



Tuesday, October 21
9:00 am-10:30 am

411 Understanding the Jury in Sexual Harassment Litigation

Kevin Mencke

Senior Counsel, Employment and Labor
International Paper Company

Chad A. Shultz

Partner
Ford & Harrison LLP

Kwarma Vanderpuye

Senior Vice President and General Counsel
SDD Global Solutions

Faculty Biographies

Kevin J. Mencke

Kevin J. Mencke is senior counsel, employment and labor law, with International Paper Company (IP) located at its global headquarters in Memphis, TN. Kevin is responsible for providing labor and employment law advice as well as counsel to human resources and management for IP's printing and communications business and corporate staff.

Before joining IP, Mr. Mencke was an attorney in the Atlanta office of the national labor and employment law firm of Ford & Harrison LLP. At Ford & Harrison, Mr. Mencke was an employment law litigator who concentrated his practice representing and advising company management on all aspects of labor and employment law, including discrimination and harassment under Title VII, the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act and other Wage-Hour laws, and other related employment laws.

Mr. Mencke received a BA from Emory University and is an honors graduate from the University of Georgia School of Law.

Chad A. Schulz

Chad A. Shultz is a partner with Ford & Harrison LLP in Atlanta. In his practice, Mr. Shultz defends employee lawsuits and advises clients on avoiding litigation and managing lawsuits through proactive policies and supervisor training. Mr. Shultz has represented management in state and federal court in 23 states during his tenure with Ford & Harrison.

Active with the Society of Human Resource Management (SHRM) at the state and local levels, Mr. Shultz currently serves on the board of directors for SHRM-Atlanta, is a past president of the Central Georgia Chapter, past director for the SHRM Georgia State Council, and past legislative director for SHRM-Atlanta.

Mr. Shultz received a BS from the University of Wisconsin at Oshkosh and is a graduate of the University of South Dakota School of Law. He also holds a LLM in litigation from Emory University School of Law.

Kwarma Vanderpuye

Kwarma Vanderpuye is senior vice president and general counsel for SDD Global Solutions in New York, a leading off shoring company headquartered in Mysore, India with offices in London and New York.

Prior to joining SDD Global, Ms. Vanderpuye had been partner for several years at prominent law firms, and has also had experience as head of the litigation department at two firms. She was the first African American partner at the New York Defense firm of

Jones Hirsch and won sixteen consecutive defense verdicts in high exposure complex litigation cases, which was a record number for the firm. In addition to her role as a trial partner, Ms. Vanderpuye served as the firm's EEO compliance officer for several years. Following her tenure at Jones Hirsch, Ms. Vanderpuye joined the Cochran firm, New York as a litigation partner at the invitation of the late Johnnie L. Cochran Jr. At the Cochran firm, Ms. Vanderpuye gained valuable experience in handling gender and race discrimination cases on behalf of plaintiffs. As such, she brings a unique and valuable perspective to the panel.

Ms. Vanderpuye is an active member of the Bar Association for the City of New York and the International and American Bar Associations.

INTRODUCTION:

After two years with the Company, Jaclyn Platten, a research analyst, loses her job in a reduction-in-force. Meg Holman, Ms. Platten's supervisor for only 60 days selected Ms. Platten based primarily on Ben Fryer's (Ms. Platten's former manager) assessment of her performance. Ms. Holman didn't know that Ms. Platten had complained to Mr. Fryer about her co-worker's unprofessional conduct, and re-buked Mr. Fryer's alleged sexual advances. After Ms. Platten was terminated, she filed a lawsuit asserting sexual harassment and retaliation (see attached Complaint). The Company denies any liability (see attached Answer). The Court denied the Company's Motion for Summary Judgment and the Parties were unable to resolve this case in mediation. The case must now go to trial and you have been selected to be a juror.

JACLYN PLATTEN :
 VS. : CIVIL ACTION No. 3-10-62
 ABC COMPANY :

VERDICT

We the Jury in the above-referenced case find as follows: (circle "1" or "2")

- 1. For the Defendant. (Please circle the number "1", sign this form, and return it to the bailiff.)

or

- 2. For the Plaintiff on:

Count 1 (sexual harassment) yes/ no (circle one)
 Count 2 (Retaliation) yes/no (circle one)

If you circled "Yes" to either Count 1 or count 2, please answer the following questions concerning damages, then sign this form and return it to the bailiff.

- A. Backpay \$ _____
- B. Compensatory Damages \$ _____
- C. Punitive Damages \$ _____
- Total Damages \$ _____

This _____ day of _____, 200__.

 Jury Foreperson

IN THE US DISTRICT COURT
 DISTRICT OF ANYWHERE

Jaclyn Platten

Plaintiff,

v.

ABC COMPANY

Defendant.

CIVIL ACTION NO.: 05-678-123

COMPLAINT

PARTIES

1.

Plaintiff, Jaclyn Platten is a resident of Rose County, in the state of Anywhere.

2.

ABC Company is a business who has an office and conducts business in the state of Anywhere.

JURISDICTION

3.

This Court has jurisdiction over the subject matter of this Complaint.

4.

This Court has personal jurisdiction over Defendants, and venue is proper in this Court.

FACTUAL BACKGROUND

5.

Defendant ABC Corporation hired Plaintiff Jaclyn Platten as an Analyst in November 2004. Plaintiff Platten remained employed in that capacity until her termination.

6.

In August 2005, Plaintiff Platten received a performance review from her supervisor, Ben Fryer, stating that that she was "meeting expectations."

7.

In June 2006, Plaintiff Platten reported to Mr. Fryer that two of her co-workers made inappropriate sexual jokes and comments at work.

8.

Rather than report her complaint as required by Defendant ABC Corporation policy, Mr. Fryer sent Plaintiff Platten off-color e-mails. At least one such e-mail included partial nudity.

9.

On July 15, 2006, Mr. Fryer sent Plaintiff Platten an e-mail requesting that she accompany him on a trip to St. Louis. There was no business justification for Plaintiff Platten to join Mr. Fryer on the trip. Plaintiff Platten refused.

10.

On July 18, 2006, Mr. Fryer called Plaintiff Platten at home and again requested that she accompany him to St. Louis.

-2-

11.

On July 19, 2006, Plaintiff Platten confronted Mr. Fryer and demanded he cease his inappropriate conduct toward her.

12.

After Plaintiff Platten demanded Mr. Fryer cease his inappropriate conduct, on August, 2006, Mr. Fryer gave Plaintiff Platten a performance review which indicated that her performance "needed improvement."

13.

On September 15, 2006, Meg Holman replaced Mr. Fryer as Plaintiff Platten's supervisor.

14.

On November 15, 2006, Ms. Holman, based on the information that she received from Mr. Fryer's evaluation, terminated Plaintiff Platten's employment.

COUNT I: SEXUAL HARASSMENT

15.

Plaintiff Platten re-alleges and incorporates by reference Paragraphs 1 through 14 above as though fully set forth herein.

16.

Plaintiff Platten was subjected to ongoing sexual harassing behavior by her co-workers and her supervisor, Mr. Fryer.

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17.

Plaintiff Platten complained of the harassing conduct to her supervisor, Mr. Fryer. However, Defendant ABC Corporation took no action to correct the inappropriate conduct or prevent future harassment directed against Plaintiff Platten.

18.

The conduct that Plaintiff experienced was sufficiently severe or pervasive to establish a hostile work environment.

COUNT II- RETALIATION

19.

Plaintiff Platten re-alleges and incorporates by reference Paragraphs 1 through 14 above as though fully set forth herein.

20.

Plaintiff Platten was subjected to retaliation for reporting sexual harassment through a false and defamatory evaluation and then by terminating her employment

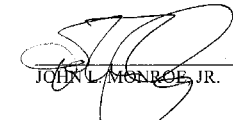
WHEREFORE, Plaintiff, Jaclyn Platten having set forth their Complaint in this matter, pray that the Court enter judgment in their favor and against the Defendant as follows:

1. That Plaintiff be reinstated.
2. That Plaintiff recover lost wages that resulted from Defendant's illegal actions.

3. That Plaintiff recover compensatory damages in an amount to be determined at trial for pain and suffering and loss of enjoyment of life resulting from Defendant's illegal conduct.

4. That Plaintiff recover punitive damages.

5. That Plaintiff recover the costs incurred in this matter together with such other and further relief as the Court may deem proper.



JOHN L. MONROE, JR.
Attorney for Plaintiff

IN THE DISTRICT COURT
DISTRICT OF ANYWHERE

Jaclyn Platten

Plaintiff,

v.

ABC COMPANY

Defendant.

CIVIL ACTION NO.: 05-678-123

ANSWER AND DEFENSES

AFFIRMATIVE DEFENSES

FIRST DEFENSE

Some or all of Plaintiff's claims are barred by the doctrine of waiver.

SECOND DEFENSE

Some or all of Plaintiff's claims are barred by the doctrine of estoppel.

THIRD DEFENSE

Plaintiff's claims of harassment are barred to the extent that she unreasonably failed to take advantage of any preventive or corrective opportunities provided by Defendant or to otherwise avoid harm.

FOURTH DEFENSE

If Plaintiff has been damaged, which Defendant denies, Plaintiff's claims are barred to the extent that Plaintiff failed to exercise due diligence to mitigate her alleged damages.

ANSWER

1.

Defendant is without sufficient knowledge of information to admit, or deny the allegation set forth in Paragraph 1 of Plaintiff's Complaint.

2.

Defendant admits the allegation in Paragraph 2 of Plaintiff's Complaint.

JURISDICTION

3.

Defendant admits the allegation in Paragraph 3 of Plaintiff's Complaint.

4.

Defendant admits the allegation in Paragraph 4 of Plaintiff's Complaint.

FACTUAL BACKGROUND

5.

Defendant admits the allegation in Paragraph 5 of Plaintiff's Complaint.

6.

Defendant admits the allegation in Paragraph 6 of Plaintiff's Complaint.

7.

Defendant denies the allegation in Paragraph 7 of Plaintiff's Complaint.

8.

Defendant denies the allegation in Paragraph 8 of Plaintiff's Complaint.

9.

Defendant admits only that Mr. Fryer sent Plaintiff an email inviting her to participate in the business trip to St. Louis. Defendant denies the remaining allegations in Paragraph 9 of Plaintiff's Complaint.

10.

Defendant denies the allegation in Paragraph 10 of Plaintiff's Complaint.

11.

Defendant denies the allegation in Paragraph 11 of Plaintiff's Complaint.

12.

Defendant admits only that Mr. Fryer gave Plaintiff Platten a performance review which indicated that her performance "needed improvement." Defendant denies the remaining allegations in Paragraph 12 of Plaintiff's Complaint.

13.

Defendant admits the allegation in Paragraph 13 of Plaintiff's Complaint.

14.

Defendant admits only that Ms. Holman terminated Plaintiff's employment on November 15, 2006. Defendant denies the remaining allegations in Paragraph 14 of Plaintiff's Complaint.

COUNT I: SEXUAL HARASSMENT

15.

Defendant repeats, repleads, and incorporates by reference its responses to Paragraph 1 through 14 above as though fully set forth herein.

16.

Defendant denies the allegation in Paragraph 16 of Plaintiff's Complaint.

17.

Defendant denies the allegation in Paragraph 17 of Plaintiff's Complaint.

18.

Defendant denies the allegation in Paragraph 18 of Plaintiff's Complaint.

COUNT II- RETALIATION

19.

Defendant repeats, repleads, and incorporates by reference its responses to Paragraph 1 through 14 above as though fully set forth herein.

20.

Defendant denies the allegation in Paragraph 20 of Plaintiff's Complaint.

To the extent that the paragraph beginning with "WHEREFORE" requires a response, Defendant denies that Plaintiff is entitled to judgment for any relief whatsoever, and denies any remaining and further allegations of such paragraph. Further, Defendant denies each and every averment of the Complaint not heretofore specifically admitted, denied, or controverted.


PATRICIA GRIFFITH

Attorney for Defendant

PERFORMANCE REVIEW AUGUST 2005

WORK MANAGEMENT

Timeliness of Assignment Completion <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/> Almost all assignments completed promptly or even ahead of deadlines.	<input checked="" type="checkbox"/> Most assignments are completed in a reasonable period of time and meets most deadlines.	<input type="checkbox"/> Completion of work in a timely fashion occurs less than half of the time or deadlines are too frequently missed.
Efficiency/Productivity <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/> Exceptional producer; generates maximum output efficiently and accurately.	<input checked="" type="checkbox"/> Consistently meets expectations for work produced.	<input type="checkbox"/> Output is below acceptable level.
Accuracy in Document Preparation <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/> Documents are almost always accurate, requiring minimum supervision/review. Edits and improves overall work product.	<input checked="" type="checkbox"/> Documents contain a minimal number of mistakes.	<input type="checkbox"/> Documents contain frequent errors, requiring diligent supervision/review.
Document Management <input type="checkbox"/> NOT OBSERVED		
<input checked="" type="checkbox"/> Mail, faxes and deliveries are handled and routed promptly and accurately.	<input type="checkbox"/> Mail, faxes and deliveries are usually handled in a reasonable time.	<input type="checkbox"/> Mail, faxes and deliveries are sometimes mislaid, causing mild work disruptions.
Critical Events Calendar Management <input type="checkbox"/> NOT OBSERVED		
<input checked="" type="checkbox"/> Keeps in good order, notifies me in advance of deadlines, makes certain of compliance.	<input type="checkbox"/> Usually keeps in good order, occasional problem discovered and rectified.	<input type="checkbox"/> Keeps in good order with continued supervision.
Filing <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/> Completed on a daily basis. Supervision of File Clerks, if used, is excellent. Only very rarely are documents misfiled - documents are never lost.	<input checked="" type="checkbox"/> Generally current by end of week - always by month-end. Supervision of File Clerks, if used, could use attention as documents are misfiled too often (15% or more).	<input type="checkbox"/> Filing is rarely up to date. Use of File Clerks, if used, requires serious attention. Documents are found misfiled often (25% or more of the time).

Comments:



PROFESSIONAL ATTRIBUTES

Follows Instruction/Solves Problems <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/> Exceptional ability to understand instructions and learn. Very keen and alert.	<input checked="" type="checkbox"/> Grasps instructions with average ability. Can solve some problems.	<input type="checkbox"/> Requires more than average instruction and explanations. Solves few problems alone.
Judgment <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/> Demonstrates exceptional reasoning skills and decisions.	<input checked="" type="checkbox"/> Generally exercises sound judgment to arrive at effective solutions.	<input type="checkbox"/> Occasional lapses in judgment.
Initiative <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/> Regularly anticipates needs and potential problems and follows through; performs the most difficult jobs independently.	<input checked="" type="checkbox"/> Generally solves routine problems as they occur; performs some tasks independently.	<input type="checkbox"/> Displays little initiative when job routine varies or unusual circumstances arise. Often must "put out fires."
Organization <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/> Extremely efficient use of time and resources; sets outstanding example for others.	<input checked="" type="checkbox"/> Tasks are completed within deadlines.	<input type="checkbox"/> Poor management of time and resources; consistent problem meeting deadlines.
Telephone Demeanor <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/> Answers promptly, courteously and professionally, providing timely accurate messages.	<input checked="" type="checkbox"/> Some elements of phone demeanor are an occasional problem.	<input type="checkbox"/> Lacks necessary skills. Messages sometimes incomplete or insufficient.
Performance Under Pressure <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/> Always Maintains performance and composure, even under extreme pressure.	<input checked="" type="checkbox"/> Even-tempered; handles routine job pressures.	<input type="checkbox"/> Occasional display of behavior sufficient to disrupt others and hinder performance.

Behavior/Attitude			<input type="checkbox"/> NOT OBSERVED
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Always conducts self in a professional manner. Is courteous and consistent with all firm policies, including not speaking negatively about firm's attorneys, co-worker, supervisors, or others. Remains positive when changes are made to procedures, routine, environment, and/or responsibilities. Demonstrates this by cooperating and adhering to the changes.	Usually conducts self in a professional manner and is consistent with most firm policies. Usually remains positive when changes are made to procedures, routine, environment, and/or other responsibilities.	Consistently conducts self in an unprofessional way; is inconsistent with firm policies. Not cooperative when changes are made and does not adhere to change in procedure, routine, environment, and/or responsibility.	
Comments:			
USE OF WORK DAY			
Attendance/Scheduling of PTO			<input type="checkbox"/> NOT OBSERVED
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Always regular and prompt; usually plans time off in advance.	Usually present and on time.	Lax in attendance and/or reporting on time. Often schedules time off with little or no advance notice.	
Comments:			
<i>Meets expectations</i>			
Atlanta:431459.1			

PERFORMANCE REVIEW AUGUST 2006			
WORK MANAGEMENT			
Timeliness of Assignment Completion			<input type="checkbox"/> NOT OBSERVED
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Almost all assignments completed promptly or even ahead of deadlines.	Most assignments are completed in a reasonable period of time and meets most deadlines.	Completion of work in a timely fashion occurs less than half of the time or deadlines are too frequently missed.	
Efficiency/Productivity			<input type="checkbox"/> NOT OBSERVED
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Exceptional producer; generates maximum output efficiently and accurately.	Consistently meets expectations for work produced.	Output is below acceptable level.	
Accuracy in Document Preparation			<input type="checkbox"/> NOT OBSERVED
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Documents are almost always accurate, requiring minimum supervision/review. Edits and improves overall work product.	Documents contain a minimal number of mistakes.	Documents contain frequent errors, requiring diligent supervision/review.	
Document Management			<input type="checkbox"/> NOT OBSERVED
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mail, faxes and deliveries are handled and routed promptly and accurately.	Mail, faxes and deliveries are usually handled in a reasonable time.	Mail, faxes and deliveries are sometimes mislaid, causing mild work disruptions.	
Critical Events Calendar Management			<input type="checkbox"/> NOT OBSERVED
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Keeps in good order, notifies me in advance of deadlines, makes certain of compliance.	Usually keeps in good order, occasional problem discovered and rectified.	Keeps in good order with continued supervision.	
Filing			<input type="checkbox"/> NOT OBSERVED
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Completed on a daily basis. Supervision of File Clerks, if used, is excellent. Only very rarely are documents misfiled - documents are never lost.	Generally current by end of week - always by month-end. Supervision of File Clerks, if used, could use attention as documents are misfiled too often (15% or more).	Filing is rarely up to date. Use of File Clerks, if used, requires serious attention. Documents are found misfiled often (25% or more of the time).	
Comments:			
1			



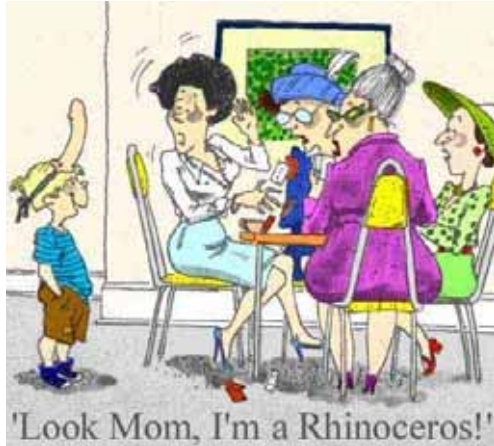
PROFESSIONAL ATTRIBUTES		
Follows Instruction/Solves Problems <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Exceptional ability to understand instructions and learn. Very keen and alert.	Grasps instructions with average ability. Can solve some problems.	Requires more than average instruction and explanations. Solves few problems alone.
Judgment <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Demonstrates exceptional reasoning skills and decisions.	Generally exercises sound judgment to arrive at effective solutions.	Occasional lapses in judgment.
Initiative <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Regularly anticipates needs and potential problems and follows through; performs the most difficult jobs independently.	Generally solves routine problems as they occur; performs some tasks independently.	Displays little initiative when job routine varies or unusual circumstances arise. Often must "put out fires."
Organization <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Extremely efficient use of time and resources; sets outstanding example for others.	Tasks are completed within deadlines.	Poor management of time and resources; consistent problem meeting deadlines.
Telephone Demeanor <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Answers promptly, courteously and professionally, providing timely accurate messages.	Some elements of phone demeanor are an occasional problem.	Lacks necessary skills. Messages sometimes incomplete or insufficient.
Performance Under Pressure <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Always Maintains performance and composure, even under extreme pressure.	Even-tempered; handles routine job pressures.	Occasional display of behavior sufficient to disrupt others and hinder performance.

Behavior/Attitude <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Always conducts self in a professional manner. Is courteous and consistent with all firm policies, including not speaking negatively about firm's attorneys, co-worker, supervisors, or others. Remains positive when changes are made to procedures, routine, environment, and/or responsibilities. Demonstrates this by cooperating and adhering to the changes.	Usually conducts self in a professional manner and is consistent with most firm policies. Usually remains positive when changes are made to procedures, routine, environment, and/or other responsibilities.	Consistently conducts self in an unprofessional way; is inconsistent with firm policies. Not cooperative when changes are made and does not adhere to change in procedure, routine, environment, and/or responsibility.
Comments:		
USE OF WORK DAY		
Attendance/Scheduling of PTO <input type="checkbox"/> NOT OBSERVED		
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Always regular and prompt; usually plans time off in advance.	Usually present and on time.	Lax in attendance and/or reporting on time. Often schedules time off with little or no advance notice.
Comments:		
<i>Needs Improvement</i>		
Atlanta:431477.1		

To: Camric Shultz; Brett Stovern, Jaclyn Platten; Chuck Brown; Mile Grunnet; Mike Robert; Curt Durben
From: Ben Fyer
Sent: May 20, 2006
Subject: Very Funny!



"I think it's called a scale, but mom calls it a @#&% liar!"



'Look Mom, I'm a Rhinoceros!'



More like this at <http://www.pawelstiles.com>

How come you always buy balloons for Dad and not for me?



"Clean underwear?.....Mom, if I were in an accident I'd probably shit my pants anyway."



One day in Sunday school the teacher asked the kids what body part did they think should go to heaven first.

PLAINTIFF'S EXHIBIT 3

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
7/26	7:05A	678-614-6896	Peak	IN Allow	Stockbridg GA	Mobile CL	2	---	---	---
7/26	7:42A	678-614-6896	Peak	IN Allow	Stockbridg GA	Mobile CL	2	---	---	---
7/26	11:51A	678-614-6896	Peak	IN Allow	McDonough GA	Incoming CL	2	---	---	---
7/26	3:55P	000-000-0086	Peak	PlanAllow CallUM	McDonough GA	Voice Mail CL	1	---	---	---
7/26	3:57P	770-318-4041	Peak	IN Allow	McDonough GA	Atlanta NE GA	1	---	---	---
7/26	3:58P	770-318-4041	Peak	IN Allow	McDonough GA	Incoming CL	6	---	---	---
7/26	4:03P	678-614-6896	Peak	IN Allow	McDonough GA	Mobile CL	1	---	---	---
7/26	4:04P	404-888-3881	Peak	PlanAllow	McDonough GA	Atlanta GA	2	---	---	---
7/26	4:23P	770-318-4041	Peak	IN Allow	Stockbridg GA	Mobile CL	12	---	---	---
7/26	4:36P	678-614-6896	Peak	IN Allow	McDonough GA	Mobile CL	3	---	---	---
7/26	5:10P	678-614-6896	Peak	IN Allow	McDonough GA	Mobile CL	6	---	---	---
7/26	5:15P	678-614-6896	Peak	IN Allow	McDonough GA	Mobile CL	4	---	---	---
7/26	9:56P	678-614-6896	Off-Peak	IN Allow	Stockbridg GA	Incoming CL	1	---	---	---
7/26	10:14P	678-614-6896	Off-Peak	IN Allow	Stockbridg GA	Mobile CL	1	---	---	---
7/26	10:15P	678-614-6896	Off-Peak	IN Allow	Stockbridg GA	Incoming CL	6	---	---	---
7/27	7:15A	678-614-6896	Peak	IN Allow	Stockbridg GA	Mobile CL	2	---	---	---
7/27	5:04P	678-614-6896	Peak	IN Allow	McDonough GA	Mobile CL	2	---	---	---
7/27	5:10P	678-300-6978	Peak	IN Allow	McDonough GA	Incoming CL	1	---	---	---
7/27	5:14P	678-300-6978	Peak	IN Allow	McDonough GA	Mobile CL	3	---	---	---
7/27	5:26P	678-245-2944	Peak	PlanAllow	Stockbridg GA	Atlanta NE GA	1	---	---	---
7/27	5:28P	678-245-2944	Peak	PlanAllow	Stockbridg GA	Incoming CL	1	---	---	---
7/27	5:30P	678-300-6978	Peak	IN Allow	Stockbridg GA	Incoming CL	1	---	---	---
7/27	5:39P	678-245-2944	Peak	PlanAllow	Stockbridg GA	Atlanta NE GA	1	---	---	---
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7/27	5:46P	678-614-6896	Peak	IN Allow	Stockbridg GA	Incoming CL	2	---	---	---
7/27	5:49P	770-527-5555	Peak	PlanAllow	Stockbridg GA	Atlanta NE GA	2	---	---	---
7/27	5:50P	678-300-6978	Peak	IN Allow	Stockbridg GA	Mobile CL	1	---	---	---
7/27	6:41P	678-614-6896	Peak	IN Allow	Stockbridg GA	Incoming CL	4	---	---	---
7/27	6:56P	678-614-6896	Peak	IN Allow	Stockbridg GA	Atlanta NE GA	1	---	---	---
7/27	6:59P	770-914-6311	Peak	PlanAllow	Stockbridg GA	Atlanta So GA	1	---	---	---
7/27	6:59P	678-614-6896	Peak	IN Allow	Stockbridg GA	Atlanta NE GA	1	---	---	---
7/27	7:01P	678-614-6896	Peak	IN Allow	Stockbridg GA	Incoming CL	2	---	---	---
7/27	8:20P	770-474-1406	Peak	PlanAllow	McDonough GA	Atlanta So GA	2	---	---	---
7/28	8:23A	770-474-1406	Off-Peak	PlanAllow	Janesboro GA	Incoming CL	1	---	---	---
7/28	9:46A	770-474-1406	Off-Peak	PlanAllow	Janesboro GA	Atlanta So GA	4	---	---	---
7/28	9:50A	770-318-4041	Off-Peak	IN Allow	Lake City GA	Atlanta NE GA	1	---	---	---
7/28	10:01A	770-318-4041	Off-Peak	IN Allow	Stockbridg GA	Incoming CL	7	---	---	---
7/28	10:14A	678-614-6896	Off-Peak	IN Allow	Stockbridg GA	Atlanta NE GA	1	---	---	---
7/28	12:21P	678-614-6896	Off-Peak	IN Allow	Stockbridg GA	Mobile CL	1	---	---	---
7/28	1:10P	678-614-6896	Off-Peak	IN Allow	Lithonia GA	Incoming CL	2	---	---	---
7/28	1:33P	770-318-4041	Off-Peak	IN Allow	Lithonia GA	Mobile CL	3	---	---	---
7/28	2:17P	678-614-6896	Off-Peak	IN Allow	Stockbridg GA	Mobile CL	2	---	---	---
7/28	2:52P	678-614-6896	Off-Peak	IN Allow	Stockbridg GA	Mobile CL	2	---	---	---
7/28	3:05P	678-614-6896	Off-Peak	IN Allow	Stockbridg GA	Atlanta NE GA	1	---	---	---
7/28	3:08P	678-614-6896	Off-Peak	IN Allow	Stockbridg GA	Incoming CL	1	---	---	---

PLAINTIFF'S EXHIBIT 4

Jaclyn Platten

To: Jaclyn Platten
Subject: Travel Plans

From: Ben Fryer
Sent: July 15, 2006
To: Jaclyn Platten
Subject: Travel Plans

Jaclyn,
I need to travel to St. Louis next week. Would you like to join me? Let me know. It will be fun.

SUPERVISOR/MANAGER ACKNOWLEDGEMENT AT ABC COMPANY

As a manager or supervisor at ABC Company, I acknowledge receipt of the company's Equal Employment Opportunity Policy. I understand that the company may be held responsible for acts of harassment that I commit, condone, tolerate, or fail to investigate. Therefore, if I know of, or have reason to suspect, any act of harassment or the existence of a hostile, intimidating, or offensive work environment and I fail to report it to higher management, both the company and I can be placed in jeopardy.

I understand, that, because I am a member of management, I may not make sexual advances, welcome or unwelcome, toward any employee. I will conduct myself in accordance with the company's policies. I will immediately report any act, allegation or rumor of harassment to a higher member of management. I will support appropriate corrective action, including investigation of the claims, and I will not retaliate against any person who has reported the existence of such improper conduct.

Finally, I understand that if I violate any aspect of this policy that I will be subject to immediate discipline, up to and including termination, and that I can be sued and may be held personally liable for my acts or omissions.

Ben Fryer
Supervisor

9/4/2007



REPORTING UNWELCOME HARASSMENT AT ABC COMPANY

All employees have an obligation to stop harassment and discrimination from occurring and to report any conduct that violates this policy that they observe. If you feel that your employment is being affected by sexual harassment directed toward you or toward any other employee, you should report your concerns to one of the following individuals: (1) Human Resources Employee at your facility; (2) The most senior member of management at your facility; or (3) The Chief Financial Officer of ABC Company.

You will be asked to reduce your complaint to writing and a thorough investigation of your complaint will be conducted immediately. You will be advised of the results of the investigation in writing.

If you are dissatisfied with the response you receive to your complaint, or if you do not feel your complaint is being investigated appropriately, you should submit your complaint to the next higher member of management.

Jadyn C. Platten
Employee

