

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

KURT GLICK,)
)
Plaintiff,)
)
vs.) Case No. 1:22-CV-00015-TAV-CHS
) Judge Varlan
) Magistrate Judge Steger
CITY OF TULLAHOMA,)
)
Defendant.)

The Deposition of

JENNIFER MOODY

January 12, 2023

TRICIA R. DAVIS, RPR, LCR, CCR
Accurate Court Reporting
P.O. Box 682683
Franklin, TN 37068
(615) 244-DEPO or 244-3376
www.ACR-Nashville.com

1 Q. What was the anonymous complaint? What was
2 the allegation?

3 A. I don't recall.

4 Q. I mean, it was a big enough deal to engage the
5 Wimberly Lawson law firm to do an investigation. So do
6 you not remember what the allegation was?

7 A. I thought you were asking me about the
8 conversation with Rupa Blackwell.

9 Q. Yes, I was. And you said that's how you first
10 learned of the allegation in this matter was from
11 Ms. Blackwell. And Ms. Blackwell told you the nature of
12 the allegation. I'm asking what the nature was.

13 A. Yeah. I don't know that she -- I don't recall
14 it being a long conversation. I don't know if she gave
15 me a lot of detail. I just remember she said, "An
16 employee has contacted me that's upset and wants to
17 remain anonymous." And I very quickly explained to her
18 why I couldn't do anything with anonymous. So I didn't
19 take any actions based on her conversation with me at
20 that point.

21 I believe what happened next is that employee
22 went to Casta Brice and scheduled a time to talk with
23 the two of us. And that's how I became aware it was
24 Sheila Rico. And the three of us met. And I remember
25 hearing her grievances and that some of them -- you

1 know, some were things in the immediate now and some
2 were things that obviously extended further back in the
3 future, but --

4 MR. EVANS: Past?

5 THE WITNESS: Yeah, the past. The opposite
6 direction.

7 A. Extended into the past. So I just remember,
8 one, thinking, Wow, this is broad in scope. She's
9 alleging retaliation. Not just herself, but other
10 employees. And then I remember there were allegations
11 of maybe some discriminatory hiring practices that might
12 have been race-based or gender-based discrimination.
13 And I was like, Okay. You've put a lot on my plate, and
14 I need to make sure this is handled well.

15 Q. (By Mr. Burnette) When was that meeting?

16 A. It was in late October. I think maybe
17 October 20th.

18 Q. How long was that meeting?

19 A. I don't remember. I would say an hour
20 probably.

21 Q. Did you keep any notes from that meeting?

22 A. Yes.

23 Q. Do you know if those notes have been produced
24 as part of this discovery?

25 MR. EVANS: They have.

1 the final straw that caused her to report her grievance.
2 But the -- like I had said earlier, it was really broad
3 ranging in its scope, the things that she told me.

4 Q. Did she fill out some kind of official
5 grievance form?

6 A. No. I don't believe we have a form.

7 Q. After you talked with Ms. Rico on October the
8 20th, what was your next step? What did you do next?

9 MR. EVANS: Object to form.

10 A. Would you repeat the question?

11 Q. (By Mr. Burnette) Sure. With regard to the
12 allegations or the information that Ms. Rico shared with
13 you on October the 20th, what did you do next with
14 regard to those allegations?

15 MR. EVANS: Object to the form.

16 A. I think that I asked her to just give me the
17 time to look into some of the things that she had shared
18 with me. And I would have met, discussed with Casta
19 Brice one-on-one how we were going to handle that part.
20 And if you call it an investigation, looking into and
21 trying to verify some things that she said.

22 Q. (By Mr. Burnette) Did you look at the rest of
23 the candidates that she was talking about?

24 A. I don't recall.

25 Q. Did you ask Casta Brice about the list of

1 candidates for the program coordinator?

2 A. I guess when I say I don't recall, the
3 difficulty is it was so long ago, I don't necessarily
4 remember the sequence of whether it was before or after
5 Sheila's complaint or her grievance was filed. This
6 issue with the hiring was overlapping.

7 So I remember speaking with Kurt Glick about
8 it. I remember speaking with Casta Brice about it. I
9 can't remember as far as sequencing how much information
10 I had about the candidates and the issues going on,
11 whether that was before or after my meeting with Sheila.

12 Q. So it's possible that you'd already withdrawn
13 your consent for the program coordinator prior to the
14 meeting with Sheila Rico?

15 A. It's possible.

16 Q. How long after your meeting with Sheila Rico
17 did you authorize or instruct Casta Brice to contact the
18 Wimberly Lawson firm?

19 A. Probably that same day to seek their advice.

20 Q. Okay. So Sheila Rico made a grievance about
21 she believed her preferred candidate for the program
22 coordinator was not going to be selected. And that was
23 the, quote, straw that broke the camel's back, as you
24 said?

25 MR. EVANS: Object to the form.

1 A. No.

2 Q. Okay. What did I misstate?

3 A. Her concern was more about the practice of
4 hiring friends and acquaintances and that those friends
5 and acquaintances were continuing this practice of not
6 having any minorities in the department. She was not
7 advocating for a particular candidate to get the
8 position.

9 Q. Didn't you say that she helped the applicant
10 build his resume and was working with him and wanted to
11 see him get the position?

12 A. Yes.

13 Q. Okay. Why -- but you don't believe that
14 that's advocating for her candidate?

15 A. The nature of her grievance was not that that
16 person wasn't getting interviewed. I honestly don't
17 know if he was going to receive an interview or not.
18 There hadn't been any interviews or an offer made to
19 anyone. So that wasn't the nature of her grievance. It
20 was about how the department was operating and just a
21 long litany of examples of kind of what she thought were
22 bad management practices and potential bias and
23 decision-making.

24 Q. And you're not able to specifically remember
25 any of -- any examples that she gave you?

1 A. No. I don't think it's a violation of the
2 policy. I am more speaking to ethics and leadership
3 characteristics. And I do think that I would advise
4 somebody that it's not in their best interest to have
5 that kind of relationship and for it to be known
6 throughout the department.

7 Q. Following your meeting with Ms. Rico, were you
8 primarily concerned with ethics and leadership of
9 Mr. Glick's department?

10 A. Can you repeat that? I missed the beginning.

11 Q. After your meeting with Ms. Rico, were you
12 concerned about the ethics and leadership of his
13 department?

14 A. No. I mean, I hadn't formed any opinion at
15 that time. I was concerned about validating some of the
16 comments that she made and the potential for any
17 liability if there were truth to her comments.

18 Q. Did you undertake any actions to investigate
19 the validity of her claims prior to engaging the
20 Wimberly Lawson law firm to conduct its investigation?

21 A. No.

22 Q. Was the meeting with Ms. Rico the sole reason
23 that you engaged the Wimberly Lawson law firm to conduct
24 an investigation?

25 A. Yes.

1 A. Yes.

2 Q. Despite those findings, why did you believe it
3 was appropriate to suspend Mr. Glick for a period of
4 five days?

5 A. So I would like to reference a document. I
6 don't have it in front of me, but there is a written
7 notice that I provided to Mr. Glick that described why I
8 made the determination that I did. Are you familiar
9 with that document that I'm talking about?

10 MR. EVANS: Just try to answer his questions.

11 THE WITNESS: Okay.

12 A. Well, so anyway, if I could reference that
13 document, I could probably be more detailed in
14 my response. But I remember being intentional in that
15 document and especially in the way I addressed the
16 concerns and in the order of those concerns.

17 And so, you know, in the predisposition
18 hearing, Mr. Glick didn't take any responsibility for
19 having made any poor decisions, having any poor
20 management practices, for any of the bad communication
21 that went on in the department, for any contribution to
22 the perception of retaliatory behavior or these
23 inequities between the community centers or misuse of
24 facilities and City equipment and those kinds of things.

25 And so that weighed heavily on me that he had

1 taken, in my opinion, a pretty difficult stance to say,
2 I've never done anything wrong and none of this is
3 my fault, and it's all made up. Because I'm sitting
4 here -- none of these were my grievances, but I had, I
5 think like you read, 12 department employees making a
6 lot of the same type of statements and corroborating
7 pretty consistently that there was -- there were some
8 problems in the department. There was some need for
9 improvement in the department.

10 And then I had a department head saying, "You
11 shouldn't believe what they're saying; you should only
12 believe what I'm saying." And that's that, I didn't do
13 anything wrong and the employees are wrong. So that put
14 me in a pretty difficult situation. I felt like the
15 feedback I got from Wimberly Lawson was that while there
16 wasn't direct evidence, thank goodness -- thank goodness
17 there wasn't direct evidence of a racial bias or a
18 gender bias in decision-making -- that a reasonable
19 person could believe that his overall management style
20 included retribution and more what I would call
21 passive/aggressive ways of handling people that did
22 things he didn't like.

23 And I saw a lot of issues, a lot of bad
24 communication, a lot -- a lack of some best-management
25 practices, such as having regular staff meetings. I

1 also -- it's my job to enforce the policies and
2 procedures of the City. And so when somebody openly
3 admits, as Mr. Glick did, to misusing City property --
4 you know, I remember I did make a statement, "Hey,
5 you've openly admitted to some of these violations. In
6 the future, you have to adhere to all City policies,
7 procedures, and municipal laws."

8 You know, I don't think I overstated anything.
9 I think that the seriousness of -- you know, I was able
10 to discern things out of that report. And the things
11 that were most serious in my mind were that there were
12 some overall management practices that needed to be
13 corrected. There was some poor communication that that
14 needed to be improved. And that if we could improve
15 those things, that we would also improve this perception
16 that people weren't going to be treated fairly. Whether
17 that be employees getting retaliated against or, you
18 know, biased decision-making in hiring.

19 Q. Again, the report says there's no evidence of
20 bias on the basis of race or gender. Right?

21 MR. EVANS: Object to the form.

22 A. I can't recall. You're -- I think, again, you
23 might be speaking to direct evidence of -- it says
24 there's no direct evidence that he had -- that he was a
25 racist or sexist. But it does say that there's

REPORTER'S CERTIFICATION

1
2 STATE OF TENNESSEE)
3 COUNTY OF DAVIDSON)

4 I, Tricia Davis, LCR #478, RPR #49319,
5 CCR #467, licensed court reporter, in and for the State
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7 deposition transcript of JENNIFER MOODY was reported by
8 me on January 12, 2022, and that the foregoing pages of
9 the transcript are a true and accurate record to the
10 best of my knowledge, skills, and ability.

11 I further certify that I am not related to nor
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14 the outcome of this case.

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