7 lot of explanation, because it was not a traditional
8 summer school. I wanted to make sure they completely
9 understood. I also wanted to make sure they
10 completely understood the clientele of that program
11 not being your average middle school student. These
12 were students who were at a point of -- well, they
13 were students who were facing failure, as far as
14 their school was concerned. They were students who
15 were challenged in the classroom, both academically
16 and behavior-wise. So I wanted to make sure they
17 were very conscious of the type of students that we
18 would be serving in the program. And from there, I
19 ask the general questions. Why would you be
20 interested in this program? Explain to me why you
21 feel you're qualified for this program. And just
22 some general types of conversation. And we just had
23 general conversation about education and the process
24 of education.

25 Q. Did you keep notes during those interviews?

1 A. I did.

2 Q. And do you still have those notes?

3 A. I do not.

4 Q. What did you do with them?

5 A. They were thrown away, just --

6 Q. You didn't send them, forward them to the district
7 office?

8 A. Did I send them forward?

9 Q. Yes, to HR.

10 A. There probably were copies made, at Mr. Leroy's
11 level, and he's the one who did all the hiring. I
12 only did recommendations. I did no hiring.

13 Q. Even for these jobs?

14 A. Even for these jobs, yes, sir.

15 Q. But do you specifically recall sharing your notes
16 with Mr. --

17 A. Leroy?

18 Q. -- Leroy?

19 A. Yes, sir.

20 Q. When you went in, in interviewing these candidates,
21 did the interviews all occur one right behind the
22 other or was it --

23 A. It was over a period of three days.

24 Q. -- over days?

25 MR. BARLOW:

1 Let him finish the question.

2 WITNESS:

3 Okay, I'm sorry.

4 EXAMINATION RESUMED BY MR. BRANDT:

5 Q. Over the period of three days, were there like a
6 first round and a second? You eliminated a few and
7 then came back in with more interviews? Or just
8 interview each one of them, one time?

9 A. Interviewed once.

10 Q. When you went into those interviews, had you already
11 sat down and written out or formulated the questions
12 that you were going to ask them, or did you just wing
13 it each interview?

14 A. No, sir, the questions were written, and I believe
15 each candidate got a copy of the questions.

16 Q. And those questions, are they still preserved
17 somewhere for review?

18 A. Those are general questions that we pull from, that
19 are pretty typical interview questions within our
20 school. So, yes, I'm sure they are preserved
21 somewhere.

22 Q. So typical interview questions that would have been
23 used to hire a full-time teacher --

24 A. That's correct.

25 Q. -- in a regular school year?

1 A. That's correct.

2 Q. And you would have gone over those. Did you add
3 anything to those questions, considering this was a
4 special program?

5 A. Not that I recall.

6 Q. Do you know Gary Culler?

7 A. Do I know who?

8 Q. I think it's Gary Culler, C-U-L-L-E-R.

9 A. No, sir.

10 Q. Have you ever had any contact with him whatsoever,
11 either by phone or otherwise --

12 A. No, sir.

13 Q. -- to your recollection?

14 A. No.

15 Q. Ms. Noorai, of course, had left Edwards Middle School
16 a year before. Did you inquire of her, as to why she
17 left?

18 A. I believe I asked her twice why she left.

19 Q. What did she tell you?

20 A. She told me that there was a student issue.

21 Q. Did you inquire into it, even further?

22 A. I just -- probably clarification. I don't remember
23 exactly.

24 Q. You stated that you asked her twice about it.

25 A. Uh-huh (affirmative).

1 going to be asked to teach Algebra, which is what
2 ninth-grade students take. So with that knowledge,
3 it was more important to me, for him especially to be
4 certified in that area.

5 Q. So basically the certification in the areas, that's
6 what you preferred. That was a preferred situation
7 there?

8 A. For math.

9 Q. Yes, but you didn't put that premium on English or
10 social services or sciences?

11 A. No, sir, because the basics were being taught.

12 Q. Did you call or check any references of any of these
13 candidates?

14 A. The four that we hired, I did not call, but I assume
15 that Mr. Leroy did.

16 Q. So you, at least on your screening, never checked
17 with anybody's references?

18 A. No, sir.

19 Q. Any of the seven?

20 A. No, sir.

21 Q. You did not attempt to call Edwards Middle School, to
22 find out why she left?

23 A. No, sir.

24 Q. Even though you were alerted and concerned about --

25 A. No, sir.

1 Q. Have you ever had an occasion to talk about Ms.
2 Noorai with Ms. Verderosa, at West Oak Middle?

3 A. No, sir.

4 Q. Or Dr. Rosemary Wise?

5 A. No, sir.

6 Q. Or Dr. Lusk?

7 A. No, sir.

8 Q. How about Wendy Cody? Do you know her?

9 A. No, sir, I have no idea who that is.

10 Q. Wanda? Is it Wanda?

11 A. I have no idea who that is.

12 Q. Do you know Ashley Palermo?

13 A. Ashley who?

14 Q. Palermo?

15 A. No, sir.

16 Q. Amanda Chasereau? C-H-A-S-E-R-E-A-U.

17 A. No, sir.

18 Q. And I believe it's Linda Lusk. Do you know her?

19 A. I do know her.

20 Q. You do know her?

21 A. Uh-huh (affirmative).

22 Q. How do you know her?

23 A. She's the assistant principal at West Oak Middle
24 School, where my children attended school.

25 Q. Did you ever talk to her about Mari?

1 A. No, sir.

2 Q. Even since this lawsuit came up?

3 A. No, sir.

4 Q. Other than that summer program that one time, did you
5 do the interviewing for the after-school program too?

6 A. Yes, sir.

7 Q. Other than for those two programs, have you done any
8 of the interviewing, been on any interviewing teams
9 for teachers?

10 A. No, sir.

11 Q. Prior to interviewing any of these people for the
12 job, did you check with Oconee County policy,
13 procedures to determine how you were going to conduct
14 interviews?

15 A. No, sir.

16 Q. Had you ever been to any meetings where the team
17 approach to the interview had been discussed prior to
18 interviewing Ms. Noorai?

19 A. No, sir. In 32 years, I had never been interviewed
20 by a team.

21 Q. How many times have you been interviewed by Oconee
22 School District in that 31 years?

23 A. Probably twice.

24 Q. And when was the last time?

25 A. In 1990.

1 Q. Meaning that it was there, that the school used on
2 all candidates for all jobs if they're not accepted,
3 if they're not ended up hired?

4 A. You know, I really don't know.

5 Q. You stated that these students in the summer were
6 basically students that were failing, and you were
7 trying to push them along. Wouldn't that fact demand
8 that the best qualified teachers in the specific
9 subject be hired, if at all possible, rather than --

10 MR. BARLOW:

11 object to form. Go ahead. You can answer the
12 question.

13 EXAMINATION RESUMED BY MR. BRANDT:

14 Q. -- just somebody that was certified?

15 A. For many of these students, it was more an objection
16 to school, not a lack of ability. So it was as
17 important for us to provide a learning environment
18 that was conducive, as much as it was to provide a
19 plethora of knowledge for those students. We wanted
20 them to feel comfortable when they walked into those
21 high school classrooms, if they were successful in
22 the program.

23 Q. Well, what gave you feeling of comfort with the rest
24 of these people, the people that were hired?

25 A. With Mr. Harrison, Mr. Harrison had worked the

1 program the year before. He came highly recommended
2 by Marjone Ford, because she worked with him as
3 director. She -- his ability to deal with the
4 students, his ability to be on their level, his
5 ability to accomplish the work at hand. His
6 understanding of that level of student. With Ms.
7 Gillespie, she was most familiar with our students.
8 She had worked with them in the after-school program,
9 a lot of them. She was comfortable with those
10 students. She had a tremendous knowledge of
11 material. With Candace Thress, it was a knowledge of
12 her -- of the material that her -- that she
13 possessed. Social studies is my area. So I was able
14 to get specific with her on curriculum within that
15 area. She seemed very knowledgeable. With Mr.
16 Shirley, Mr. Shirley had worked at West Oak High
17 School as an aide in a classroom of special-ed
18 students where he dealt with some of the
19 difficulties, learning disabilities, the difficulties
20 with behavior.

21 Q. My gathering then, of what you said, is that you
22 didn't write a letter. The letter that was sent to
23 the candidates that didn't get the jobs would have
24 been a form letter that was in the school files. And
25 Mr. Leroy would have sent that, not you.

2

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

IN THE COURT OF COMMON PLEAS
CASE. NO. 2011-CP-37-279

Mariam R. Noorai,
Plaintiff,

vs.

School District of Pickens
County; School District of
Oconee County; and Gary Culler,
Donald Boggs, Richard Hudak,
Earnestine Williams, Marilyn
Raines and Dr. Kelly Pew, in
their individual capacities,

Defendants.



DEPOSITION OF GEORGE GARY CULLER

Pursuant to Notice of Deposition and/or agreements
in the above entitled case, the Deposition of George Gary
Culler was taken at the law offices of Larry C. Brandt,
3691 Blue Ridge Boulevard, Walhalla, South Carolina, on
Tuesday, August 7th, 2012, commencing at 1:30 p.m.

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KAREN BELANGER
CERTIFIED VERBATIM REPORTER, MASTER

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her letter?

A. Because I heard she was upset and I did not want an employee of mine in there upset.

Q. When you went in there, what did you tell her?

A. I did not tell her anything. I asked a question.

Q. What did you ask?

A. If writing that letter was making her that -- making her upset.

Q. Excuse me?

A. If writing that letter was making her upset.

Q. What did she say?

A. She said that she wanted to be alone.

Q. What did you do?

A. I walked out the door.

Q. At that point in time when she was in there writing that letter, did you have knowledge that she had interviewed for a job at West Oak?

A. Sometime around there I did, yes, sir.

Q. Did you intimate to her in any way that she had not been chosen for the job at West Oak?

A. No, sir.

Q. Do you know Ms. Verderosa?

A. No, sir.

Q. Do you know Rosemary Wise?

A. No, sir.

1 Q. Do you know -- is it Linda Lusk or the Lusk lady that
2 was on that committee at West Oak? Do you know her?

3 A. I do.

4 Q. Is her first name Linda?

5 A. I do not know.

6 Q. How do you know her?

7 A. When I was a student teacher at Westminster Middle
8 School many moons ago, she was an assistant
9 principal.

10 Q. And did she ever call you in regards to Mari?

11 A. No, sir.

12 Q. Rosemary Wise ever call you in regards to Mari and
13 why she was leaving your school?

14 A. No, sir.

15 Q. Verderosa, did she call you and ask about her?

16 A. No, sir.

17 Q. Did anybody that you know connected with the Oconee
18 School District ever call you and talk to you about
19 Mari?

20 A. No, sir.

21 Q. Did anybody ever send you a written request for a
22 recommendation or your opinion of Mari as a teacher
23 that was connected with the Oconee School District?

24 A. No, sir.

25 Q. Has anybody connected with any school district -- and

1 I'm talking about a formal way, calling you in a
2 formal sense of the word, their job, your job, with
3 any school district in the State of South Carolina
4 and requested information about Mari?

5 A. Yes, sir.

6 Q. Who?

7 A. I can't answer. I mean I don't know all of them.

8 Q. Would there be anybody from Greenville?

9 A. I think so. I think -- yes, sir.

10 Q. Who do you think called you from Greenville?

11 A. I think there was a school, Tanglewood maybe. Is
12 that a middle school in Greenville, Tanglewood?

13 Q. I'm assuming that, but -- it seems like something
14 that'd be over there.

15 A. And then there was -- I think there was a middle
16 school over there, League Academy.

17 Q. And who did you talk to? Do you recall the names?

18 A. One of them's last name is Hall, and the other one I
19 do not know. The other one I didn't speak to. They
20 just left a message.

21 Q. Did you ever call them back?

22 A. No, sir.

23 Q. Did you ever supply anything in writing to either of
24 those people that called and inquired?

25 A. No, sir.

3

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

IN THE COURT OF COMMON PLEAS
CASE. NO. 2011-CP-37-279

Mariam R. Noorai,
Plaintiff,

vs.

School District of Pickens
County; School District of
Oconee County; and Gary Culler,
Donald Boggs, Richard Hudak,
Earnestine Williams, Marilyn
Raines and Dr. Kelly Pew, in
their individual capacities,

Defendants.

DEPOSITION OF AL DOUGLAS LEROY

Pursuant to Notice of Deposition and/or agreements
in the above entitled case, the Deposition of Al Douglas
Leroy was taken at the law offices of Larry C. Brandt,
3691 Blue Ridge Boulevard, Walhalla, South Carolina, on
Monday, October 15th, 2012, commencing at 12:13 p.m.

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KAREN BELANGER, CVR-M

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- 1 knew the curriculum. She knew what we were doing.
2 She knew the nature of the grant and the program.
- 3 Q. Did Ms. Brock ever express to you concern she had
4 about Mari, about her relationship with her prior
5 principal or the reason she left Edwards Middle?
- 6 A. She did share that with me.
- 7 Q. What did she say?
- 8 A. She just said that she had a problem at a previous
9 school.
- 10 Q. How did she know that?
- 11 A. They had discussed it, in the interview.
- 12 Q. Did she have any knowledge about that before?
- 13 A. Not to my knowledge, no.
- 14 Q. Do you know whether Ms. Brock considered that, in
15 evaluating Mari?
- 16 A. I don't know that.
- 17 Q. Or how she considered it?
- 18 A. I don't know that for sure, no.
- 19 Q. Do you know Mr. Culler, Gary Culler at Edwards?
- 20 A. I'm familiar with him. I don't know him very well.
- 21 Q. Are you in any kind of social organizations or
22 activities --
- 23 A. No.
- 24 Q. -- with him?
- 25 A. Well, other than we play each other in athletics. So

1 from time to time, we'll speak at games and things
2 like that.

3 Q. Have you ever had a discussion with him about Ms.
4 Noorai?

5 A. No, I have not.

6 Q. To your knowledge, did Ms. Brock ever call Edwards
7 Middle School and talk with Mr. Culler prior to
8 hiring for that position?

9 A. Not to my knowledge. I don't know if she did or not.

10 Q. Have you ever asked her?

11 A. No, I did not.

12 Q. Do you know whether or not she knows Mr. Culler,
13 personally?

14 MR. BARLOW:

15 Object to the form. Go ahead.

16 EXAMINATION RESUMED BY MR. BRANDT:

17 Q. Do you know? And when I say she, Ms. Brock.

18 A. No, I don't know that they're familiar with each
19 other.

20 Q. And so your testimony is you have no knowledge, one
21 way or the other, whether she talked with him or not?

22 A. That is my testimony, for Ms. Brock's sake, yeah. I
23 know I did not.

24 Q. Yes. And have you ever called Pickens District and
25 asked for any kind of a recommendation concerning

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

IN THE COURT OF COMMON PLEAS
CASE. NO. 2011-CP-37-279

Mariam R. Noorai,
Plaintiff,

vs.

School District of Pickens
County; School District of
Oconee County; and Gary Culler,
Donald Boggs, Richard Hudak,
Earnestine Williams, Marilyn
Raines and Dr. Kelly Pew, in
their individual capacities,

Defendants.

DEPOSITION OF RALPH MICHAEL LUCAS

Pursuant to Notice of Deposition and/or agreements
in the above entitled case, the Deposition of Ralph Michael
Lucas was taken at the law offices of Larry C. Brandt,
3691 Blue Ridge Boulevard, Walhalla, South Carolina, on
Monday, October 15th, 2012, commencing at 10:32 a.m.

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KAREN BELANGER, CVR-M

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1 back to Ms. Williams. I know that we are concerned
2 about confidentiality whenever -- for instance, at
3 the end of a board meeting, everything that Ms.
4 Williams shares goes back to Ms. Williams. And I
5 would think that's what the principals do. I haven't
6 done that in this district. So I don't know the
7 process.

8 Q. Since this matter came up and the lawsuit was filed,
9 did you read the complaint?

10 A. No.

11 Q. Have you ever talked with Ms. Verderosa about what
12 she did in the interview process, or may have done in
13 regards to checking references?

14 A. No.

15 Q. Have you dispatched anyone else in the district
16 office to interview them --

17 A. No.

18 Q. -- and to make that determination?

19 A. Ms. Williams would be -- that's her area. But, no,
20 I have not.

21 Q. And you have not told Ms. Williams to do that?

22 A. Not that I recall.

23 Q. Have you told Ms. Williams not to hire Mari, as long
24 as this lawsuit is --

25 A. I don't see us hiring Ms. Noorai in the district for

1 a variety of reasons.

2 Q. Give me those reasons.

3 A. Okay, they would be that we've been involved in this
4 frivolous lawsuit. I question integrity and honesty.

5 Q. Do what?

6 A. Question integrity and honesty. Based --

7 Q. Why?

8 A. -- on what I've seen in the paper, I know some of
9 those things were not accurate when it came it to
10 Oconee County.

11 Q. Like what?

12 A. That we conspired with Pickens. We didn't conspire
13 with Pickens. We haven't talked to Pickens.

14 Q. What else?

15 A. That's mainly it.

16 Q. Excuse me?

17 A. I said that's mainly it. We have to be concerned.
18 We've spent a lot of resources and time. So I don't
19 see us hiring Ms. Noorai.

20 Q. Are you aware that that may have been a lawyer's way
21 of stating a cause of action, as opposed to anything
22 Ms. Noorai may have said?

23 A. Huh-uh (negative).

24 Q. You've got to give a yes or no.

25 A. No. Sorry. I'm sure, Mr. Brandt, if you were being

1 sued by someone who wanted to be your secretary, it
2 might be difficult to hire that person to be your
3 secretary if you didn't feel you discriminated or did
4 anything wrong. And that's kind of the way we feel.

5 Q. Do you know Ashley Palermo?

6 A. No, not that I'm aware of.

7 Q. Do you know Amanda Chasereau? C-H-A-S-E-R-E-A-U.

8 A. Not that I'm aware of. They may be teachers in the
9 district and I don't know them.

10 Q. How many teachers have you got in the district?

11 A. A thousand, roughly between 900 and 1,000.

12 Q. Do you believe that Ms. Noorai has told the truth
13 about the reason that she left Edwards Middle School?

14 A. I don't have enough information about that. All I
15 know is that we were not involved in any conspiracy
16 with Pickens.

17 Q. How do you know she accused you of conspiracy?

18 A. It was in the newspaper.

19 Q. But you never chose to read the Complaint to see how
20 it was stated?

21 A. I haven't really -- I'll be honest with you. It was
22 like a zillion pages, and I scanned it. And I think
23 I sent it to Ms. Williams. Did I study it, read it
24 in detail, take notes? No.

25 Q. And other than that one thing from Ms. Stein, you've

1 not had any communication between the SCEA or the
2 State Department?

3 A. That one communication. That was it.

4 Q. And nobody's come up here, to try to interview you or
5 find out --

6 A. Only our attorney, to talk to me prior to this, you
7 know, deposition.

8 Q. Well, let me ask you this. If, by chance, a jury
9 returns a verdict against Oconee School District and
10 says you were wrong, would you hire her then?

11 MR. BARLOW:

12 Object to the form. Go ahead.

13 WITNESS ANSWERS:

14 A. In this case, if a Court directed us to do, which a
15 Court has directed before -- Ms. Noorai has never
16 been an employee. So I don't think they would do
17 that.

18 EXAMINATION RESUMED BY MR. BRANDT:

19 Q. I didn't ask that. I said --

20 A. A Judge typically would say that we discriminated in
21 some fashion. I don't think we've discriminated.

22 Q. Not necessarily. Maybe they'd find you guilty of
23 conspiracy. But if they find you and direct and have
24 a verdict, a monetary verdict against the school
25 district, will it still be your position, even though

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

COURT OF COMMON PLEAS

MARIAM R. NOORAI,
Plaintiff(s),

vs.

Case No.: 2010-CP-37-279

SCHOOL DISTRICT OF PICKENS COUNTY,
SCHOOL DISTRICT OF OCONEE COUNTY,
AND GARY CULLER, DONALD BOGGS,
RICHARD HUDAK, EARNESTINE WILLIAMS,
AND DR. KELLY FEW IN THEIR INDIVIDUAL CAPACITIES,

Defendant(s).

D E P O S I T I O N

WITNESS: MARIAM R. NOORAI

DATE: Thursday, January 26, 2012

TIME: 11.07 a.m.

LOCATION: Duff, White & Turner, LLC
3700 Forest Drive, Suite 404
Columbia, South Carolina

TAKEN BY: Attorneys for the Defendants

REPORTED BY: SHERI L. BYERS
Registered Professional Reporter

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1 consideration for me for any job in Ocone. And then
2 when we were discussing about substitutes, she kept
3 telling me that, you know, it was not just because I
4 had a professional certificate, she would have to
5 approve my application to become a sub. And her tone
6 and the way she discussed that made it clear it was not
7 going to be an automatic thing. Like she had concerns.

8 Q. Okay. So what exactly was the implication or
9 that she implied that the comments made by Mr. Culler?

10 A. I'm sorry, I'm confused by what you're asking
11 me.

12 Q. Maybe I should clarify it. Did she tell you
13 anything about comments made by Mr. Culler?

14 A. She said she could not recall the exact
15 comments. It was something about how I was in the
16 classroom and what kind of teacher I was, whether I was
17 a blooming, a budding teacher, of that nature. And she
18 kept reassuring me throughout the whole time that
19 Mr. Culler never told her that I was a victim of a
20 sexual assault, or didn't tell her but told West-Oak.

21 Q. Mr. Culler did or did not tell West-Oak?

22 A. Did not tell West-Oak.

23 Q. All right. And your testimony is that
24 Mrs. Williams told you that she had talked to
25 Mr. Culler?

1 A. Not she, but when Jami Verderosa came and
2 talk to her, that West-Oak had talked to Mr. Culler.
3 And she just could not recall what she was told
4 Mr. Culler said.

5 Q. All right. So you're not testifying here
6 that Earnestine Williams talked to Mr. Culler?

7 A. No.

8 Q. All right. Do you believe that Earnestine
9 Williams talked to Mr. Culler?

10 A. She may have afterwards. I don't know.

11 Q. All right. Do you have any evidence that she
12 did?

13 A. No.

14 Q. All right. At any point?

15 A. No.

16 Q. All right. But your testimony is that you
17 believe Jami Verderosa talked to Mr. Culler?

18 A. Or someone from West-Oak.

19 Q. All right. Do you believe that anyone else
20 from the district office at the School District of
21 Ocone County talked to Mr. Culler?

22 A. I'm sure they probably have, but, I mean, I
23 don't know.

24 Q. All right. But that's -- you don't know for
25 a fact either way?

1 A. No.

2 Q. Do you have any reason to believe that
3 somebody has?

4 A. It's possible. Mr. Culler, in his letter,
5 said that someone was sharing with him how I was, you
6 know, filling out confidential employment applications,
7 so ...

8 Q. All right. But you had applied to all the
9 other districts, as well?

10 A. Yes.

11 Q. And you had done that by the time you got the
12 letter from Mr. Culler that we looked at in the last
13 deposition?

14 A. Yes.

15 Q. All right. Go to the fourth bullet.

16 A. The fourth bullet.

17 Q. Right. That's when you told Mrs. Williams
18 that you had been sexually and physically assaulted by
19 a student.

20 A. Yes, sir.

21 Q. All right. And why did you decide to tell
22 that to Mrs. Williams?

23 A. I wanted her to understand, I guess, you
24 know, the situation and where I was coming from.
25 Understand why I left my job, and, you know, I felt

1 the Department of Juvenile Justice in Pickens. There's
2 was a letter from there.

3 Q. All right. And you note here that
4 Mrs. Williams refused to comment on Dr. Pew's statement
5 that Mr. Culler had no contact with or gave a reference
6 to West-Oak Middle or any other school?

7 A. I mean, she saw where that was written, and I
8 had mentioned it. But she didn't make any comments
9 about that.

10 Q. What do you mean -- tell me what you mean by
11 "refuses to comment." Did you ask her?

12 A. I just know that she did not. No, I did not
13 get aggressive or ask her, question her. I just
14 said -- I pointed that that's where it says that there
15 was no contact with West-Oak or any other. And since
16 she had just been saying repeatedly that, you know,
17 Jami Verderosa came to her and said that after they had
18 contacted Mr. Culler, they weren't going to hire me.

19 Q. Okay. So that's your testimony is that you
20 didn't ask her to comment on that or show that to her
21 particularly to pull that sentence out?

22 A. I said that it was there.

23 Q. All right. Do you have any evidence that
24 Dr. Pew had had any communications with Earnestine
25 Williams at any point prior to October 2009?

1 A. I'm not sure how I would know. But with a
2 conspiracy, I'm not sure how I would know that either.

3 Q. Do you have any evidence that they had any
4 communications about you?

5 A. No, sir.

6 Q. At any point?

7 A. No, sir.

8 Q. All right. Do you have any evidence to
9 believe -- any evidence that Mrs. Williams had any
10 communication at any point with anybody from School
11 District of Pickens County about you?

12 A. I don't think I would have access with any of
13 that stuff, sir.

14 Q. Regardless of whether you have access or
15 don't have access, do you have evidence of it?

16 A. No.

17 Q. All right. And then you talked about being
18 forced to write a letter of resignation?

19 A. Yes, sir.

20 Q. All right. And why did you decide to share
21 that with Mrs. Williams?

22 A. Because I know that a letter of resignation
23 is usually a negative in someone's employment file. It
24 usually implies that someone did not fulfill their
25 obligations from their previous contract.

1 Dr. Pew was, you know, supposed to have
2 pulled that letter from my file. That letter had been
3 used when unemployment was -- had contacted me first
4 and took my statement and then contacted Pickens
5 County. They produced that letter as a negative to
6 deny me unemployment. The woman then contacted me
7 back. I took her additional documentation, dropped it
8 off at the unemployment office.

9 Q. Okay. So it was basically it's been treated
10 as a resignation, or how has it been treated?

11 A. I'm confused by what you're asking me.

12 Q. Right. As far as your status as a teacher in
13 South Carolina, is this treated - - your separation from
14 Pickens, is it treated as a resignation or a
15 termination or other?

16 A. I was offered a continuing contract, which I
17 chose not to sign. So that is a resignation.

18 Q. Okay. All right. And Mrs. Williams
19 suggested that you apply to be a substitute?

20 A. Yes.

21 Q. Did you do that at any point?

22 A. Not at that point because I was on
23 unemployment, and they wanted me to apply for full
24 positions only. Positions that I had, you know,
25 previously held.

1 Q. Did you have specific communications with the
2 unemployment office about being a substitute teacher
3 and whether you should do that or not?

4 A. They were requesting that I apply only for
5 full-time positions when I would go in. They also say
6 that they don't advise or tell you what positions to
7 apply for. They tell you how many and when.

8 Q. All right. So what is your understanding
9 that your receipt of unemployment benefits would have
10 on being a substitute teacher? Or really the converse
11 of that. Being a substitute teacher, what would that
12 do to your unemployment benefits?

13 A. I would assume that if I was making, you
14 know, it would reduce, I guess, the amount I was
15 receiving in that week if I had worked as a substitute.

16 Q. So that's why you decided not to be a
17 substitute?

18 A. Why I decided not to is just when
19 Mrs. Williams kept telling me that, again, that she
20 would have to, you know, approve my application and
21 just I guess the manner made me feel that I didn't want
22 to apply for a substitute with a professional teaching
23 certificate and not get it.

24 Q. All right. But you didn't actually try that
25 to see if you would get a substitute position?

1 A. No.

2 Q. Yet you have applied for how many jobs in the
3 School District of Oconee County?

4 A. I have not counted to be able to tell you.

5 Q. More than 20?

6 A. Probably.

7 Q. But never have applied for a sub position or
8 followed up with that?

9 A. No, sir. I did at one point, you know,
10 seeing what I needed to do later on, but ...

11 Q. Right. But never actually fulfilled the
12 requirements to be a substitute teacher?

13 A. Not in Oconee County.

14 Q. Have you done it in other counties?

15 A. I may have applied for substitute positions
16 in Pickens County a couple of times. Of course, never
17 heard back.

18 Q. All right. What time frame would you have
19 done that?

20 A. Whenever it was posted. Several times when
21 it's been posted.

22 Q. How about in other Anderson school districts
23 or Greenville?

24 A. I may have for one of the Andersons, I don't
25 remember the specifics. I may have.

1 bullets here, as you started to walk out the door into
2 the hallway that Mrs. Williams asked if you were a
3 friend of Fred Hamilton?

4 A. Correct.

5 Q. All right. And you hadn't talked about Fred
6 Hamilton at all in the meeting until that point?

7 A. Well, I had mentioned that Mr. Hamilton had
8 made the appointment, and her receptionist knew that
9 when I made the appointment.

10 Q. Okay. And you note that Mrs. Williams seemed
11 to like that because she was the former principal of
12 the school that you had gone to?

13 A. Yes, sir.

14 Q. All right. Is there anything Mrs. Williams
15 said -- anything else she said in that meeting that you
16 considered to be inappropriate or unprofessional or
17 offensive?

18 A. No, not that I recall.

19 Q. All right. And you would have included that
20 in here if you thought that was the case?

21 A. I'm sure I would have.

22 Q. Your attempt was to be thorough here?

23 A. Yes.

24 Q. All right. And how long did it take you to
25 put all this together?

1 MR. CROMER: Sure. You want to take a couple
2 of minutes now?

3 MR. BARLOW: Let me do that now.

4 (A recess transpired.)

5 BY MR. BARLOW:

6 Q. All right. Ms. Noorai, anything else about
7 the October 1, 2009, meeting that you want to share?

8 A. Not at this time. But I am in a great deal
9 of pain.

10 Q. Sure. I'm sorry about that, and I don't have
11 a whole lot longer for you.

12 Do you have any evidence that Mrs. Williams
13 has spoken with -- about you to any other school
14 district in South Carolina?

15 A. Again, with the conspiracy, I wouldn't really
16 know or have access to that.

17 Q. All right. But you don't have any knowledge
18 that that has occurred?

19 A. No one has ever told me that, no.

20 Q. All right. Or any other evidence of it?

21 A. No, sir.

22 Q. All right. And you remember what the last
23 position you applied for in the School District of
24 Oconee County is?

25 A. No, I don't recall at this time.

1 Q. All right. Do you apply for every open
2 position in the school district?

3 A. That I'm qualified for.

4 Q. Have you applied for any positions for which
5 you are not qualified?

6 A. Not that I know of. I'm sure I've looked at
7 the qualifications and seem to.

8 Q. Have you applied for positions for which you
9 might consider yourself overqualified?

10 A. Yes, sir.

11 Q. What might those be?

12 A. Some classified positions.

13 Q. All right. Why did you apply for those?

14 A. Because I'm able to do the work of those
15 positions, and I thought if I can at least get my foot
16 in the door, work my way up.

17 MR. BARLOW: Okay. All right. Let's recess
18 at this point.

19 MR. CROMER: Okay.

20 MR. BARLOW: We'll finish it up sometime up
21 your way.

22 MR. CROMER: All right.

23 (Off the record.)

24 (The deposition recessed at 4:41 p.m.)

25

1 County School District since March?

2 A. Yes, sir.

3 Q. What have you applied for?

4 A. Too many to be able to tell you at this time.

5 Q. Do you have a list of those somewhere?

6 A. Yes. And I believe they do too as well.

7 MR. BRANDT: We'll be happy to compile a list
8 and give it to you.

9 BY MR. BARLOW:

10 Q. Thank you. How about with the School District
11 of Oconee County --

12 A. Yes, sir. I have.

13 Q. Let me finish before you start.

14 A. Oh, I'm sorry.

15 Q. No. That's fine. We did a good job -- I was
16 looking back at the transcript, and I think we did a good
17 job of that last time. I just want to start off on the
18 right track here.

19 And we would have a list of those jobs, but
20 have you kept up with those as well?

21 A. Yes, sir.

22 Q. School districts -- other than Pickens and
23 Oconee, where else have you applied since March?

24 A. Greenville County, Anderson School District 1,
25 Anderson School District 2, Anderson School District 3,

1 Anderson School District 4, Anderson School District 5,
2 Charleston County School District, Tri-County Tech,
3 Clemson University.

4 Q. And would you have a list of the positions that
5 you have applied for at all of those?

6 A. Yes, sir.

7 Q. Have you had any interviews with Greenville?

8 A. Yes. I have.

9 Q. For what position did you interview?

10 A. I interviewed for an English position at
11 Carolina High School. I interviewed for a position at
12 the middle school in Taylors.

13 I've interviewed -- I'm sorry. I've had
14 several in Greenville. It's hard to think off the top of
15 my head.

16 Q. This is March to now timeframe?

17 A. Yes, sir.

18 Q. Have you had any offers?

19 A. No, sir.

20 Q. But you have a list of those somewhere.

21 A. Yes. I have the dates when I went for the
22 interviews in Greenville.

23 Q. Would you have a list of the people that you
24 interviewed with as well?

25 A. Well, with the principals. I may not remember

1 all the people they had in the room.

2 Q. Were those done in a team approach?

3 A. Some were. Some weren't.

4 Q. How about Carolina High School? Was that a
5 team approach?

6 A. It was principal and coach.

7 Q. How about Taylors?

8 A. It was the principal and assistant principal.

9 I was also interviewed at League Academy. It was a
10 principal, team leader, teachers, and other teachers, and
11 an instructional coach.

12 Q. And you have heard back from them that you did
13 not get those?

14 A. I have not heard back from League Academy.

15 Q. But you heard back from the others?

16 A. From Carolina and the one in Taylors, yes. But
17 not the others.

18 Q. How about as far as Anderson 1? Have you had
19 any interviews with Anderson 1?

20 A. Not with Anderson 1.

21 Q. How about Anderson 2?

22 A. No. I have not.

23 Q. And I bet you'll guess where I'm going next.
24 Anderson 3.

25 A. No interviews with Anderson 3.

1 Q. Anderson 4?

2 A. Yes, sir.

3 Q. Which school?

4 A. Pendleton High School. And the interview was
5 just with the principal.

6 Q. Do you remember the principal's name?

7 A. Not off the top of my head.

8 Q. What was the outcome of that?

9 A. I haven't heard.

10 Q. Okay. Is that the only school that you
11 interviewed with in Anderson 4?

12 A. Yes.

13 Q. How about Anderson 5?

14 A. I was interviewed at Glenview Middle School.

15 Q. And who interviewed you there?

16 A. The principal and three of the 8th grade
17 English teachers.

18 Q. Have you heard back from them yet?

19 A. Yes. I received a rejection.

20 Q. Do you know who the successful candidate was?

21 A. No, sir.

22 Q. For any of the positions that you did not get,
23 that we've talked about, have you done any research to
24 see who the successful candidates were --

25 A. No, sir.

1 Q. -- and compared your qualifications with them?

2 A. No, sir.

3 Q. Do you plan to do that?

4 A. I haven't thought about it.

5 Q. How about in Charleston? Have you interviewed?

6 A. Yes, sir.

7 Q. For what positions did you interview down
8 there?

9 A. At one school. Thomas C. Cario Middle School.
10 It's in Mount Pleasant. The principal is Mr. Bragg. I
11 had two interviews.

12 Q. Have you heard back on a decision on those yet?

13 A. Yes. I was rejected.

14 Q. And presumably you don't know who the
15 successful candidate or candidates were?

16 A. No, sir.

17 Q. How about Tri-County Tech? Have you
18 interviewed there?

19 A. I've had three interviews at Tri-County Tech.

20 Q. And again, just so we're clear, in the March to
21 now timeframe?

22 A. No. In 2011.

23 Q. Okay. What type of jobs there?

24 A. Again, a variety.

25 Q. You have applied there since March.

1 A. Yes. When there was a position that I meet the
2 requirements for, that I'm able to do the work, I apply.

3 Q. Other than what we've already talked about,
4 Greenville, Anderson districts, Charleston, and
5 Tri-County Tech, any other applications that you've
6 submitted to school districts in South Carolina?

7 A. Well, I also mentioned Clemson University, but
8 no other public school district.

9 Q. How about private schools or charter schools?

10 A. I haven't found any jobs when I've searched.

11 Q. How about in Georgia?

12 A. No, sir. I don't have the money to move, and
13 when I have checked in the past for the connecting school
14 districts in Georgia, there were none posted.

15 Q. When was the last time that you would have
16 checked in Georgia?

17 A. Might have been last year.

18 Q. How about North Carolina? Same?

19 A. No. I have not checked in North Carolina.

20 Q. Going back to our prior deposition. I think we
21 left off -- I was asking you questions about your notes
22 from your October 1, 2009, meeting with Earnestine
23 Williams. I'll show you Exhibit 27.

24 I asked a few questions about that. I think I
25 was about done but wanted to give you the opportunity --

1 Q. And you inquired of Tammy Brock as to why.

2 A. I received a letter of rejection from Tammy
3 Brock.

4 Q. All right. Then you had some discussion back
5 and forth with her through correspondence.

6 A. I believe so.

7 MR. BARLOW: I want to go ahead and mark this.

8 (Defendants' Exhibit 28, June 8, 2010 Letter
9 From Tammy Brock to Mariam Noorai, marked for
10 identification.)

11 (Defendants' Exhibit 29, June 1, 2010 Letter
12 From Mariam Noorai to Tammy Brock, marked for
13 identification.)

14 BY MR. BARLOW:

15 Q. Look at 29 first. Apparently there was some
16 undated and unsigned form letter that you received.

17 A. Yes. As I said I received a rejection letter
18 from Ms. Brock.

19 Q. And the second paragraph says, "On the advice
20 of counsel, please confirm that you were the only one
21 present during our meeting".

22 Had you hired legal counsel at that point?

23 A. No. That was the counsel of my father.

24 Q. So you had not hired a lawyer.

25 A. Absolutely. No, sir.

1 Q. And then you received Exhibit 28 as the
2 response to that -- Exhibit 29.

3 A. Yes, sir.

4 Q. And during this time, were you having
5 discussions with anybody, other than Tammy Brock, with
6 the School District of Oconee County?

7 A. Not that I recall.

8 (Defendants' Exhibit 30, June 16, 2010 Letter
9 From Mariam Noorai to Tammy Brock, marked for
10 identification.)

11 BY MR. BARLOW:

12 Q. Have you had a chance to look at Exhibit 30?

13 A. Yeah.

14 Q. I would like you to read it -- let me ask you
15 this first.

16 Between the time that we broke in March and
17 now, have you done anything? Gone back and looked at
18 anything.

19 A. Absolutely nothing.

20 Q. Well, take a look at it then while get a little
21 more coffee, and if you need a break at any time
22 certainly let us know.

23 A. Thank you.

24 Q. During your interview with Tammy Brock, did the
25 question of why you left R.C. Edwards come up?

1 A. Yes. I believe she asked a couple of times.

2 Q. What was your response to her?

3 A. I don't remember my exact response, but I don't
4 believe I said very much.

5 Q. Would you agree that it's relevant for a future
6 employer to know why you left your former employer?

7 A. I'm assuming that they have questions that they
8 need to ask.

9 Q. Would that be one of them?

10 A. It could be.

11 Q. Have you ever had any responsibility for hiring
12 anyone?

13 A. No, sir.

14 Q. How about any classes? Did you take college
15 courses, or anything like that, on management? Or
16 anything like that.

17 A. No, sir.

18 Q. So you weren't philosophically opposed to her
19 asking you the question why you left R.C. Edwards.

20 A. No, sir.

21 Q. You don't remember what your exact response to
22 her would have been to that question.

23 A. No, sir. That was back in 2010. I don't
24 recall.

25 Q. Do you recall telling her that you felt unsafe

1 at that school?

2 A. I really don't recall what I said.

3 Q. Do you recall generally what you might have
4 discussed as far as R.C. Edwards?

5 A. It would have been very little. She did most
6 of the talking the entire interview.

7 Q. Do you consider that to be a negative?

8 A. No, sir. She was explaining about the program
9 and what it required.

10 Q. Did you mention at that point having been
11 subjected to an assault by a student? Did you mention
12 that in the interview?

13 A. No, sir. Not that I recall.

14 Q. You mentioned it in the follow-up letter.

15 A. Yes. I did.

16 Q. And the principal and assistant principal are
17 being reviewed by the Office of South Carolina Department
18 of Education. Did that come up in the interview? I'm
19 looking at Exhibit 30.

20 A. That did not come up in the interview.

21 Q. Would you agree that the tone of this is fairly
22 aggressive? Exhibit 30.

23 A. I don't see it as aggressive.

24 Q. What did you expect the response to be to this?

25 A. I see this as a victim writing and trying to

1 explain the unfairness of what happened to this person.

2 Q. Do you have any evidence that Tammy Brock had
3 any communication with anybody at Pickens in making this
4 decision?

5 A. No, sir.

6 Q. As far as these other positions that you've
7 applied for since really June of 2009, do you have any
8 evidence that Earnestine Williams communicated with any
9 of the prospective employers?

10 Do you have any direct evidence? Or any
11 evidence, circumstantial or otherwise.

12 A. On my own evidence, no. As I said, I know in
13 the countersuit, Mr. Culler claims that all school
14 districts in the area are sharing and passing around my
15 confidential application.

16 Q. Do you have any reason to believe that
17 Earnestine Williams, right here, communicated with
18 Greenville County School District about you?

19 A. I mean, she could.

20 Q. Do you have any reason to believe that she did
21 that?

22 A. What exactly do you mean?

23 Q. Do you think she did that?

24 A. She may have.

25 Q. Do you know whether she did or not?

1 A. No. I do not know whether she did.

2 Q. Do you have any reason to think she might have?

3 A. It's possible.

4 Q. How about with Charleston County School
5 District?

6 A. Could be possible. I don't know.

7 Q. But you have no evidence of that ever
8 happening.

9 A. No, sir.

10 Q. You have no witnesses from that school
11 district, for example, that are going to tell us that
12 Earnestine Williams called them up and told them not to
13 hire you.

14 A. No, sir.

15 Q. And not the Anderson school districts either.

16 A. No, sir.

17 (Defendants' Exhibit 31, January 24, 2011,
18 E-mail from Mari Noorai to Tammie Fletcher, marked for
19 identification.)

20 Q. Do you know who Jackie Coldwell is?

21 MR. BRANDT: Last name?

22 MR. BARLOW: C-O-L-D-W-E-L-L.

23 THE WITNESS: I can't recall Exhibit 31.

24 BY MR. BARLOW:

25 Q. Do you have any evidence that anyone else

1 employed with the School District of Oconee County has
2 kept you from getting a job in one of the other school
3 districts?

4 A. Not that I can recall.

5 Q. Do you recognize this document? Exhibit 31.

6 A. Yes, sir.

7 Q. Can you tell me what that is?

8 A. This was when I was involved with unemployment
9 and what they had me do with job contacts. So I wasn't
10 sure if I needed to apply as a substitute teacher.

11 I ended up applying for others instead, so I
12 didn't follow through with this.

13 Q. One more step you would have had to do in order
14 to be a substitute teacher would be to do substitute
15 training.

16 A. Substitute training and having the TP test, but
17 unemployment said they preferred me to apply for
18 full-time.

19 Q. So that's your reason --

20 A. I applied for other jobs and made my contacts
21 all over.

22 Q. All right. Who were the people that you had
23 direct communication with at the State Department of
24 Education? Anybody other than Janet Stein?

25 A. She was South Carolina Education Association.



Seneca Middle School
School District of Oconee County

810 W. S. Fourth Street • Seneca, S.C. 29678 • 886-4455 • Fax 886-4452

Certified and Regular Mail

June 8, 2010

Mariam R. Noorai
518 W. North 4th Street
Seneca, SC 29678

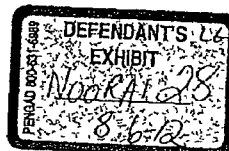
Dear Ms. Noorai:

This letter is to follow up with your letter regarding your most recent interview for a position as a teacher for our Summer School Program at Seneca Middle School. You asked that I confirm that I was the only one present during our interview. That is correct. I also want to confirm that we did hire the most qualified candidates to fill the vacancy. Again, thank you for your interest in working at Seneca Middle School. We wish you the best.

Sincerely,

Tammy Brock
Teacher/Director of SMS Summer School Program
CC. Al LeRoy, Principal Seneca Middle School

The School District of Oconee County does not discriminate on the basis of race, color, national origin, sex, or disability in admission to, access to, treatment in, or employment in its programs and activities. Assistant Superintendent of Human Resource Services (Title IX); contact (864) 886-4400 ext 1121 Director of Special Services (504/ADA Coordinator); contact (864) 886-4400 ext 1143.



DEF SDOC 000111

518 W. North 4th Street
Seneca, South Carolina 29678

1 June 2010

Tammy Brock
Seneca Middle School
810 W. South 4th Street
Seneca, South Carolina 29678

Dear Mrs. Brock:

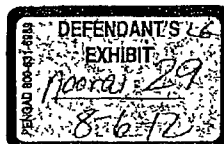
I received your undated and unsigned form letter. Your personal offer of assistance was appreciated.

On the advice of counsel, please confirm that you were the only one present during our meeting. In addition, I would like to know if the successful candidate was more qualified and experienced than I, and the actual date the position was offered to her.

Thank you for your time.

Sincerely,

Mariam R. Noorai
Mariam R. Noorai



DEF SDOC 000112

518 W. North 4th Street
Seneca, South Carolina 29678

16 June 2010

Tammy Brock
Seneca Middle School
810 W. South 4th Street
Seneca, South Carolina 29678

RECEIVED
JUN 21 2010
PERSONNEL DEPT.

Dear Mrs. Brock:

Your certified letter dated June 8, 2010 was received today, Wednesday, June 16, 2010. I am sending you this certified letter with return receipt as a response in kind.

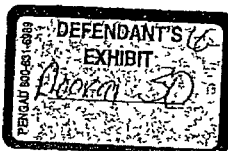
During our meeting, I gave you my updated resume; you returned it, making it clear that I was not being considered as a candidate for this Summer School teaching position. The only question that you were interested in asking me was why I left teaching at R.C. Edwards Middle School.

As a second year teacher, I was offered a continuing contract, but I declined to sign it. I was sexually and physically assaulted by a student, and the school's administrators chose to disregard the law and not report this crime. As a result, the student who attacked me burned another student with a piece of hot metal the following day after he realized that he was going unpunished for my assault. Currently, the certificates of the principal and the assistant principal are being reviewed for misconduct by the Office of General Counsel at the South Carolina Department of Education.

Please explain how it is appropriate to interview candidates differently. If you interview candidates in a group of two or more, how can you then discriminate against others by having only one person serving as an interviewer? The bottom of your June 8, 2010 letter states that "The School District of Oconee County does not discriminate . . . [in] employment in its programs and activities," yet you claim to interview people differently.

In my June 1, 2010 letter, I asked you how the successful candidate was more qualified and experienced than I. You wrote that "we did hire the most qualified candidates to fill the vacancies." You left out what kind of experience the people had that you hired, which goes along with the statement you made during our meeting. You told me that you had interviewed many candidates and "they all wanted to get their foot in the door and prove themselves" to the School District of Oconee County. This implies that your candidates were either newly graduated with no experience or teachers who had not been offered a contract at another district.

I am requesting through the Freedom of Information Act (F.O.I.A.) to know the names, qualifications, and years of teaching experience of all the candidates you hired for this Summer School Program funded by the 21st Century Grant. Also, I would like to know the dates the candidates were offered their



DEF SDOC 000117

6

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

IN THE COURT OF COMMON PLEAS
CASE. NO. 2011-CP-37-279

Mariam R. Noorai,
Plaintiff,

vs.

School District of Pickens
County; School District of
Oconee County; and Gary Culler,
Donald Boggs, Richard Hudak,
Earnestine Williams, Marilyn
Raines and Dr. Kelly Pew, in
their individual capacities,

Defendants.



DEPOSITION OF KELLY ULDRICK PEW

Pursuant to Notice of Deposition and/or agreements
in the above entitled case, the Deposition of Kelly
Uldrick Pew was taken at the law offices of Larry C.
Brandt, 3691 Blue Ridge Boulevard, Walhalla, South
Carolina, on Wednesday, August 8th, 2012, commencing at
1:35 p.m.

COPY

KAREN BELANGER
CERTIFIED VERBATIM REPORTER, MASTER

FOOTHILLS COURT REPORTING
864-991-2570

1 you agree with me that would have been furnished on
2 1/12/2009?

3 A. Yes, sir.

4 Q. So January the 12th of 2009 would have been the day
5 that Ms. Raines was responding to the request?

6 A. That appears to be what that says.

7 Q. Okay, that's all I need from that. Since the
8 complaint with the OCEA or the OCA meeting, I guess
9 in June or whatever it was, the 30th of '09 --

10 A. Yes, sir.

11 Q. -- has anyone from another school district in the
12 State of South Carolina called and spoken to you
13 directly about Ms. Noorai?

14 A. They have. It's been more than a year ago. I cannot
15 tell you -- that's part of what we do. I can't tell
16 you who, but there probably have been two or three.
17 One specifically was the one who notified me of what
18 was on the CERRA application.

19 Q. And do you remember who that was?

20 A. I cannot tell you. It was a male and I believe they
21 were from Greenville County, but I cannot tell you
22 that. I was -- to be honest, I was very surprised at
23 the information that was given. At that point, for
24 him, it was more of did you know. We were looking at
25 her references. Did you know this was said about one

of your principals? And I pulled it up and looked at it.

Q. But it wasn't like she's applied for us?

A. I think she had, but I cannot tell you that.

Q. But it was more like you say, he called in and said do you know this is on--

A. He was -- I think he was going to check her reference.

Q. It wasn't like how good a teacher, or anything like that?

A. I don't think we had a whole lot of other conversation.

Q. How about the other two of them?

A. I know I had one other, for sure. And I recall saying to them that she was offered a continuing contract in the School District of Pickens County, that she had passed her ADEPT evaluation, and she chose not to return to our school district. It was very factual information, and that would have been all that I would have said.

Q. Did you discuss with that other caller her comment about --

A. I did not.

Q. -- Mr. Culler?

A. I did not discuss that. I looked at the information.

7

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

IN THE COURT OF COMMON PLEAS
CASE. NO. 2011-CP-37-279

Mariam R. Noorai,
Plaintiff,

vs.

School District of Pickens
County; School District of
Oconee County; and Gary Culler,
Donald Boggs, Richard Hudak,
Earnestine Williams, Marilyn
Raines and Dr. Kelly Pew, in
their individual capacities,

Defendants.

DEPOSITION OF JAMI LYNN VERDEROSA

Pursuant to Notice of Deposition and/or agreements
in the above entitled case, the Deposition of Jami Lynn
Verderosa was taken at the law offices of Larry C.
Brandt, 3691 Blue Ridge Boulevard, Walhalla, South
Carolina, on Thursday, October 18th, 2012, commencing
at 3:00 p.m.

COPY

KAREN BELANGER, CVR-M

FOOTHILLS COURT REPORTING
864-991-2570

participated in the hiring processes for teachers?

A. Yes.

Q. And how many teachers do you think that you have participated in the hiring process in Oconee, since you came here?

A. I'd say approximately 20.

Q. June of 2009 is the interview, of course, that's at contention here with Ms. Noorai. Prior to that, how many interviews and hiring processes had you participated in with Oconee School District? Prior to June 2009.

A. Half dozen, about six.

Q. And since that time, how many have you actually gone on an interview team for?

A. I would say approximately 12 to 15.

Q. Are you on the interview team for every applicant or position that is hired at West-Oak Middle School since you became principal, or have you delegated that sometimes to other administrative people?

A. I'm on every interview team.

Q. Tell me how you go about setting up your interview teams. What criteria do you use, to choose the people for the interview of any particular position, and how many people are usually on those teams?

1 A. Usually there's at least one other administrator.
2 I have two other assistant principals that make up
3 my administrative team. So one other assistant
4 principal. Depending on the position, a department
5 chair. I have department chairs that oversee
6 departments, or a team leader if we are hiring for
7 a specific grade level. I have team leaders in
8 sixth, seventh, and eighth grade. Possibly a
9 guidance counselor, depending on the position that
10 I would be hiring for, would also make up that
11 team.

12 Q. And then, of course, you?

13 A. And then myself.

14 Q. What is a team leader? What do they do?

15 A. We are teamed in our middle school. So they are
16 ones that oversee five other teachers, and sort of
17 relay information and make sure the team stays on
18 the same page. And they serve on an instructional
19 leadership team with myself, as we are
20 disseminating information throughout our school and
21 trying to make school improvement.

22 Q. When you mean a team leader, we're not talking
23 about the interview team?

24 A. No.

25 Q. This is a designation for their duties in the

1 normal course of business --

2 A. Correct.

3 Q. -- throughout the year. Correct?

4 A. Correct.

5 Q. And that team leader, the team that they lead, is
6 that comprising of teachers in one particular
7 subject or is it just a team made up across the
8 board by grade?

9 A. By grade, various subjects.

10 Q. But there's more than one subject that the team
11 would deal with?

12 A. Yes.

13 Q. I mean, you don't just have one team for English,
14 one team for math and that stuff. You might have
15 English, math, and history all on one team?

16 A. Yes.

17 Q. And in this case, let me ask you this. Have you
18 been provided any depositions of any of the
19 deponents previous to you, for your perusal or your
20 reading?

21 A. I have reviewed parts of Ms. Noorai's deposition,
22 where my name was involved as part of the
23 interview.

24 Q. And how long ago did you review that?

25 A. I reviewed that over the weekend.

- Q. We know you are on there, and there was another assistant principal. And I guess that was Rosemary, in this case, or Ms. Lusk?
- A. Both were on that interview committee.
- Q. Who was department chair?
- A. Kristen Gray.
- Q. So she would have been over the English and language arts?
- A. That is correct.
- Q. Who was the team leader?
- A. Cheryl Peden, P-E-D-E-N.
- Q. Is she still with the school district?
- A. She's retired.
- Q. Do you know where she lives?
- A. I don't know an address. I do know that she lives in Seneca.
- Q. But she's in Oconee, as far as you know?
- A. Yes.
- Q. Do you know her husband's name?
- A. She called him Hughey.
- Q. Hughey?
- A. Hughey. I don't know that that's his given name.
- Q. And Kristen Gray, is she still employed at your school?
- A. Yes.

Q. And does she live in Oconee County, too?

A. Yes.

Q. So the guidance counselor, would that have been Rosemary picked for that slot?

A. No, the -- Rosemary Wise was an assistant principal along with Linda Lusk. Both of those ladies were on the committee. We did not have a guidance counselor on this committee.

Q. Why not?

A. We were hiring for English teachers.

Q. And that's fair. But I had asked you, and you gave me your recipe for it, and you listed a guidance counselor. And I assumed that you were saying you had a guidance counselor on each team.

A. No, you asked me who made up interview teams. And I said these are individuals, but everyone isn't on every interview team.

Q. Yes, ma'am, I understand that. So the assistant principals can vary from team to team, too?

A. I only have two assistant principals, but, yes, they can vary. Both would not necessarily be on every interview.

Q. Do you recall back in June of 2009, specifically the day of the week that the interview of Ms. Noorai took place?

A. I do not know the day of the week. I do know that it was a half-day. We were finishing school. As I had stated, I was a principal of another building at that time. And once students were dismissed that day, it was a half-day, and I came to West-oak Middle School and that's where we held the interviews. So it was a half-day. It was one of our last two half-days of school.

Q. So although you were not the principal at West Oak physically until July 1, you were going to be for the next year. And so I take it, that the principal that was there deferred all the hiring and everything to you?

A. Yes, and that was a decision made by the School District of Oconee County at that time, that I would be involved in all the hiring since I would be the principal there.

Q. Because they were going to end up working for you, so you needed to be there?

A. Yes.

Q. Do you know how many people were interviewed for the English and language arts positions that were coming available for the 2009/2010 school year?

A. There were five that were interviewed at that time, for the openings that we had.

1 Q. Was that more than one opening they interviewed
2 for?

3 A. We had two openings at that time, a seventh grade
4 and an eighth grade.

5 Q. Seventh grade and --

6 A. Eighth grade.

7 Q. Everybody that was interviewed, the five that were
8 interviewed, were they in contention for both
9 positions or just one?

10 A. If they wanted to be considered.

11 Q. Was Ms. Noorai considered for both or just one?

12 A. For both.

13 Q. Do you know whether all five of them chose to be
14 considered for both, or just Ms. Noorai and someone
15 else?

16 A. I know that one of the candidates did not want to
17 be considered for the eighth-grade position.

18 Q. And who didn't?

19 A. Her name is Jeanette Freeman.

20 Q. Do you remember the order in which the candidates
21 were interviewed?

22 A. I do not.

23 Q. Was Ms. Noorai the last one, first one? Where did
24 she fit in the order, if you remember?

25 A. I know that she was near the end. Because when the

interview was set up, the time was requested that she interview near the end because she was still teaching at the time.

Q. And how about a Ms. Cody? Wanda Cody. What order was she considered?

A. I don't remember.

Q. Do you recall her?

A. No, I don't.

Q. We've heard other testimony. I'll try to speed it up. Was Jeanette Freeman interviewed in person?

A. Not at that time.

Q. Was she interviewed at all, at that time?

A. On the phone.

Q. Was a decision made to hire her after that phone interview, or was it delayed until you had an opportunity to talk to her in person?

A. It was made after that interview.

Q. So you hired her with merely a phone conference? You had never met her?

A. I had not met her face-to-face.

Q. And was she coming in from out of state?

A. She was coming in from Chicago, and had just been to the district shortly before.

Q. And Ms. Palermo, do you know where she fell in the order of the five, whether she was first, last, or

in the middle?

A. I don't recall, sir.

Q. Prior to the interview, were you supplied any information on any of the candidates to review before the interviews began?

A. Yes, that's how we select the candidates to be interviewed.

Q. Did the team select the candidates by reviewing a bunch of them, or did you select the candidates and then go to the team?

A. I selected the candidates and then went to the team.

Q. And what process did you use, to select the candidates?

A. We have a program, it's called WinOcular, that we review the candidate's file. All information is scanned. And any information that they have provided to the district we can review online, their application, their certification. So anything that they have provided we can review online, as well as their screening interviews that they have done with the district, because they must have a screening interview before the principal can even consider them for positions in our school.

Q. Do you know how many applications that you looked

over before selecting the five?

A. I do not know how many were on a saved list. There is a query. And then when positions are posted, we will receive a saved list of applicants that are qualified for us to consider. I do not.

Q. That list of qualified candidates, do they just send you the names of those qualified, that initial screening that says these are qualified candidates for you? Or do you go through and look at all of them?

A. They send me a list of qualified candidates that have names. When you click on the name, it opens up their file with all the documents to review.

Q. So I take it, that at least, you had a resume of all the candidates, I suppose, and the application?

A. If they provided the district with a resume, yes, but there would have had to have been an application that would be submitted.

Q. So you're talking about a resume that would have been presented in the screening process?

A. Yes.

Q. Was a resume provided or sent to you by the school district concerning Ms. Noorai?

A. Yes.

Q. Was it an updated resume or was it old? When I say

1 old, not right within a few months, but I'm talking
2 about a couple of years.

3 A. To the best of my knowledge, it was updated. Many
4 times when candidates come into interviews, we'll
5 make sure that we have updated resumes and they'll
6 bring those with them. But, yes, her packet was up
7 to date.

8 Q. And her up-to-date packet that you reviewed, when
9 you selected her to interview, did you see anything
10 on that application or resume that caused you
11 concern?

12 A. No, or she wouldn't have been granted an interview.

13 Q. And when you came into the interview, tell me how
14 the process within the interview proceeds.

15 A. The committee meets ahead of time. We have a list
16 of questions, and we ask the same questions to each
17 candidate. We decide who is going to ask the
18 question, so that the interview can flow for the
19 candidate as well as the committee. So we came up
20 with a list of questions. We decided who would ask
21 each question. The candidate is greeted by myself
22 and walked into a conference room, very similar to
23 this, and given the seat at the head of the table.
24 We go around and introduce ourselves and our
25 positions. We outline a little bit about our

1 school. Some people know a lot of things. Some
2 people don't know a whole lot. And the positions
3 that we have available. And at that point, we lead
4 into the questions that we are going to ask the
5 candidate. Once we have completed our questions,
6 we give them an opportunity at the end to ask any
7 questions that they have. And then we always like
8 to give the candidate, if they have not been to our
9 building, a tour, because we like them to see our
10 facilities. I'm very proud of the facilities that
11 we have.

12 Q. I take it that all the interviews aren't conducted
13 back-to-back on certain days, that if you've got as
14 many as five they may be spread out over days.

15 A. That really just depends on the time of the school
16 year and --

17 Q. Do you know whether or not these interviews were
18 conducted back-to-back or on different days?

19 A. The interviews for the seventh and eighth grade
20 position were conducted that day, all at the same
21 time.

22 Q. All of them?

23 A. Yes, sir.

24 Q. So you had a half-day, you said, at another school,
25 and you came over there. So then between whatever

time you arrived till quitting time? What time of day was it that your five interviews were conducted?

A. Well, when we interview, we go until we're finished. So there isn't a quitting time. When we get an interview committee together, they know the times. We usually set the interviews up approximately one hour apart. Sometimes 45 minutes, but usually an hour. So we would have started interviewing about noon and finished at about 5:00.

Q. Would each of the interviewees that were seen that day -- I guess if you had five, and one of them was by phone, there was only four that came?

A. Yes.

Q. Do you remember, on that day, Ms. Cody having to change her interview to a later time because her mother had passed? Do you remember that?

A. I do not.

Q. As far as you know, sitting here today, if Wanda Cody was one of those interviewed for that position, one of the five, she would have been interviewed that same day?

A. Yes.

Q. But you don't remember which order she would have

been in?

A. I don't.

Q. You stated that you get in there and you formulate questions. Are these questions already scripted by the school district?

A. No, they are not. The interview committee decides on the questions for the specific positions we're interviewing for.

Q. You use an interview committee. Is that the same five people that I'm talking to about the interview team, or is that someone else?

A. Same people.

Q. And each member, do they pose questions that they want to ask? Is that how you do it?

A. We met, in this case, prior to the interviews taking place and decided on the questions. I'm a new principal coming in, giving people input. Once you have interviews, you have usually standard questions that we use over the course of the years now. So that committee developed those questions specifically for those two positions that we were interviewing for.

Q. You decide who asks the questions?

A. Uh-huh (affirmative).

Q. When you say that, is there one person asking the

questions or do you kind of go around the room and you split them up?

A. We go around the room. And specifically, you know, I might -- I usually introduce a little bit about the school, talk about the positions that we have and lead in with the first question, which would be to ask the candidate to share their experiences and things and their educational background and why they would be interested in working at West-Oak Middle School.

Q. Are notes taken of those interviews?

A. They are.

Q. Do you all elect a secretary or whatever, that takes all the notes, or does everybody take their own?

A. Everyone takes their own.

Q. And in this instance; everyone took their own. Correct?

A. That's correct.

Q. What happens to those notes when the interview's concluded?

A. They have been shredded.

Q. They have?

A. Yes.

Q. Why?

1 A. That was the typical process that we used at the
2 time.

3 Q. Do you know when they were shreddedd?

4 A. They would have been shredded over the -- after
5 those interviews and those candidates were board-
6 approved, those would have been shredded. I'm
7 going to say in later June, early July.

8 Q. Would you keep notes until the candidate selected
9 had been approved by the board?

10 A. Yes, I just said that.

11 Q. And once you do that, is there a scoring system for
12 each of the interviewers to use on each candidate?

13 A. Yes.

14 Q. And what is the criteria that they use for scoring
15 it? What kind of scale? What things do they
16 consider?

17 A. We use a 1 to 5 on each question. Each individual
18 person that is part of the interview team rates
19 each individual question for each candidate. They
20 total their points at the bottom of the scoring
21 sheet.

22 Q. How many questions do you have on there?

23 A. Typically ten.

24 Q. So the score would be 50?

25 A. Fifty.

square?

A. Yes.

Q. So before you start the interview, everybody knows they're going to be asking the questions they're going to ask, and they're going to be scoring this 1 to 5 on each and every question?

A. Yes.

Q. And all these five candidates were scored; is that correct?

A. Yes.

Q. Give me the order of the scores, high to low, who got the most.

A. Palermo, Freeman.

Q. Who else?

A. Chassereau.

Q. Who?

A. Chassereau.

Q. Okay.

A. Cody and Noorai.

Q. So Palermo was first, Freeman was second, Chassereau was third, Cody was fourth, and Noorai was fifth?

A. Yes, sir.

Q. Can you give me the scores?

A. I don't know.

1 Q. -- or language arts in sixth, seven, or eight?

2 A. Yes.

3 Q. And Palermo, was she certified to teach sixth,
4 seven, and eighth?

5 A. Yes and also secondary, I do believe.

6 Q. At the time of the interview?

7 A. Yes.

8 Q. And Noorai, was she certified for six, seven, and
9 eight?

10 A. Yes.

11 Q. Do you know how a teacher earns a highly qualified
12 designation by the state?

13 A. Yes, based on their successful teaching experience
14 and passing the various tests that they need, to
15 pass the PRAXIS test.

16 Q. Were all five of these people rated on that one
17 singular day?

18 A. Yes.

19 Q. So whatever day it was, be it the first of June,
20 second of June, third of June -- whatever it was,
21 at the end of that day, the rating were in?

22 A. That is correct.

23 Q. Prior to the people being interviewed, had you
24 called any of the references listed on any of the
25 applications?

1 A. No.

2 Q. Did you call any of the teachers that were coming
3 from other districts? How many of them were coming
4 from other districts?

5 A. All of them were coming from other -- well, when
6 you say other districts --

7 Q. Not Oconee schools. They were maybe in-state, out-
8 of-state, but other school districts other than
9 Oconee.

10 A. If they were currently in permanent positions
11 teaching, not just student teaching?

12 Q. Yes.

13 A. I didn't call any references on any candidate prior
14 to the interviews.

15 Q. So you didn't call any principals from any of the
16 schools from which they were coming?

17 A. No.

18 Q. Why not?

19 A. I don't do that. We wait until we have the
20 interview. And once the interview committee has
21 come to consensus on the top candidate or
22 candidates, then reference checks are made.

23 Q. So you would have selected your top candidates and
24 then called?

25 A. That's correct.

1 Q. And did you specifically do that, in this case?

2 A. Yes.

3 Q. Did you call any principals at the schools from
4 which candidates may be coming?

5 A. Yes.

6 Q. So you made a decision on two that day?

7 A. Yes.

8 Q. And that was who?

9 A. Palermo and Freeman.

10 Q. And where was Freeman coming from?

11 A. Chicago.

12 Q. And you called her principal in Chicago and asked
13 about her?

14 A. Yes.

15 Q. And you called the principal where Palermo was
16 coming from?

17 A. Palermo was currently graduating. I spoke with her
18 cooperating teacher.

19 Q. Who was that?

20 A. I don't recall.

21 Q. Being as she was just graduating, did you call the
22 head of the department at Clemson and find out what
23 they had to say about Palermo?

24 A. Yes. When I say cooperating teachers, supervising
25 professor. But I spoke directly with the

cooperating teacher who saw Ms. Palermo teach in the classroom.

Q. Did you speak with Lienne Medford about any candidate? Do you know who she is?

A. I know the name. I did not speak with her about Ms. Freeman or Ms. Palermo.

Q. Did you call any references or the principal at Edwards Middle School, in regards to Ms. Noorai?

A. I did not, because she was not one of the candidates that we were considering and offering a position to.

Q. I take it that, again, this order that you gave me is based on that score of the ten areas, 50-point range. Do you recall what Ms. Noorai's score was?

A. I do not.

Q. Was anything graded or scored other than her answers to the questions?

A. No.

Q. So just the content, thoroughness, that kind of thing of the questions? That was what was scored?

A. Yes.

Q. And nothing else about personalities, or anything else like that was scored?

A. No.

Q. Or appearances, age?

1 A. No.

2 Q. Gender?

3 A. No.

4 MR. BARLOW:

5 I hate to do this to you, but I need to take a
6 break. Is this a good time?

7 MR. BRANDT:

8 Yes.

9 (OFF THE RECORD; BRIEF RECESS)

10 EXAMINATION RESUMED BY MR. BRANDT:

11 Q. The name Gary Culler, did that come up in Ms.
12 Noorai's interview?

13 A. Not his name, no.

14 Q. When you say not his name, no, what did come up?

15 A. She shared with the interview committee that she
16 was being placed back on ADEPT, which is the
17 evaluation process, and that she had chose not to
18 return to that current position because she was not
19 going to be put back on ADEPT for a third year.

20 Q. And you're absolutely positive that's --

21 A. I'm positive.

22 Q. -- what she said?

23 A. Yes.

24 Q. Was there any mention of Gary Culler being a friend
25 of Dr. Lusk during that interview process?

question, any particular question, and what the question was and what your score was for her?

A. I do not.

Q. Do you recall anything that you scored her on less than 5?

A. I can tell you the classroom management was a concern, and how she would use 90 minutes to teach an ELA class. That was one of our questions. Our ELA is taught in 90-minute blocks. And we look for what the candidates are going to do in the various activities that they are going to use in that 90-minute class. And I do recall that she was currently teaching in 45-minute classes, and so that was a question that we did ask.

Q. So basically her school curriculum had her teaching that in 45-minute classes. You all would use 90. It's just a difference in the schools?

A. It's a different type of class. We're teaching an English language arts class for 90 minutes. Some classes -- some schools choose to teach reading for 45 and writing for 45. She was teaching a writing class.

Q. And that concerned you?

A. How the 90 minutes would be used in the various activities, in transitioning students, based on her

answer in the interview.

Q. What was her answer?

A. The different types of activities focused on writing, because that's what she was doing, and the literature that would be used and grammar aspects that would be used in integrating that into the classroom.

Q. And what was deficient about her answer?

A. How much time was spent on various activities and how to fill that 90 minutes, and how much -- what we were looking for in that classroom.

Q. How did the other candidates fare on that question?

A. Well, those are the candidates that we hired. So they would have been more successful in answering that question, or how they were currently teaching in a block of time like that.

Q. Ms. Palermo, had she been teaching in such a block of time?

A. It was not 90 minutes. But it was 75 or 80, is what I recall, from her experiences, yes.

Q. Palermo, at that time, had no classroom experience except for student teaching; is that correct?

A. That is correct.

Q. And how many months of student teaching had she had?

come to this deposition?

A. I have not.

Q. What did you do, to prepare yourself for this deposition today?

A. Met with counsel and read over the deposition parts that had -- that pertained to me through the interview process, Ms. Noorai's deposition.

Q. Did you read any other depositions of any other deponents, the depositions of whom had been taken previously?

A. No.

Q. Were you given any? I asked that once, but I want to make sure I've covered it now. The only parts you've been given, excerpts from Noorai's deposition. But other than that, you weren't supplied any of them?

A. No.

Q. Have you had any conversation with Dr. Kelly Pew since this lawsuit was filed?

A. No.

Q. Do you know her?

A. I do.

Q. How do you know her?

A. Dr. Pew was a principal at Seneca Middle when I first came to Oconee County. She then moved to

Seneca High School as principal. So that's how I know Dr. Pew. And she left then and went to another county.

Q. Does a lady named Deb Wallace work for you?

A. She does now.

Q. What does she do?

A. She teaches sixth-grade English.

Q. What is her certificate for?

A. She is certified in many areas, but is elementary certified through sixth grade, highly qualified. I believe she's also certified in science, as well as some other areas.

Q. Have you verified that, or are you just assuming that?

A. That was verified before Ms. Wallace was hired in August.

Q. Of what year?

A. 2012.

Q. Carole Sorrells Alexander. What is her certificate in?

A. She is elementary certified.

Q. For what grade or what subjects?

A. I know that she is certified K through 6. I also believe she has a reading certificate.

Q. Reading?

1 Q. And I've got certain things highlighted. I did
2 that highlighting. It consists of four pages.

3 A. (Reviewing document.)

4 MR. BRANDT:

5 We'll take a break.

6 (OFF THE RECORD; BRIEF RECESS)

7 EXAMINATION RESUMED BY MR. BRANDT:

8 Q. I understood your testimony earlier, and if I
9 misunderstood it you correct me, that you made a
10 statement that during the course of the interview
11 that Mari admitted management problems in the
12 classroom.

13 A. No, she did not admit. One of our questions
14 related to classroom management. And when she
15 answered that, that is -- through that question and
16 another follow-up question is when she shared with
17 us about the contract situation and choosing not to
18 go back to Pickens County.

19 Q. Did she mention anything in that interview process
20 about she didn't feel safe at her prior school?

21 A. No.

22 Q. Did she mention anything, tell you anything about a
23 situation where she had been -- at least her view
24 of it -- inappropriately touched by a student while
25 he sang the lyrics to a sexually suggestive song?

1 MR. DICKEY:

2 Object to the form.

3 EXAMINATION RESUMED BY MR. BRANDT:

4 Q. Did she relate that to you?

5 A. No.

6 Q. Did she tell you anything or make any allegation
7 that she had been assaulted, sexually assaulted at
8 school, at Edwards by a student, and she didn't
9 feel it had been dealt with appropriately and that
10 was the reason she was leaving?

11 A. No.

12 Q. Did you have any information at all that she had
13 any difficulty with Mr. Culler, her principal at
14 Edwards?

15 MR. DICKEY:

16 Object to the form.

17 EXAMINATION RESUMED BY MR. BRANDT:

18 Q. And when I say difficult, not getting along, didn't
19 like working for him, anything like that.

20 A. No.

21 MR. DICKEY:

22 Same objection.

23 EXAMINATION RESUMED BY MR. BRANDT:

24 Q. You stated that you interviewed these five, and
25 that then the positions were filled. And then

A. And that would come from human resources.

Q. And my question is, do you know when she signed her contract?

A. I do not. That comes from human resources.

Q. And when did the school year start that year?

A. I don't know an official start date.

Approximately --

Q. Okay, give me an approximate.

A. -- mid August.

Q. After the interview process, Mari was interviewed and the job was filled, did you have any discussions with Earnestine Williams about Ms. Noorai?

A. Not specifically Ms. Noorai.

Q. When you say not specifically, can you tell me then what kind of conversation you had with her?

A. Once the interviews are complete and I make the reference checks on the candidate or candidates in this case that were going to be recommended to the board, to be hired, I call Ms. Williams. I tell her that the interview has been complete, that the reference checks that I have made. She then will either keep me on the phone or call me back and make sure that all their paperwork is in line, as far as certification, et cetera, and tell me at

1 A. I do not have access to the CERRA --

2 Q. But you know what it is?

3 A. Yes.

4 Q. And so you've never gone into it and checked on
5 her?

6 A. No.

7 Q. What was that other program?

8 A. We call it winOcular.

9 Q. winOcular.

10 A. You can go into the state website and type in
11 someone's name, like you said, and find the
12 certification. But you can't -- I cannot check
13 ADEPT status or any notes that are in there, to the
14 best of my knowledge.

15 Q. I understand that, of the five candidates you
16 interviewed, your testimony is that Ms. Noorai
17 ranked fifth in that pool.

18 A. That is to the best of my knowledge, yes.

19 Q. Was there anything during that interview process
20 and scoring process, even though she may have come
21 in fifth among those five, that would have told you
22 that you would never consider her for a job at your
23 school?

24 A. When she shared with the committee going back
25 through ADEPT. I would not consider bringing on a

1 teacher going back through the ADEPT process again.

2 Q. And that was because she said that if she stayed,
3 she would have to go back through ADEPT?

4 A. Yes.

5 Q. Other than that, was there anything about the
6 interview that said, look, this is not my kind of
7 candidate and I would never consider her?

8 A. Candidates can look very good on paper, very bright
9 and can be straight As. But their interaction with
10 students and what they do in the classroom is
11 something completely different. And the decision
12 of the interview committee that day is that we felt
13 that she would not be a good match for West-Oak
14 Middle School.

15 Q. Were you aware that she had her students writing
16 essays, and whatever, that had won several state
17 awards under her tutelage?

18 A. I did not recall that, no, until you showed me that
19 information.

20 Q. Did you understand that her students at RC Edwards,
21 that she had taught for those two years, had really
22 scored well on the exams and things that had been
23 given, that she really had a productive class down
24 there? Were you aware?

25 A. Like I said, you can look good on paper. But, you

1 know, how a match for your school and the type of
2 students that you have and the curriculum that
3 you're going to be teaching -- she was teaching a
4 writing class.

5 Q. That's all? Just a writing class?

6 A. To the best of my knowledge she was teaching a
7 writing class, yes.

8 Plaintiff's Exhibit No. 1 marked for identification
9 (Application and Promissory Note)

10 EXAMINATION RESUMED BY MR. BRANDT:

11 Q. I marked Deposition Exhibit Number 1 to your
12 deposition. You've had an opportunity to look at
13 it. Are you familiar with that form, what it's
14 for?

15 A. I am familiar with the form. I have seen it online
16 before, yes.

17 Q. And what did you understand it to be?

18 A. That teachers that are going through college, up to
19 a certain point, have a loan forgiveness if they
20 are teaching in certain schools in certain subject
21 areas, or make career changes.

22 Q. And I'm not wanting to direct any questions toward
23 this, I think, that part of it. But here it talks
24 about critical subject areas and it says all middle
25 school level math, science, social studies,

1 Q. You stated the ratings, and I want to make sure I
2 covered it. I may have already asked it. But you
3 gave me the rankings of how they came out
4 -- Palermo first, Freeman second, Chassereau third,
5 Cody fourth, and Noorai fifth. This was the sum
6 total of yours. In your mind, on your rating,
7 would you have scored Noorai last or somewhere up
8 the line, and then it got together with all the
9 composite scores and she fell to the bottom? Do
10 you know what I mean? If you ranked them, would
11 you have put her higher than fifth or did you have
12 her scored last, too?

13 A. I do not know if I would have had her fourth or
14 fifth, but I would not have had her first, second
15 or third based on the candidates that we
16 interviewed.

17 MR. BRANDT:

18 That's all. I had one question.

19 MR. BARLOW:

20 You absolutely did.

21 EXAMINATION BY MR. DICKEY:

22 Q. Ms. Verderosa, have you ever been an employee of
23 Pickens County School District?

24 A. I have not.

25 Q. So you were not a part of her ADEPT process, as Mr.

8

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

IN THE COURT OF COMMON PLEAS
CASE. NO. 2011-CP-37-279

Mariam R. Noorai,
Plaintiff,

vs.

School District of Pickens
County; School District of
Oconee County; and Gary Culler,
Donald Boggs, Richard Hudak,
Earnestine Williams, Marilyn
Raines and Dr. Kelly Pew, in
their individual capacities,

Defendants.



DEPOSITION OF EARNESTINE ROBINSON WILLIAMS

Pursuant to Notice of Deposition and/or agreements
in the above entitled case, the Deposition of Earnestine
Robinson Williams was taken at the law offices of Larry C.
Brandt, 3691 Blue Ridge Boulevard, Walhalla, South
Carolina, on Tuesday, August 7th, 2012, commencing at 9:33
a.m.

COPY

KAREN BELANGER
CERTIFIED VERBATIM REPORTER, CVR-M

FOOTHILLS COURT REPORTING
864-991-2570

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1 Q. All right, and the reason for those questions is jury
2 selection --

3 A. Correct.

4 Q. -- if we have to do that. And I have to go through
5 a litany of questions here. And I don't mean to
6 offend you by that. But have you ever been sued --

7 A. No, I have not.

8 Q. -- personally on any kind of case?

9 A. No, sir.

10 Q. And I'm not worried about anything like traffic
11 court, or anything like that.

12 A. No.

13 Q. Have you ever been charged with a crime?

14 A. I have not.

15 Q. And I suppose then, you've never been convicted?

16 A. No, sir.

17 Q. Have you ever served time in the military?

18 A. No, sir.

19 Q. Ms. Williams, it's my understanding that back some
20 time ago, year 2009 maybe, somewhere around there,
21 that you interviewed Mari for a job at Oconee.

22 A. No, I did not interview her.

23 Q. You did not?

24 A. I did not.

25 Q. Did you have any meeting with her, or talk to her at

all?

A. I spoke with her, yes.

Q. In person or on the telephone?

A. In person.

Q. And where did that conversation occur?

A. At the School District office, my office.

Q. And what do recall was said and done in that conversation, at the time you met with her there?

MR. BARLOW:

Object to the form, but go ahead.

EXAMINATION RESUMED BY MR. BRANDT:

Q. What was the purpose of her being there?

A. Basically at first, it was unclear because I had another meeting to handle a very sensitive matter with another employee. She originally was not on my calendar for the day. And I think my secretary -- and I'll try to remember best I can. This is three years ago. Rebecca Coker may have called me and said you've got someone that's coming in to see you, and wanted to know how long I'd be there. And when I got to the office, I think they were waiting. I don't recall. But I think they were waiting. When we met, it was basically a lot of things.

Q. Stop right there. You used the word "they". Was there someone else with Mari?

- 1 A. I think her mother was there, because I remember them
2 saying that the mother and daughter was there.
- 3 Q. Rebecca Coker. Who is she?
- 4 A. She's my assistant, secretary -- administrative
5 assistant.
- 6 Q. And how long has she worked for you?
- 7 A. She's been there the whole five years that I've been
8 there, but she's been with the School District maybe
9 ten years or more.
- 10 Q. Was she always in HR with the School District?
- 11 A. As far as I recall. She worked with Mike Pearson
12 when he was in HR.
- 13 Q. And do you know if she's held any position with the
14 Oconee School District other than the district
15 office?
- 16 A. I do not. No, I do not.
- 17 Q. But she's just a clerical, secretarial kind of
18 employee?
- 19 A. She is, yes.
- 20 Q. You say they were waiting. So tell me, when you got
21 there -- pick it up and relate to me what occurred.
- 22 A. It's -- she came into the office. I do remember her
23 sharing her portfolio about her evaluation, wanted me
24 to see that. And that's initially what I thought the
25 meeting was about. Usually I have applicants that

1 come back in, if they weren't hired for a position.
2 They come back in, to inquire what can they do. They
3 want to meet me. And I guess that's just so I can
4 share their information with principals and let them
5 know they're available.

6 Q. Had she already been declined for a position with a
7 school?

8 A. I was not aware of that. Not that I was aware of.

9 Q. Did she say that, in that interview?

10 A. She did.

11 Q. Were you aware that she had even submitted an
12 application to the Oconee School District for
13 employment, prior to meeting her that day?

14 A. No.

15 Q. The normal process, if I understand it, you do it
16 mostly online now --

17 A. Correct.

18 Q. -- rather than the old way, when we went around.
19 We'd go to the people and say, hey, I want to apply,
20 and fill it out there in the office. But now, is it
21 true, that you all take the application online?

22 A. Applications are submitted online.

23 Q. Is there any type of policy or procedure about who
24 would review those applications initially, as they
25 come in, online?

1 interviews back in 2009?

2 A. It probably was Rob Rhodes, because he was working in
3 my department at that time.

4 Q. Rob Rose?

5 A. Uh-huh (affirmative).

6 Q. R-O-S-E?

7 A. R-H-O-D-E-S.

8 Q. R-H-O --

9 A. D-E-S.

10 Q. And is he still there?

11 A. He's not.

12 Q. Where is he?

13 A. The last I heard, he was in Greenville County.

14 Q. Still working with the schools over there?

15 A. I think so.

16 Q. When did he leave?

17 A. He left the summer of '09, yeah. June 30th, I think,
18 would have been his last day.

19 Q. Do you recall if you were the initial, or conducted
20 the HR screening interview with Mari back in '09?

21 A. I did not.

22 Q. Do you know who did?

23 A. Rob Rhodes.

24 Q. And I remember. R-H-O-D-E-S. Do you recall what
25 action, or do you have any knowledge of what action

1 for anything else, this is the information in the
2 packet. The packet has guidelines on how to apply
3 for jobs.

4 Q. But would you give me a list of the positions that
5 you're still seeking?

6 A. No, I do not give them a list. No. I just tell them
7 to watch the website for additional positions.

8 Q. There's a question, as I understand on the job
9 application, that asked if you had any problem with
10 contacting previous employers. Is there one such
11 question on your application?

12 A. There is a question, yes.

13 Q. If it says, "Will you consent to us checking with
14 prior employer," if I check yes, do you check with
15 them? As a matter of routine, if I consent for you
16 to check with my previous employer about me -- I'm
17 already not a first-year teacher. I've been
18 teaching, and I'm coming from another school district
19 or another school. And I say you have permission to
20 contact my previous employer or my present employer,
21 if I'm employed and I'm wanting to move. Would you,
22 as a matter of course, as HR, then contact that
23 previous employer to talk with them about me?

24 A. I do not, no.

25 Q. Does anyone else? Is that task assigned to anyone

1 Q. Whether that be the principal or another teacher, or
2 an assistant principal. You would make contact with
3 somebody at that old school to say, "Larry Brandt did
4 a good job or Larry Brandt did a bad job"?

5 A. Correct.

6 Q. And that's pretty much followed in the vast majority
7 of the applicants when they interview for a job?

8 A. Correct.

9 Q. Before a decision is made as to --

10 A. Correct.

11 Q. -- whether or not to hire them?

12 A. Correct.

13 Q. At what stage of the interview process would that
14 background -- I'm going to call it a background check
15 with my former place of employment. At what stage of
16 the interview process would that occur?

17 A. That occurs if they're the final candidate, only if
18 they're the final candidate.

19 Q. You say the final candidate?

20 A. Correct.

21 Q. So you would have one each time that's picked as the
22 final candidate, and check that person out?

23 A. Right.

24 Q. If I didn't make the final, if I wasn't the first
25 choice, you wouldn't check me?

1 A. We would not.

2 Q. If the first choice then turned it down, and I was
3 the second guy to come up, then you would check me
4 before you offered me the job?

5 A. Correct.

6 Q. And, I guess, you work on down. In essence, that
7 background check is pretty much one of the last
8 things you do before you make a final decision to
9 hire?

10 A. Well, the final decision is, once they send a
11 recommendation to us that that is the top candidate,
12 then we do -- we have to do a background check which
13 involves SLED and all that, sex offender.

14 Q. And you do all that?

15 A. Correct.

16 Q. Plus call the prior place of employment, correct?

17 A. I don't. The principals do it, at that level.

18 Q. Well, somebody does --

19 A. Yes.

20 Q. -- that's in the loop, to make a decision on this
21 candidate?

22 A. Correct.

23 Q. I'm sure that you've gone back and checked all your
24 records and understand that the position at
25 Westminster Middle School was the subject that sort

1 of started all this right here.

2 MR. BARLOW:

3 Object to the form, but go ahead.

4 EXAMINATION RESUMED BY MR. BRANDT:

5 Q. Are you aware of that? That Mari, the Plaintiff,
6 applied for a job at Westminster Middle School?

7 MR. BARLOW:

8 I'm just objecting to the name of the school.

9 EXAMINATION RESUMED BY MR. BRANDT:

10 Q. West Oak. She applied for a position at West Oak?

11 A. I'm aware of that now, yes.

12 Q. And was that a high school position?

13 A. No, that's a middle school.

14 Q. Was she qualified, other than the background check?

15 A. As far as my knowledge, when I went back and reviewed
16 that, yes.

17 Q. Was she highly qualified for that position?

18 A. What do you mean by highly qualified?

19 Q. Well, I've seen something in your records that talks
20 about highly qualified. I don't know. What do you
21 all consider highly qualified?

22 A. Highly qualified means -- it's two levels. Highly
23 qualified meaning this is the best candidate for the
24 position. Then highly qualified, according to the
25 State, means that you have taken the necessary praxis

1 your link?

2 A. I am not sure if it would show the HQ status, but it
3 may show the teacher and what her certification might
4 be.

5 Q. And you said highly qualified had a meaning to you
6 anyway of being the best candidate for the job?

7 A. Correct.

8 Q. Was Mari the best candidate for that job?

9 A. I do not know that. I was not in the interview.

10 Q. You didn't make that decision?

11 A. I did not make that decision.

12 Q. Did anybody consult with you about Mari prior to
13 selecting another candidate?

14 A. No.

15 Q. When you first met with Mari, I think you said her
16 mother was there. Did her mother come in the room to
17 talk at the same time?

18 A. No, she did not. And I really didn't see her mother.
19 I just remember that the word "they" was used,
20 "they're here".

21 Q. But I just wanted to make sure, when you talked to
22 Mari about that, it was just you and Mari in --

23 A. Correct.

24 Q. -- there. It wasn't anyone else?

25 A. No.

1 Q. No other school official or anyone that witnessed
2 that?

3 A. No.

4 Q. And tell us again what occurred when you met with
5 Mari.

6 A. As I recall, there were -- she talked about her
7 resignation, that she had resigned from Pickens. She
8 talked about her applying for the job at West Oak.
9 And there was something about references. She was
10 concerned about her references.

11 Q. Do you remember specifically what she was concerned
12 about?

13 A. No.

14 Q. Did you go back and review her references while she
15 was there?

16 A. In the office, no, I did not.

17 Q. Have you since gone back and looked at the references
18 that were sent in, in regards to that application --

19 A. I have.

20 Q. -- on her behalf?

21 A. Yes.

22 Q. Was there any need that you found, in any of those
23 -- I guess there were three, because you have to list
24 three?

25 A. Three, yes, correct.

1 Q. And in those three references, was there anything in
2 there negative that would have kept her from being
3 considered for employment?

4 A. No, there were not.

5 Q. Would you classify those references as weak, mild, or
6 strong?

7 A. All of her -- there's a -- if you've seen it, there's
8 like a checklist of the different items that they're
9 asking. She did have a below, I think; expectations
10 with classroom management. But her overall rating by
11 that particular person that did the reference said to
12 consider strongly. So her overall rating was high.

13 Q. Below expectations in what?

14 A. I think it was classroom management.

15 Q. And I know I'm asking you to go back and remember
16 stuff. So I probably won't hold you to that answer.
17 We'll go with what's on the thing.

18 A. Okay.

19 Q. But you think classroom management, that there was
20 criticism from one of her references that she gave
21 you? She supplied the three names?

22 A. She did.

23 Q. You all went out, and those three came in with
24 references. And you think that you recall, at least
25 one of them said, she was below expectations at

1 classroom management. But other than that, they were
2 pretty strong?

3 A. Overall, yeah.

4 Q. They were real strong?

5 A. Yeah.

6 Q. This position at West Oak, tell me what you know
7 about hiring process for that position. Was it a
8 one-person interview, two, three people that was in
9 on that? Do you know?

10 A. I don't know. I just know from the recommendation
11 form it did list several people's names, but I was
12 not at the interview.

13 Q. I guess I'd better back up and ask this. When
14 there's a position open at a particular school, this
15 intake interview that you go through, screening, you
16 screen HR screening interview and you make sure
17 everything is in order. And then do the principals
18 at the schools then take care of the interview
19 process, actual interview for the job?

20 A. They do.

21 Q. And do they get to make the final decision, or do
22 they send it forward to you? Do you have to bless
23 it?

24 A. They make the final decision. The only thing we do
25 it follow up, to make sure that the person is indeed

1 certified and highly qualified.

2 Q. So if the principal wants to hire someone and their
3 academic credentials are in order, you're going to
4 allow that to occur?

5 A. Correct.

6 Q. Obviously you're going to make sure that they're not
7 trying to hire a felon or anyone like that.

8 A. Correct.

9 Q. But unless there is something that's sort of bell-
10 ringing in that person's background, then you're
11 going to go along with what the principal wants to
12 do?

13 A. Correct.

14 Q. So it would have to be pretty strong for you to
15 override them?

16 A. I have not over --

17 Q. You've never had occasion to do that?

18 A. I have not, no. We don't micro-manage. They need to
19 be able to work with the people that they hire.

20 Q. I understand. And as far as the process that that
21 principal, or that procedure and process that the
22 principal would want to follow in the interview, in
23 the selection of this teacher, would you also leave
24 it up to that principal to develop that process or
25 procedure to follow whether they wanted one person,

1 Verderosa, has any kind of a personal relationship
2 -- and I'm not meaning that in an ugly way, but I'm
3 talking about a friendship or an acquaintance of Mr.
4 Culler?

5 A. I don't. No, I don't.

6 Q. Did you know Mr. Culler before this all started?

7 A. No, sir.

8 Q. Had you ever met him at a school meeting, or anything
9 like that?

10 A. No.

11 Q. Ever had occasion to call him and check on anybody
12 else, another person?

13 A. No.

14 Q. Are you familiar with Mari's complaints that her
15 application, that she kept submitting to the school
16 district, kept dropping information on her
17 certificate?

18 A. I do think there was an e-mail that she sent to
19 personnel about information was dropping.

20 Q. In consideration for a job, would it matter whether
21 I had -- I think you called it an initial
22 certification as opposed to a professional
23 certification? Is there a difference?

24 A. One is you're a first-year teacher. You're an
25 induction teacher. Professional just means that you

1 in writing somewhere?

2 A. No, it's not in writing.

3 Q. Did he give it to you personally, individually, or
4 did he give it to you in a meeting?

5 A. I think it was in a meeting with him, in his office.

6 Q. Was it just a meeting between you and him, or was it
7 a meeting between you and others?

8 A. No, just with me and him.

9 Q. Would Kay Powell have knowledge of that meeting and
10 that direction?

11 A. I'm not aware of.

12 Q. Kay just retired this June?

13 A. She did, yes.

14 Q. Have you ever talked to Kelly Pew about my client?

15 A. No, sir.

16 Q. Have you ever talked to Mr. Culler about my client?

17 A. No, sir.

18 Q. Marilyn Raines?

19 A. No, sir.

20 Q. Mr. Hudak?

21 A. No, sir.

22 Q. Have you ever done anything to try to check out my
23 client's claim that she was sexually assaulted by a
24 student at Edwards Middle School and nothing was ever
25 done about it?

1 yes, I did.

2 Q. Before or after the lawsuit was filed?

3 A. This probably would have been before.

4 Q. And the first meeting was before? Or the first time
5 he communicates, "I want you to meet with --

6 A. Correct, yes.

7 Q. And that was before you met with Mari at all, wasn't
8 it?

9 A. Yes, it would have been.

10 Q. When she came into that office and you knew she was
11 out there, had you already pulled up her application
12 on the screen?

13 A. I did pull up her application, because I didn't know
14 what she wanted to meet with me about.

15 Q. Did you go over the application with her?

16 A. I did not, no.

17 Q. At the moment, in that meeting, did you give her any
18 reasons or even attempt to explain why she was not
19 chosen for the job?

20 A. No, I did not.

21 Q. Did you discuss any of the other candidates'
22 qualifications with her?

23 A. No, I did not.

24 Q. Or why the person, that was selected, was selected?

25 A. No, I did not.

REQUEST/ MOTION AND ORDER

FILED 000122, SC
BEVERLY H. WHITFIELD
CLERK OF COURT

2013 FEB 15 PM 4 24

ATTORNEY SECTION:

Case Name Mariam R. Noorai v. School District of Pickens, et al

Case or Indictment Number 2011-CP-37-00-279

I am requesting **PROTECTION** for the above-named case for the date(s) of _____ to _____, due to _____ and my signature certifies, pursuant to Rule 11(a), SCRCP, that:

(1) I have communicated with all other attorneys involved in the case and that there are no objections to this request; or

If there is an objection to this request, please explain fully, using additional pages as necessary. _____; and

(2) I have notified the appropriate docket clerk (in civil cases) or the appropriate representative from the Office of the Solicitor (in criminal cases) of this request; and

(3) There are no special Orders or dockets setting the case for trial in this particular time period.

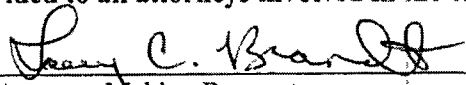
I am moving for a **CONTINUANCE** in the above-named case which is currently scheduled on the **MOTIONS** docket for **FEB. 19, 2013**, due to parties have agreed to extend discovery through 4/19/2013 in order to complete same and take the depositions of recently discovered witnesses. The parties are in the process of submitting an Amended Scheduling Order and have agreed to continue the hearing upon the Summary Judgment Motions filed by the Defendants until after 4/19/2013 and my signature certifies the following, pursuant to Rule 11(a), SCRCP:

(1) I have communicated with all other attorneys involved in the case and there are no objections to this request; or

If there is an objection to this request, please explain fully, using additional pages as necessary. _____; and

(2) I have filed a Motion for Continuance with the Clerk of Court and paid the appropriate filing fee, or, in criminal cases, notified the appropriate representative from the Office of the Solicitor of this request and this case is not set for trial at this term of court, S.C. Code Ann. § 1-7-330.

Upon receiving the completed Request/Motion and Order, I will confirm that the original is filed with the Clerk of Court and that copies have been provided to all attorneys involved in the case.

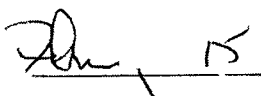

Attorney Making Request

Feb. 15, 2013

Larry C. Brandt, Attorney for Plaintiff
Please Print Attorney's Name

COURT SECTION:

____ Request for Protection OR ☒ Motion for Continuance
☒ GRANTED _____ DENIED

 15, 2013


Judge, Tenth Judicial Circuit

Copies to: pd \$25.00
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STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2011 CP-37-00279

MARIAM R. NOORAI

SCH. DIST. OF PICKENS COUNTY; SCH. DIST. OF

PLAINTIFF(S)

OCONEE COUNTY; ET AL

DEFENDANT(S)

Submitted by: LARRY C. BRANDT

Attorney for: ☒ Plaintiff or ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk:

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

Judge Code

Date

Copies to:

Atty (P) Brandt (D) Hart
DSS other

Page 1

FILED OCONEE, SC
BEVERLY H. WHITEFIELD
CLERK OF COURT
JUN 6 PM 3 50

ENTERED
JUN 6 2013
CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)

COURT OF COMMON PLEAS

Mariam R. Noorai,)
Plaintiff,)

vs.)

Sch. Dist. of Pickens County;)
Sch. Dist. of Oconee County;)
and Gary Culler, Donald Boggs,)
Richard Hudak, Earnestine)
Williams, Marilyn Raines and)
Dr. Kelly Pew, in their individual)
capacities,)

Defendants.)

ORDER RELIEVING COUNSEL
(Larry C. Brandt)

CASE #2011-CP-37-00279

FILED OCONEE, SC
BEVERLY H. WHITEFIELD
CLERK OF COURT
2013 JUN 6 PM 3 50

This matter came before the Court on May 31, 2013, upon the Motion of Larry C. Brandt, Attorney, seeking an Order releasing him as attorney of record for the Plaintiff and relieving him of any further duties and responsibilities in the representation of her in the above captioned matter.

Present at the hearing were the Plaintiff, Mariam R. Noorai; Mrs. Laura Hart, Attorney for the Defendants, School District of Pickens County, Gary Culler, Donald Boggs, Richard Hudak, Marilyn Raines and Dr. Kelly Pew; and Mr. Thomas Barlow, Attorney for the Defendants, School District of Oconee and Earnestine Williams.

Upon commencement of the hearing, Mr. Brandt summarized the history of his involvement in the case and stated the reasons why he believed it necessary that he

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withdraw as Plaintiff's attorney. He further stated that he did not believe that he could continue to effectively represent Plaintiff under the circumstances given the more recent history of the difficulties in the case.

Plaintiff presented a written statement to the Court, as well as a return to Mr. Brandt's Motion objecting to his release and stating that she desired that Mr. Brandt continue to represent her, that he had been with the case from the beginning, that he knew it, that it was complicated and that she was satisfied with his representation. Her statement, as well as her return, were read and, along with all matters presented, was considered by the Court in deciding the issue.

Mrs. Hart and Mr. Barlow both stated their clients did not oppose the Motion but that they did not want the case to be delayed indefinitely as their clients were most anxious to move it along to conclusion as quickly as possible.

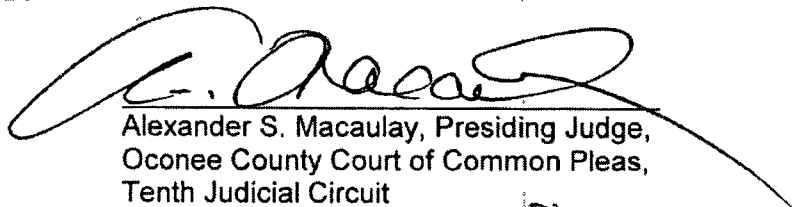
After considering all matters of record and statements presented by Plaintiff, Mr. Brandt, Mrs. Hart and Mr. Barlow, it is the opinion of this Court that Mr. Brandt's Motion should be granted and that Plaintiff should be allowed a period of sixty (60) days from date of this Order to retain the services of another attorney to represent her. It is also the opinion of this Court that any dispositive Motions which may hereafter be filed should not be heard before September 20, 2013 and that Plaintiff should cooperate with any counsel retained by Plaintiff to allow further discovery to posture the case so that it may thoroughly proceed in a fair manner to all parties.

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IT IS, THEREFORE, ORDERED:

1. Mr. Brandt is hereby relieved as attorney for the Plaintiff, Mariam R. Noorai, and shall have no further responsibility or duty to her in regards to representing her in this matter.
2. Plaintiff, Mariam R. Noorai, is hereby granted **sixty (60) days** to retain an attorney to represent her in this matter.
3. Any dispositive Motions which may be filed by any of the parties shall not be heard before September 20, 2013.
4. Further discovery shall be permitted until September 1, 2013, or as may hereafter be granted by Order of this Court.

AND IT IS SO ORDERED!


Alexander S. Macaulay, Presiding Judge,
Oconee County Court of Common Pleas,
Tenth Judicial Circuit

June 5, 2013
Walhalla, South Carolina

FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT
2013 JUN 6 PM 3 50

3-13

REQUEST/ MOTION AND ORDER

ATTORNEY SECTION:

Case Name Marium R Noor vs. School District of Pickens County, et al. Case or Indictment Number 2011-CP-37-279

I am requesting **PROTECTION** for the above-named case for the date(s) of _____, 20____, to _____, 20____, due to _____ and my signature certifies, pursuant to Rule 11(a), SCRCP, that.

- (1) I have communicated with all other attorneys involved in the case and that there are no objections to this request; or
If there is an objection to this request, please explain fully, using additional pages as necessary _____; and
- (2) I have notified the appropriate docket clerk (in civil cases) or the appropriate representative from the Office of the Solicitor (in criminal cases) of this request, and
- (3) There are no special Orders or dockets setting the case for trial in this particular time period

I am moving for a **CONTINUANCE** in the above-named case which is currently scheduled on the docket for the _____, 20____ Term of Court or _____, 20____ (date certain), due to The recent retention of my services after previous attorneys were relieved. and my signature certifies the following, pursuant to Rule 11(a), SCRCP:

- (1) I have communicated with all other attorneys involved in the case and there are no objections to this request; or
If there is an objection to this request, please explain fully, using additional pages as necessary. _____, and
- (2) I have filed a Motion for Continuance with the Clerk of Court and paid the appropriate filing fee, or, in criminal cases, notified the appropriate representative from the Office of the Solicitor of this request and this case is not set for trial at this term of court, S.C. Code Ann. § 1-7-330.

Upon receiving the completed Request/Motion and Order, I will confirm that the original is filed with the Clerk of Court and that copies have been provided to all attorneys involved in the case.

Oct 4, 202013

Attorney Making Request

Please Print Attorney's Name

COURT SECTION:

____ Request for Protection OR ☒ Motion for Continuance
☒ GRANTED _____ DENIED

Oct 7, 2013

Judge, Tenth Judicial Circuit

Copies to:

Atty _____ (P)
DSS _____ other _____

REQUEST OR MOTION AND ORDER

FILED O'CONNOR, SC
BEVERLY H. WHITFIELD
CLERK OF COURT

ATTORNEY SECTION:

Case Name Mariam R. Noorai v SDOC, et al

Case or Indictment Number 2011-CP-37-279

2013 DEC 6 PM 1 17

I am requesting PROTECTION for the above-named case for the date(s) of _____, to _____, due to _____ and my signature certifies, pursuant to Rule 11(a), SCRCP, that:

(1) I have communicated with all other attorneys involved in the case and that there are no objections to this request; or

If there is an objection to this request, please explain fully, using additional pages as necessary. _____; and

(2) I have notified the appropriate docket clerk (in civil cases) or the appropriate representative from the Office of the Solicitor (in criminal cases) of this request; and

(3) There are no special Orders or dockets setting the case for trial in this particular time period.

I am moving for a CONTINUANCE in the above-named case which is currently scheduled on the docket for Monday, December 9 at 12:00p.m., a Non-Jury Term of Court, for a Motion for Summary Judgement, due to the unanticipated unavailability of the Plaintiff and my signature certifies the following, pursuant to Rule 11(a), SCRCP:

(1) I have communicated with all other attorneys involved in the case and there are no objections to this request; or

If there is an objection to this request, please explain fully, using additional pages as necessary. _____; and

(2) I have filed a Motion for Continuance with the Clerk of Court and paid the appropriate filing fee, or, in criminal cases, notified the appropriate representative from the Office of the Solicitor of this request and this case is not set for trial at this term of court, S.C. Code Ann. § 1-7-330.

Upon receiving the completed Request/Motion and Order, I will confirm that the original is filed with the Clerk of Court and that copies have been provided to all attorneys involved in the case.

December 14, 2013

S. Paul Aaron
Attorney Making Request

S. Paul Aaron
Please Print Attorney's Name

COURT SECTION:

____ Request for Protection OR ☒ Motion for Continuance

☒ GRANTED

____ DENIED

December 5, 2013

C. Moore

Judge, Tenth Judicial Circuit

Copies to:

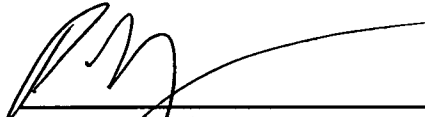
Atty ☒ (P) Aaron (D) Hart
DSS _____ other Barlow

ENTERED
COMPUTER

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

April 7, 2015



R. Mills Ariail, Jr., Esq.
Law Office of R. Mills Ariail, Jr.
11 North Irvine Street, Suite 11
Greenville, South Carolina 29601
(864) 232-9390
Attorney for Appellant

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APR 10 2015
SC Court of Appeals

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APR 10 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

J Cordell Maddox, Jr , Circuit Court Judge

Case No 2011-CP-37-279

Mariam R Noorai

Appellant,

v

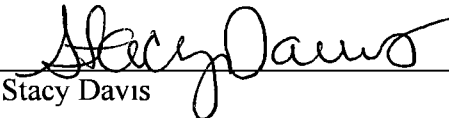
The School District of Pickens County, The School District
of Oconee County, and Gary Culler, Donald Boggs,
Richard Hudak, Earnestine Williams, Marilyn Raines,
and Dr Kelly Pew in their individual capacities

Respondents

PROOF OF SERVICE

I certify that I have served the Record on Appeal by depositing a copy of it in the
United States Mail, postage prepaid, on April 7, 2015, to all counsel of record listed
below

April 7, 2015


Stacy Davis

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Columbia, SC 29202

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