

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

<b>KURT GLICK,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 1:22-CV-15-TAV-CHS</b>
	)	
<b>CITY OF TULLAHOMA, TENNESSEE,</b>	)	<b>Judge Thomas A. Varlan</b>
	)	<b>Mag. Judge Christopher H. Steger</b>
<b>Defendant.</b>	)	

**AFFIDAVIT OF AUSTIN C. EVANS**

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Having first been duly sworn, Austin C. Evans states under oath as follows:

1. I am over 18 years of age and competent to testify to the matters stated in this Affidavit, which are based on my own personal knowledge.
2. I have been licensed to practice law in the State of Tennessee since 2017. My Tennessee Board of Professional Responsibility Number is 36000. I am an attorney with the law firm of Howell & Fisher, PLLC.
3. My firm and I represent the Defendant, City of Tullahoma, in this matter.
4. By virtue of my representation of the Defendant in this lawsuit, I am very familiar with the procedural history, developments, and issues related to the handling of its defense.
5. Through a process server, our firm personally served Jenna Amacher with a subpoena for the production of certain multimedia recordings on February 13, 2023.

6. Through Ms. Amacher's comments made during public hearings and on her Facebook page, I understand that Ms. Amacher graduated with her law degree from Nashville School of Law.
7. On February 21, 2023, to avoid the potential for undue burden or expense, I sent Ms. Amacher an email, which provided her the opportunity to electronically produce the subpoenaed multimedia files. Ms. Amacher did not respond to my email.
8. On March 8, 2023, I sent Ms. Amacher a letter with attachments, both by U.S. Mail and email, which indicated that her response to the subpoena was then more than one (1) week overdue. I warned Ms. Amacher that Defendant would file a motion to compel if she did not respond to Defendant's subpoena in the next seven (7) days.
9. Ms. Amacher did not respond or otherwise object to the subpoena for certain multimedia files until she filed a *pro se* Objection, Motion to Quash and/or Motion for Protective Order (DE 26) on March 27, 2023. Ms. Amacher has not produced the multimedia files as required by the subpoena duces tecum.
10. Through a process server, our firm personally served Ms. Amacher with a deposition subpoena on March 20, 2023.
11. On March 27, 2023, to avoid the potential for unnecessary time and expense, I sent Ms. Amacher an email, asking her to kindly advise whether or not she would be attending her deposition the following day. Ms. Amacher did not respond to my email.
12. On March 28, 2023, Ms. Amacher arrived at the Tullahoma Regional Airport, at or about the time listed on her deposition subpoena. Ms. Amacher advised me that she would not be answering questions under oath, for the reasons stated in her pending Objection, Motion to

Quash and/or Motion for Protective Order (DE 26) and because her counsel was not present for the deposition.

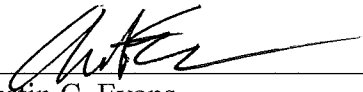
13. Jennifer Moody, Casta Brice, and Shelia Rico are Defendant's principal fact witnesses in this case.
14. In August 2022, Plaintiff won his election for Tullahoma alderman, and, on August 22, 2022, he was sworn into office. On September 12, 2022, at his second public board meeting as alderman, Plaintiff called for a pre-disposition hearing to discuss Ms. Moody's "performance issues," accused Ms. Moody of actions involving "fraud," asked the city attorney who should investigate her "fraud," suggested that the State Comptroller's office might be appropriate to investigate, and equated Ms. Moody's actions to a Richard Nixon-type "cover-up." Alderman Jenna Amacher accused Ms. Moody at that same meeting of "dishonest[y]" and "official misconduct." At that same meeting, Plaintiff refused Alderman Daniel Berry's request to recuse himself on any vote involving Ms. Moody's employment because of Plaintiff's pending lawsuit against the city, which involved Ms. Moody. Alderman Amacher encouraged Plaintiff *not* to recuse himself, but instead to take an active role in the matter. On September 26, 2022, at his third public board meeting as alderman, Plaintiff implied that Ms. Moody did not provide him with "truthful, or timely, or correct information" at the last meeting and also refused the Mayor's order to recuse himself from voting on or discussing items involving Ms. Moody's employment.
15. In January 2023, Jennifer Moody officially announced her resignation from the city.
16. I've reviewed affidavit testimony which says that, on November 7, 2022, in his third month as alderman, Plaintiff, and Jenna Amacher, accused Shelia Rico numerous times of "fraud"

and called for an investigation into her workplace activities. I've also reviewed affidavit testimony which says that Plaintiff and Jenna Amacher supported their accusations and call for an investigation of Ms. Rico with photos taken of Ms. Rico's work computer screen.

17. According to Ms. Amacher's Facebook posts, the Plaintiff in this case enlisted her to go to Tullahoma City Hall on February 1, 2023 to investigate human resources director, Casta Brice.
18. According to Ms. Amacher's Facebook posts, she arrived at City Hall, went into a hall closet, closed the door behind her, and reviewed documents, which included those with "information about an active current lawsuit and individuals in that lawsuit."
19. On February 1, 2023, Plaintiff arrived at City Hall during Jenna Amacher's investigation into Casta Brice, where he apparently audio recorded his conversations with the other alderman and Jennifer Moody. On that audio recording, Plaintiff is heard saying: "I tell you what, that's just the first, that's - that could be the big excuse for saying 'I think we need another investigation into HR.' [] She just gave us our excuse."
20. According to Ms. Amacher's Facebook posts, her interactions around this time with Casta Brice and Jennifer Moody on February 1, 2023, then the city administrator, at the point that Ms. Amacher "got busted in the closet", were captured by audio recording and then supplied to her by someone else.
21. According to Ms. Amacher's Facebook posts, while she was in the hall closet at city hall, she was on the phone with someone, who apparently recorded the call.

22. On both February 6 and 7, 2023, Ms. Amacher posted two separate audio clips on her Facebook that apparently capture parts of her interactions with Casta Brice, Jennifer Moody, and other city staff members and elected officials at Tullahoma City Hall.
23. On April 26, 2022, Ms. Amacher posted a video on Facebook, wherein she told her Facebook viewers that the EEOC gave Plaintiff a right to sue letter, meaning that “there was probable cause to sue” and that Jennifer Moody “is the one that is culpable” in pending lawsuits. Ms. Amacher went on to say that Plaintiff “should have” filed his lawsuit because “he was done wrong[.]”
24. On April 26, 2022, Ms. Amacher posted another video on Facebook, wherein she described recording a prior Tullahoma Board of Mayor and Alderman executive session and pleaded with her viewers to: *"please... PLEASE, have it subpoenaed[]"*.
25. I intended to question Ms. Amacher at her March 28, 2023 deposition about, among other things, her purported knowledge (according to Plaintiff) of statements made by its principal fact witnesses, her statements in apparent support of Plaintiff suing the very city that she represents as an elected official, and her efforts to investigate Defendant’s three (3) principal fact witnesses (including at Plaintiff’s insistence) in the six months since Plaintiff became an alderman himself.

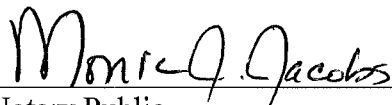
Further Affiant Sayeth Not.

  
Austin C. Evans

STATE OF TENNESSEE    )  
  )  
COUNTY OF DAVIDSON    )

Personally appeared before me the above named Austin C. Evans, who, on his oath,  
swore to the truth of the aforesaid matters.

Witness my hand and official seal on this 10<sup>th</sup> day of April, 2023.

  
Notary Public

My commission expires:

