

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

CHRISTOPHER COX,

Plaintiff,

v.

The CITY OF CALHOUN, and
LEONARD NESBITT, PAUL
WORLEY, and TERRY MILLS,
in their Official and Individual
Capacities,

Defendants.

Civil Action No:
4:23-cv-00284-WMR-WEJ

**PLAINTIFF’S REPLY TO DEFENDANTS’ RESPONSE IN OPPOSITION
TO PLAINTIFF’S MOTION TO STRIKE DEFENDANTS’ ANSWERS AND
ENTER DEFAULT JUDGMENT**

COMES NOW Plaintiff Christopher Cox, and submits this Reply to Defendants’ Response in Opposition to Plaintiff’s Motion to Strike Defendants’ Answers and Enter Default Judgment, showing the Court as follows:

I. Defendants’ Efforts to Mislead Plaintiff and the Court Continue.

A. The False Disciplinary Reports.

Plaintiff painstakingly described in the Motion to Strike how Defendants fabricated disciplinary records related to Chris Cox. (Ex. 14 to Pl.’s Mtn. to Strike, Disciplinary Forms).¹ It is now undisputed that these forms were created by Nesbitt or someone using his computer on the afternoon of April 4, 2024, after this case was filed and long after Cox was terminated. (Ex. 16 to Pl.’s Mtn. to Strike, Aff. of L.

¹ A timeline of key dates is attached to Plaintiff’s Motion to Strike as Exhibit 28.

Harley; Doc. 71, Defendants' Resp. Brief (*containing no denial*)). Defendants produced these forms as if they had been a part of Cox's personnel file the entire time, and Nesbitt explicitly testified that the disciplinary forms were created contemporaneously with the activity that led to the discipline. (Ex. 1, Dep. of L. Nesbitt, pp. 19-20: Q: "You did not, for instance, go back and create any documents after the administrative hearing, did you?" A: "No, sir." Q: "And you did not instruct anyone to do so, did you?" A: "No, sir." Q: "And if these documents -- say, ... No. 1 that was issued on 7-8-2020, then it was completed on or around that date, true?" A: "If it says the dates, then it would have been completed around, or yeah, of those dates.").

Mills testified similarly. (Ex. 2, Dep. of T. Mills, pp. 107-108: Q: "When was [this verbal reprimand] created?" A: "On that date that it shows would be my assumption." ... Q: "All right. And so would you have had any input into the creation of this document? ..." A: "I would have had input in that I would have went to Chief Nesbitt and said this is an issue that I am having, and this is a conversation I had with Chris about the fact that he is continually not turning in his P card form on time." Q: "Okay. And you would have told Chief Nesbitt that, and then Chief Nesbitt would have typed it up?" A: "Correct.").

City Administrator Worley was confronted with these fabrications on August 8, 2025, during his testimony as 30(b)(6) designee for the City. Defendants now claim that Worley learned shortly after the deposition that the disciplinary forms

were “based on journal entries in Chief Nesbitt’s journals, which were kept locked in his office.” (Doc. 71, Defendants’ Resp., Ex. 2, Worley Declaration, ¶ 19). At 5 p.m. on September 19, 2025 (the same day as their response brief was filed), Defendants produced (for the first time) new pages from Nesbitt’s handwritten journal which purported to contain the basis for Worley’s contention that although the fabricated forms were not created contemporaneously to the alleged discipline, they were based upon contemporaneously made journal entries.²

Setting aside Defendants’ failure to produce critical documents, an examination of these new documents reveals that Defendants have again fabricated evidence. The August 1, 2022, page from Nesbitt’s journal had previously been produced on two occasions: an unredacted version **on January 15, 2023**, in response to Plaintiff’s subpoena prior to the administrative hearing, and a redacted version **on June 21, 2024**, in response to Plaintiff’s first request for production. The most recent version, produced on September 19, 2025, contains the following “new” language: “2½ hrs. Gave verbal reprimand to Chris”- *language absent from both previously produced versions of Nesbitt’s journal*:

² When Defendants produced them on September 19, they did so as their “Fifth Amended Objections and Responses to Plaintiff’s **First** Request for Production of Documents.” (emphasis added).

Comparison of Journal Entries: Chris Reprimand Added

Original Journal	New Journal
8-1-22 0750 - 1745 A Shift Terry to City Hall to turn in pay roll and discuss Chris Grievance letter w/ Brooke & Paul. Gave him some thoughts before he left. Wrote letter to FF Pension for check & letter for Tag for Mike C. 1330- Chris mtg w/ Chris S. Long little progress originally Chris 2 hrs. Gave verbal reprimand to Chris. Confirmed to Paul the new File Fees were in place and should be collected by Pam @ Integrations office when they get Building Permit. → Discussed making sure IFC SID is in place. * Luis Hernandez called Chnd G. Sunday 31st night and quit. Said it wasn't for him and he had heard that recent school was bad and he didn't think he could do it.	8-1-22 0750 - 1745 A Shift Terry to City Hall to turn in pay roll and discuss Chris Grievance letter w/ Brooke & Paul. Gave him some thoughts before he left. Wrote letter to FF Pension for check & letter for Tag for Mike C. 1330- Chris mtg w/ Chris S. Long little progress originally Chris 2 hrs. Gave verbal reprimand to Chris. Confirmed to Paul the new File Fees were in place and should be collected by Pam @ Integrations office when they get Building Permit. → Discussed making sure IFC SID is in place. * Luis Hernandez called Chnd G. Sunday 31st night and quit. Said it wasn't for him and he had heard that recent school was bad and he didn't think he could do it.

Comparison of Redacted Journal Entries: Chris Reprimand Added

Original Journal	New Journal
8-1-22 0750 - 1745 A Shift Terry to City Hall to turn in pay roll and discuss Chris Grievance letter w/ Brooke & Paul. Gave him some thoughts before he left. [REDACTED] 1330- Chris mtg w/ Chris S. Long little progress originally Chris 2 hrs. Gave verbal reprimand to Chris. [REDACTED] [REDACTED]	8-1-22 0750 - 1745 A Shift Terry to City Hall to turn in pay roll and discuss Chris Grievance letter w/ Brooke & Paul. Gave him some thoughts before he left. Wrote letter to FF Pension for check & letter for Tag for Mike C. 1330- Chris mtg w/ Chris S. Long little progress originally Chris 2 hrs. Gave verbal reprimand to Chris. Confirmed to Paul the new File Fees were in place and should be collected by Pam @ Integrations office when they get Building Permit. → Discussed making sure IFC SID is in place. * Luis Hernandez called Chnd G. Sunday 31st night and quit. Said it wasn't for him and he had heard that recent school was bad and he didn't think he could do it.

(Ex. 3, Journal Entries). Defendants wrote in, or falsified these journal entries, again

“after the fact,” to explain the fabricated disciplinary reports.³

³ Plaintiff can point to only one of the newly produced journal entries as being fabricated. This is because they failed to produce the earlier journal entries prior to September 19, 2025, despite having repeated discovery obligations to do so.

While it appears, at least from Worley’s self-serving declaration, that Nesbitt was the likely culprit in fabricating the forms and journal entry(ies), Defendants jointly produced the documents, each time representing them as true - even after having been shown evidence that fabrication likely occurred. Defendants produced the journal entries on September 19, 2025, claiming they were authentic. Worley swore that he examined Nesbitt’s journals and noted they were kept “locked” in Nesbitt’s office. (Doc. 71, Defendants’ Resp., Ex. 2, Worley Declaration, ¶¶ 19-20). Worley testified that he was part of the original group of people who gathered documents to respond to Cox’s subpoenas sent before the January 18, 2023, appeal hearing. He also testified, in an effort at defending Nesbitt, that disciplinary records were potentially kept at “department levels,” and that it would not be inconsistent with policy, and is a “fairly common practice,” for department heads to keep separate personnel files in their offices away from HR. (Ex. 4, Dep. of City of Calhoun, pp. 24-27). Pretermittting the logic of those statements, if they are true, there is no explanation for these documents being concealed from before the January 18, 2023, appeal hearing until September 19, 2025. The explanation, of course, is that they did not exist, and Defendants have been caught fabricating evidence for the second time.

B. Nesbitt’s Attempts to Influence and Intimidate Witnesses.

On June 17, 2025, Nesbitt attempted to influence Courtney Taylor’s upcoming testimony by texting him so they could get their stories straight, asking

him to delete the text and deny they spoke. (Ex. 23 to Pl.’s Mtn. to Strike, Nesbitt Text). Taylor’s interpretation of the text was that “he was trying to get me to say things the way he wanted me to say them.” (Ex. 5, Dep. of C. Taylor, pp. 54-55). Taylor did not delete the text, “Because [Taylor’s] conscience wouldn’t let [him] do that” and “right is right and wrong is wrong.” (Ex. 5, Dep. of C. Taylor, p 57).

Defendants defend Nesbitt by pointing to Taylor’s testimony that he did not change his testimony based upon the text. However, this position has been rejected by the courts of this state. *See Johnson v. State*, 277 Ga. App. 499, 506–07 (2006) (“The plain language of OCGA § 16–10–93(a) shows that the crime of influencing a witness focuses solely on the conduct of the accused and is completed when a direct or indirect threat is communicated to the victim; the degree of fear that the victim experiences *in response to the threat* is not controlling.”). This same analysis applies to Mills’ threat to Todd Holbert that things “might not go so great” for those who testified in this case. (Ex. 25 to Pl.’s Mtn. to Strike, Dep. of T. Holbert, p. 109). The witness tampering was complete when Mills threatened Holbert, regardless of whether Holbert was cowed by the threat or changed his testimony accordingly. Moreover, Mills’ threat to Holbert likely carried over to any number of other firefighters with potentially relevant information. (Ex. 27 to Pl.’s Mtn. to Strike, Castoe Declaration, ¶ 15). “No harm, no foul” is not a valid response to charges of witness tampering, destruction of evidence, and obstruction of justice.

C. Mills and Smith’s Friendship and Ongoing Text Messages.

Mills testified that despite being good friends with Roger Smith for decades, he no longer was even “acquaintances” with Smith after Smith was fired for misconduct. Mills failed to produce months of text messages between them, which would have demonstrated this testimony as false, despite those communications being requested in discovery. Defendants now blame Mills’ seemingly false testimony on Plaintiff’s counsel for not defining “acquaintance.”⁴

Defendants represented in their response brief that the production of these messages would have been impossible because Mills’ phone automatically deletes text messages every thirty days. This representation is false. Putting aside issues as to spoliation, the text messages sent between Mills and Smith **regarding this lawsuit** are from May 2024, the same month Plaintiff requested the documents in discovery. (Ex. 6, Pl.’s 1st First Request for Production, No. 38). Plaintiff served those requests on May 1, 2024, and only four days later, on May 5, 2024, Mills and Smith texted back and forth specifically about this lawsuit and the allegations contained therein. (Ex. 21 to Pl.’s Mtn. to Strike, Mills – Smith Texts). The texts

⁴ The Mills – Smith text messages produced by Smith include communications from December of 2023 as well as January, May, July and August of 2024. The messages include a Christmas greeting, inquiries in to how the other was doing, pages of texts regarding this lawsuit, an ongoing conversation regarding changes at the Fire Department, and assessments of adult entertainment venues in Dallas versus Miami. (Ex. 21 to Pl.’s Mtn. to Strike, Mills – Smith Texts).

resumed on May 9, 2024, with more information related to the lawsuit. (*Id.*).

Defendants did not produce these texts. Defendants did not disclose the existence of the texts. On March 18, 2025, Plaintiff again requested communications between Terry Mills and Roger Smith, from January 1, 2021, to the present. (Ex. 7, Pl.’s 3rd Request for Production, No. 1). Defendants again did not produce the texts nor disclose that the texts existed but had allegedly been deleted. Instead, the texts were withheld, and Mills testified falsely about his relationship to Smith.⁵

D. The Police Report.

Defendants provide no explanation for their failure to produce the police report, but Defendants argue its non-production was irrelevant because Worley did not rely upon it specifically in making his decision to terminate Cox.⁶ The police report is the only written documentation in existence evidencing the police department’s “investigation” of Smith. Without the police report, the hearing examiner rendered his decision based on Worley and Chief Pyle’s testimony regarding their conversation rather than on the best and only written evidence of what was likely communicated during the call. Without the police report in evidence,

⁵ Mills’ relationship with Smith is a cornerstone of Plaintiff’s case. It was because of this relationship that Nesbitt and Mills covered up Roger Smith’s significant misconduct when it was reported to Nesbitt in October, 2022.

⁶ Defendants argue Worley’s decision-making was beyond reproach so long as made in good faith based upon information he chose to consider at the time of the decision. Although not the issue at hand, this argument is supported by neither the facts nor applicable law. Section III, *infra*.

Worley mischaracterized (at least by omission) what he learned of the police investigation, and Plaintiff had no opportunity to cross-examine Worley or Chief Pyle with the report at the hearing.

Most telling, however, is that Defendants now claim that they have always acknowledged Cox's complaints about Smith were valid and that he was fired only because he accused Mills and Nesbitt of a coverup. However, the December 12, 2022, termination notice **authored by Worley** unequivocally states Cox's allegations against Smith were a major basis for his termination. (Ex. 8, Termination Notice)("Having interviewed the third party individual claimed by COX to possess the evidence to support the criminal allegations which COX indicated he had reviewed, as well as the "victim" identified by COX during the meeting, the investigation revealed that: **(a) the allegations of alleged misconduct had been grossly overstated by COX and his account reported in the Meeting was not corroborated by same...** (c) that there was no evidence of the criminal conduct as had been reported.") (emphasis added).

Now, after being confronted with the police report, *and after being forced to admit that Cox told him the same story that was recorded by Calhoun's own police department*, Worley claims by Declaration that the only reason Cox was fired was because of the claims made as to Mills and Nesbitt, and that it had nothing to do with

his allegations against Smith – directly contradicting the letter Worley wrote on December 12, 2022. Defendants’ evolving explanations prove their falsehood.

II. This Court Should Sanction Defendants by Striking Their Answers and Entering Default Judgment in Favor of Plaintiff.

Defendants have repeatedly engaged in discovery abuse, including hiding documents, witness tampering, witness intimidation, perjury, obstruction of justice and fabrication of evidence. Defendants have doubled down on their misconduct by continuing to fabricate evidence to support their response to the instant motion, filing declarations that are provably false, and arguing “no harm, no foul.” Plaintiff has established a clear record of willful misconduct and has shown that a lesser sanction than striking of Defendants’ answers and entry of default judgment would be inadequate.

In *Frazier v. SE Georgia Health Sys., Inc.*, a recent decision from the Southern District of Georgia concerning a party who fabricated a video, the Court set forth:

“[T]he concept of bad faith clearly embraces fabricating or destroying evidence and then lying about doing so.” *Oniha v. Delta Airlines, Inc.*, No. 1:19-CV-5272, 2021 WL 4930127, at *4 (N.D. Ga. Sept. 13, 2021), *aff’d*, No. 21-13532, 2022 WL 580933 (11th Cir. Feb. 25, 2022); *see also Quantum Commc’ns*, 473 F. Supp. 2d at 1269 (“[T]he inherent powers doctrine is most often invoked where a party commits perjury or destroys or doctors evidence.” (citations omitted)).

... To determine whether outright dismissal is an appropriate sanction, the Eleventh Circuit requires a lower court to make two findings: “There must be both a clear record of willful conduct and a finding that lesser sanctions are inadequate.” *Zocar v. Castro*, 465 F.3d 479, 483 (11th Cir. 2006) (citing *Betty K Agencies, Ltd. v. M/V MONADA*, 432 F.3d 1333,

1339 (11th Cir. 2005)). Because “the need for sanctions is heightened when the misconduct relates to the pivotal or ‘linchpin’ issue in the case,” courts have often dismissed suits with prejudice where a party destroys or fabricates evidence that was offered in support of their substantive claims. Quantum Commc’ns, 473 F. Supp. 2d at 1269 (collecting cases).

Frazier v. SE Georgia Health Sys., Inc., No. 2:21-CV-21, 2024 WL 889994, at *7 (S.D. Ga. Mar. 1, 2024).

Not only have Defendants acted in bad faith, but Plaintiff has been severely prejudiced. The administrative hearing, written discovery, depositions, and motion practice all have been substantially affected by Defendants’ misconduct. To this day, neither Cox nor his counsel know whether they have been provided a full and valid copy of his personnel file. On September 19, 2025, Defendants were still producing fabricated documents which purport to contain disciplinary notices in a case where Cox’s employment history was put into play by Defendants themselves. Perhaps most troubling is Defendants’ response when confronted with the evidence of misconduct. Rather than remorse or legitimate explanations, Defendants provided the Court with more fabricated evidence and excuses that can be disproven by their own previous words and documents. Plaintiff has been substantially prejudiced, and Defendants’ misconduct is an insult to the integrity of the Court.

III. Defendants Miscontrue the Law and Facts in a Flawed Argument for Summary Judgment Which is Not at Issue in this Motion to Strike.

Defendants do not credibly deny that they committed perjury, attempted to influence witnesses, failed to produce documents, and fabricated evidence. Rather,

they argue they can commit bad acts with impunity if they do not relate to the central issue of the case. In doing so, Defendants define the central issue in an overly narrow fashion. Defendants argue the only issue in the case is what Worley believed about Cox's complaint when he terminated him and whether Worley's belief was unreasonable or in bad faith. (Doc. 71, Defendants' Resp., p. 2). And since Worley chose to blindly believe that Cox's complaint was false, none of the evidence to the contrary matters – evidence which has been dragged out of Defendants and other witnesses at considerable time and expense to Plaintiff.

The concealed police report, fabricated records, and attempts to influence witnesses go to the heart of this case – which is the quest to determine why Plaintiff was terminated. To make that determination, this Court must consider a myriad of direct and indirect evidence, including Defendants' articulated non-discriminatory reason for the termination and whether any evidence exists which shows the reason was a pretext for retaliation. *Baptiste v. Mann*, 360 Ga. App. 345 (Ga. App. 2021); *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802-803 (1973). Pretext for retaliation under the *McDonnell Douglas* framework or a reasonable inference of retaliation in circumstantial evidence cases can be shown through multiple evidentiary methods, including evidence of the temporal proximity of the adverse employment action to the complaint, evidence of falsehood in the articulated reason, and evidence of inconsistently applied work rules, disciplinary actions, and

termination standards. *Berry v. Crestwood Healthcare L.P.*, 84 F.4th 1300 (11th Cir. 2023); *Jenkins v. Nell*, 26 F.4th 1243, 1250 (11th Cir. 2022).

The City initially gave numerous reasons for Cox’s termination, including failure to follow chain of command, grossly overstating the allegations in his complaints about Smith, falsely reporting criminal misconduct, and a deliberate attempt to slander Mills and Nesbitt. (Ex. 8, Termination Notice). When the City gave Cox a *second notice* of the grounds of his termination, the City listed an additional ground for termination: shortcomings as the Training Chief. (Ex. 9, Appeal Hearing Notice – Dec. 23, 2022). Further, Defendants argue Worley terminated Cox based in part on Nesbitt and Mills “serious concerns” about his shortcomings as Training Chief, friction within the department, not being open to feedback, and communication issues. (Doc. 71, Defendants’ Resp., p. 4; Ex. 10, Dep. of P. Worley, pp. 98, 117, 125-127).

Plaintiff must seek evidence in discovery and prove at trial that these articulated reasons were false and a pretext for his retaliatory termination. The fabricated disciplinary notes (and now fabricated journal entries) have a direct impact on whether Plaintiff had a pattern of poor performance or “shortcomings as the Training Chief.” Whether Worley looked at the disciplinary records is irrelevant. As he relied on information from Nesbitt and Mills that Cox had shortcomings as Training Chief, evidence regarding whether that was accurate is relevant to whether

it was a reason for his termination or mere pretext.⁷ The concealed police report, which was consistent with Cox's complaint, is probative of whether he made "recklessly false" accusations that Smith engaged in criminal behavior and that Nesbitt and Mills knew it and covered it up.

Defendants' assertion that the discovery misconduct does not warrant dismissal because Worley claims to have not known about certain things when he terminated Cox is an illogical argument which misses the point. Most discovery abuses do not occur until after a lawsuit has been filed and discovery commenced. The evidence at trial will be that Cox was terminated because of his allegations against Smith, and the City then fabricated reasons for the termination. **But that is not the issue here.** The issue here is whether Defendants' fabrication of evidence and other intentional discovery abuses show willful misconduct and whether a sanction less severe than striking Defendants' answer would be inadequate. The evidence shows both questions are answered in the affirmative.

WHEREFORE, Plaintiff's Motion to Strike Defendants' Answers and Enter Default Judgment should be **GRANTED**.

⁷ That Defendants felt the need to fabricate evidence regarding past discipline is an admission of its relevance.

This 29th day of September, 2025.

OLIVER MANER LLP

/s/ William J. Hunter

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CERTIFICATE OF COMPLIANCE WITH FORMAT

Pursuant to Local Rule 5.1, I hereby certify that the forgoing reply has been prepared in Times New Roman font (14 point) as permitted by Local Rule 5.1(C).

THIS 29th day of September, 2025.

OLIVER MANER LLP

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing, along with exhibits, have been served upon Defendants by filing with the Court's in the CM/ECF system and via email to counsel, in accordance with Local Rule 5.1, addressed to the following:

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THIS 29th day of September, 2025.

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IN THE UNITED STATES DISTRICT COURT
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CHRISTOPHER COX,)
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LEONARD NESBITT, PAUL) 4:23-CV-00284-WMR-WEJ
WORLEY, and TERRY MILLS,)
in their Official and)
Individual Capacities,)
Defendants.)

~~~~~

VIDEOTAPE DEPOSITION OF  
CHIEF LEONARD NESBITT

1:45 p.m.

February 25, 2025

200 North Wall Street

Calhoun, Georgia

Terri B. Howell, CCR-B-1018

Veritext Legal Solutions

800.808.4958



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1       were issued to somebody, in that folder, generic  
2       folder.

3             Q.   So there would be an H drive, and then  
4       it would be divided out by the individual's  
5       name, and then it would be contained in there?

6             A.   Well, yeah. It would be in a folder  
7       labeled reprimand counseling forms or note forms  
8       or files, and then inside that file would be the  
9       names of -- with a folder inside that name.

10            Q.   Very good. Were you involved at all in  
11       responding to the subpoena sent to the -- sent  
12       in anticipation of the administrative hearing  
13       that we had concerning Mr. Cox?

14            A.   Other than -- I mean I'm not sure --  
15       what -- specifically what are you asking?

16            Q.   Yeah, good -- bad question. Were you  
17       involved in gathering any documents or  
18       information in response to the subpoena that was  
19       sent by Mr. Cox before the administrative  
20       hearing?

21            A.   I think so, yes, sir.

22            Q.   Do you have any explanation for why  
23       these documents that are -- six out of the seven  
24       forms in front of you that are contained in 1  
25       through 7, why they were not produced with his

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1 personnel file for that hearing?

2 A. Not unless they were not in his  
3 personnel file which is not electronic, and they  
4 may have been in another file and been  
5 overlooked. But from my knowledge, we presented  
6 everything that was paper copy in the personnel  
7 file.

8 Q. And you have a -- well, strike that.  
9 You did not, for instance, go back and create  
10 any documents after the administrative hearing,  
11 did you?

12 A. No, sir.

13 Q. And you did not instruct anyone to do  
14 so, did you?

15 A. No, sir.

16 Q. And if these documents -- say, for  
17 instance, like we were talking about No. 1 that  
18 was issued on 7-8-2020, then it was completed on  
19 or around that date, true?

20 A. If it says the dates, then it would  
21 have been completed around or, yeah, of those  
22 dates.

23 Q. Yes, sir.

24 A. I mean as if -- if the date issued was  
25 after the date of the incident, so those would

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in their Official and )  
Individual Capacities, )  
Defendants. )

~~~~~

VIDEOTAPE DEPOSITION OF
DEPUTY CHIEF TERRY MILLS

9:00 a.m.

February 25, 2025

200 North Wall Street

Calhoun, Georgia

Terri B. Howell, CCR-B-1018

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EXHIBIT

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1 Q. All right. And so this document would
2 have been created -- or strike that.

3 Do you know when this document would
4 have been created?

5 A. I do not.

6 MS. DAUGHDRIL: I just want to be
7 clear. Are we talking about the form or
8 the actual written reprimand? I think
9 there may be some confusion about that.

10 Q. (By Mr. Hunter) Okay. Well, I'm
11 talking about this piece of paper that reflects
12 a verbal reprimand to Chris Cox, this document.
13 When was this created?

14 A. On the date that it shows would be my
15 assumption.

16 Q. All right. So your assumption would be
17 it was created on the day that it says date
18 issued 7-8-2020?

19 A. Yes.

20 Q. All right. And so would you have had
21 any input into the creation of this document?
22 And I mean this specific document, the verbal
23 reprimand of Chris Cox reflected in 000426.

24 A. I would have had input in that I would
25 have went to Chief Nesbitt and said this is an

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1 issue that I am having, and this is a
2 conversation I had with Chris about the fact
3 that he is continually not turning in his P card
4 form on time.

5 Q. Okay. And you would have told Chief
6 Nesbitt that, and then Chief Nesbitt would have
7 typed it up?

8 A. Correct.

9 Q. Who actually talked to Chris that gave
10 him the verbal reprimand?

11 A. That would have been me. That would --
12 that would have been the discussion that I would
13 have had with him.

14 Q. Why didn't you type it up?

15 A. Not sure.

16 Q. Do you know why this document was not
17 provided to us in response to the subpoena
18 before the administrative hearing?

19 A. I do not.

20 Q. And you don't know the name of the
21 program or software that's used to create this
22 document?

23 A. I do not.

24 Q. Let's look at the next one, Exhibit No.
25 2. It says DEF 000427 at the bottom. Do you

Comparison of Journal Entries: Chris Reprimand Added

Original Journal

8-1-22

0750 - 1745

A Shift

Tony to City Hall to turn in pay roll and discuss
Chris Grievance letter w/ Brooke & Paul. Gave him some
thoughts before he left.

Wrote letter to FF Pension for Chad & letter for
Tony for Mike C.

1330- Chris mtg w/ Chris S, Tony. Little progress w/ give by Chris

Confirmed to Paul the new Fire Fees were in
place and should be collected by Pam @ Inspections office
when they get Building Permit.

→ Discussed making sure IFC 510 is in place -

* Luis Hernandez called Chad G Sunday 31st night
and quit. Said it wasn't for him and he had heard
that recruit school was bad and he didn't think
he could do it.

New Journal

8-1-22

0750 - 1745

A Shift

Tony to City Hall to turn in pay roll and discuss
Chris Grievance letter w/ Brooke & Paul. Gave him some
thoughts before he left.

Wrote letter to FF Pension for Chad & letter for
Tony for Mike C.

1330- Chris mtg w/ Chris S, Tony. Little progress w/ give by Chris
2 1/2 hrs. Gave verbal reprimand to Chris -

Confirmed to Paul the new Fire Fees were in
place and should be collected by Pam @ Inspections office
when they get Building Permit.

→ Discussed making sure IFC 510 is in place -

* Luis Hernandez called Chad G Sunday 31st night
and quit. Said it wasn't for him and he had heard
that recruit school was bad and he didn't think
he could do it.



Shift

7-29-22

Rain

0800 - 1710

A Shift

Terry Off

7-30-22 - 2:45 PM

Do Paper - Done - Signed Bills -

7-30-22 Col, G. in 2:45 PM

B Shift

8-1-22

0750 - 1745

A Shift

Terry to City Hall to turn in pay roll and discuss
Chris Grievance letter w/ Brooke & Paul. Gave him some
thoughts before he left.

Wrote letter to FF Pension for Check & Letter for
Tag for Mike C.

1330 - Chris mtg w/ Chris, Terry. Little progress or give by Chris

hrs

Confirmed to Paul the new File Fees were in
place and should be collected by him @ Inspections Office
when people get Building Permit.

→ Discussed making sure IFC 510 is in place -

* Luis Hernandez called Chad G Sunday 31st night
and quit. Said it wasn't for him and he had heard
that recruit school was hard and he didn't think
he could do it.

B Shift

7-29-22

Raza

0800 - 1710

A Shift

Terry Off

Cody Benton - 24 PT

Do Record - Done - Signed BILLS -

7-30-22 Cody Benton 24 PT

B Shift

8-1-22

0750 - 1745

A Shift

Terry to City Hall to turn in pay roll and discuss
Chris Grievance letter w/ Brooke & Paul. Gave him some
thoughts before he left.

Wrote letter to FF Pension for Chuck & Letter for
Tag for Mike C.

1330 - Chris mtg w/ Chris, Tary. Little progress or give by Chris
2 1/2 hrs. Gave verbal reprimand to Chris -

Confirmed to Paul the new File Fees were in
place and should be collected by Pam @ Inspections Office
when people get Building Permit.

→ Discussed making sure IFC 510 is in place -

* Luis Hernandez called Chad G Sunday 31st night
and quit. Said it wasn't for him and he had heard
that recruit school was hard and he didn't think
he could do it.

DEF009004

C Shift

rs off to work around hrs
nine.

Comparison of Redacted Journal Entries: Chris Reprimand Added

8-1-22 0750 - 1745 A Shift

Terry to City Hall to turn in payroll and discuss
Chris Givens letter w/ Brooke & Paul. Gave him some
thoughts before he left.

[REDACTED]

1330- Chris mty w/ Chris, 149. Little progress or give by Chris

[REDACTED]

[REDACTED]

8-1-22 0750 - 1745 A Shift

Terry to City Hall to turn in payroll and discuss
Chris Givens letter w/ Brooke & Paul. Gave him some
thoughts before he left.

Wrote letter to FF Pension for Check & Letter for
Tag for Mike C.

1330- Chris mty w/ Chris, 149. Little progress or give by Chris
2 1/2 hrs. Gave verbal reprimand to Chris -

Confirmed to Paul the new File Fees were in
place and should be collected by Pam @ Inspections office
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→ Discussed making sure IFC 510 is in place -

* Luis Hernandez called Chad G Sunday 31st night
and quit. Said it wasn't for him and he had heard
that recent school was hard and he didn't think
he could do it.

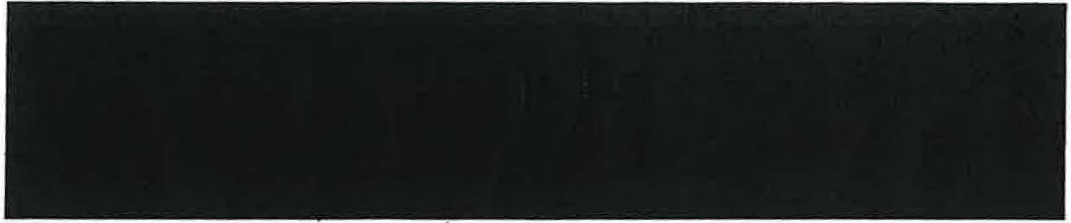
Shift

7-29-22

Rain

0800 - 1710

A Shift



8-1-22

0750 - 1745

A Shift

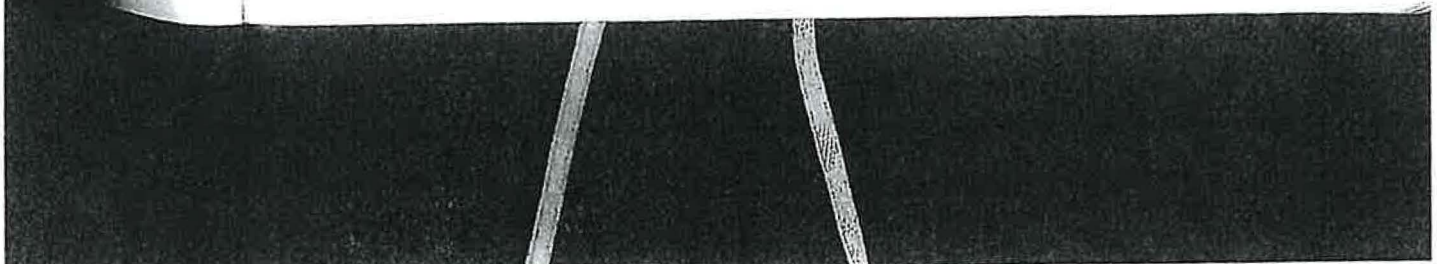
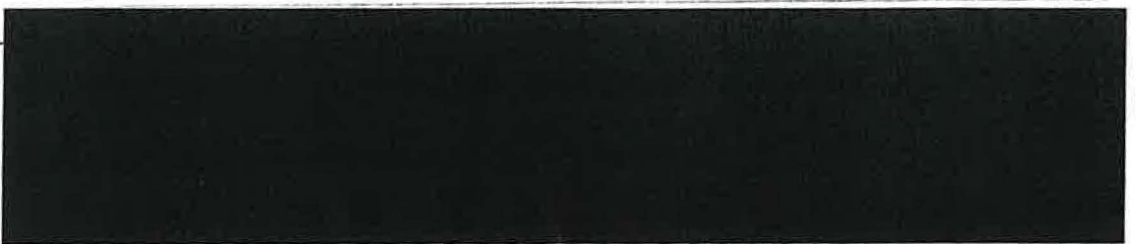
Terry to City Hall to turn in payroll and discuss
Chris Giersma letter w/ Brooke & Paul. Gave him some
thoughts before he left.



1330 - Chris mty w/ Chris, Trig. Little progress or give by Chris



hss



B shift

7-29-22

Raja

0800 - 1710

A Shift

Terry Off

Cody Benton - 24 PT

De Peard - Done - Signed Bills -

7-30-22 Cody Benton 24 PT

B shift

8-1-22

0750 - 1745

A Shift

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DEF009004

C shift

rs off to work around hrs
nine.

30(b)(6) Paul G. Worley
Cox, Christopher Vs. City Of Calhoun, Et Al.

August 8, 2025

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

CHRISTOPHER COX,

Plaintiff,

v.

THE CITY OF CALHOUN,

LEONARD NESBITT, PAUL WORLEY,

AND TERRY MILLS, IN THEIR

OFFICIAL AND INDIVIDUAL

CAPACITIES,

Defendants.

CIVIL ACTION FILE NO.:

4:23-CV-00284-WMR-WEJ

VIDEOTAPED RULE 30(B)(6) DEPOSITION OF
PAUL G. WORLEY
ON BEHALF OF
THE CITY OF CALHOUN

August 8, 2025

9:58 a.m.

City of Calhoun, 200 North Wall Street,
Calhoun, Georgia

Jennifer B. Ourada, CCR
Certificate No. 2658

Veritext Legal Solutions

800.808.4958



30(b)(6) Paul G. Worley
Cox, Christopher Vs. City Of Calhoun, Et Al.

August 8, 2025

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1 it to the clerk. Is that what you told me?

2 A Yes.

3 Q Okay. And if the -- where would the
4 HR person go to obtain that file?

5 A She keeps those in her office or close by
6 to her office in locked filing cabinets.

7 Q Is that office at city hall?

8 A Yes.

9 Q And she has a cabinet of employee
10 personnel files, which would have included Mr. Cox's
11 personnel file?

12 A Yes.

13 Q And the -- are there other places where
14 important personnel documents concerning an employee
15 would be kept, other than in their personnel file?

16 A Potentially at the department levels.

17 Q And explain that. What do you mean by
18 that?

19 A I think the best practice is to have all
20 information, personnel records in the HR director's
21 files. But sometimes at the department levels, some
22 department heads might have some information in
23 their own personnel files at their own departments
24 that should technically be given to the HR director.
25 But, unfortunately, sometimes that hasn't always

30(b)(6) Paul G. Worley
Cox, Christopher Vs. City Of Calhoun, Et Al.

August 8, 2025

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1 happened.

2 Q So the heads of the department in the City
3 of Calhoun can have their own sort of different
4 personnel files from the one that the city keeps?
5 Is that what you're telling me?

6 A Yes.

7 Q And that is -- is that consistent with the
8 city's policies or inconsistent?

9 A I think it's perfectly acceptable to have
10 that but with the caveat of, like I said, they would
11 be instructed or expected, you know, anything of a
12 serious nature should be, you know, in the official
13 HR file at city hall.

14 Q All right. And if there's not a copy of
15 it in the HR file at city hall, then is it fair to
16 assume that it wouldn't be of a serious nature?

17 A Not necessarily.

18 Q Okay. All right. So you can have items
19 of a serious nature concerning employee discipline
20 in an employee's file but not maintained in their
21 actual personnel file but in the sort of separate or
22 secret personnel file of the department head.
23 Correct?

24 A That would be a possibility. It's not the
25 best practice and not what I would recommend.

30(b)(6) Paul G. Worley
Cox, Christopher Vs. City Of Calhoun, Et Al.

August 8, 2025

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1 Q Not the best practice. That's your
2 testimony?

3 A Right.

4 Q That sounds like something that is a very
5 very bad idea, from an HR and management
6 perspective, doesn't it?

7 A I've already answered that question.

8 Q Well, you said it's not the best practice.
9 In fact, it is wrong for a department head to keep a
10 separate personnel file concerning his or her
11 employees. True?

12 A It just depends on the nature of what's in
13 that file.

14 Q Okay. And you think that it may be
15 consistent, and I'm asking you as the -- you know,
16 one of the topics is the policies and procedures of
17 the City of Calhoun. And you are the city
18 administrator. Correct?

19 A Yes.

20 Q There's nobody on the planet probably
21 knows more about the policies and procedures of the
22 City of Calhoun, other than you. True?

23 A (Witness is nonresponsive.)

24 Q I mean, I'm asking you to speculate. But
25 you don't know anybody, off the top of your head,

30(b)(6) Paul G. Worley
Cox, Christopher Vs. City Of Calhoun, Et Al.

August 8, 2025

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1 sitting here right now where you could say, that
2 guy, he really knows a lot more than me about these
3 personnel policies?

4 A That's fair.

5 Q Okay. And you don't know, sitting here
6 today -- strike that.

7 You told me, sitting here today, it may be
8 consistent with the personnel -- what the policies
9 and procedures of the City of Calhoun for department
10 heads to keep separate personnel files in their
11 office away from the HR director and her files.
12 True?

13 A True. It's a fairly common practice.

14 Q Okay. Well, is it a -- if it's a common
15 practice, does that mean it's consistent with the
16 policies or not?

17 A I don't think it's inconsistent. They've
18 never been told that they can't keep a file of
19 day-to-day activities of their own employees in
20 their own offices.

21 Q Fair enough. And you understand Mr. Cox,
22 at the time of that hearing, did not have a full --
23 was not provided a full copy of his personnel file.
24 True?

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

Courtney Taylor
Cox, Christopher v. The City of Calhoun, et al.

June 17, 2025

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

CHRISTOPHER COX,)
Plaintiff,)
vs.) CIVIL ACTION
THE CITY OF CALHOUN,) FILE NO.
LEONARD NESBITT, PAUL) 4:23-CV-00284-WMR-WEJ
WORLEY, and TERRY MILLS,)
in their Official and)
Individual Capacities,)
Defendants.)

~~~~~

VIDEOTAPE DEPOSITION OF  
COURTNEY TAYLOR

9:30 a.m.

June 17, 2025

200 North Wall Street

Calhoun, Georgia

Terri B. Howell, CCR-B-1018

Veritext Legal Solutions

800.808.4958

EXHIBIT

5

Courtney Taylor  
Cox, Christopher v. The City of Calhoun, et al.

June 17, 2025

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1 me." So -- and then the rest of it is nothing I  
2 would be yes or no about, correct. I mean he  
3 says "Don't say that we spoke about this and  
4 delete this text" which obviously I didn't do.

5 Q. Uh-huh.

6 A. And then I never -- I mean I never  
7 followed up with a text or a phone call. I have  
8 not talked to Chief Nesbitt since I got this  
9 text. So I don't know what he's talking about  
10 about the -- I guess he's saying untrue things  
11 he is making up, I assume he's talking about  
12 Chris. But I don't -- or I mean I don't know.  
13 I guess he could be talking about Roger. But I  
14 took it as he was talking about untrue things  
15 Chris was talking about -- is making up.

16 Q. Uh-huh. Okay.

17 A. But I've had no --

18 Q. Well, how did you interpret this text?  
19 What was he -- what was the -- what was the  
20 intent?

21 A. Well --

22 MR. HILL: Object to form, calls for  
23 speculation.

24 THE WITNESS: My interpretation  
25 would be is that he was trying to get me

Courtney Taylor  
Cox, Christopher v. The City of Calhoun, et al.

June 17, 2025

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1 to say things the way he wanted me to  
2 say them. But also my interpretation is  
3 one thing that annoyed me, I guess,  
4 about the text is the things he said in  
5 there that he wanted me to do, all I had  
6 to do is tell the truth.

7 I mean I don't see anything in there  
8 where he said anything that would have  
9 changed the truth. So that's what kind  
10 of bugged me because it looks really bad  
11 saying delete this, we didn't talk. But  
12 I don't see anything where he was trying  
13 to change anything that was the truth,  
14 if that makes sense.

15 Q. (By Ms. Earls) Uh-Huh.

16 A. So I don't know -- yeah. If I would  
17 have gave a deposition on -- and I know this is  
18 speculation too but it's me saying it. If I'd  
19 of gave a deposition on the 5th, I'd of told you  
20 the same thing as I am today even if I'd of done  
21 exactly what this text says. Because I don't  
22 see that -- I don't know what he was worried  
23 about clarifying because I think I've told you I  
24 know what that says anyways. Maybe not. But  
25 does that make sense? Am I wording that right?

Courtney Taylor  
Cox, Christopher v. The City of Calhoun, et al.

June 17, 2025

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1 talk, delete this, please, I mean this is a form  
2 of communication. You didn't speak to him  
3 verbally, but he did communicate with you in  
4 text, and he's asking you to delete it and say  
5 it doesn't exist?

6 A. Yes, ma'am.

7 Q. Do you think that is a good thing to  
8 do?

9 A. No.

10 Q. Why didn't you delete it?

11 A. Well, because my conscience wouldn't  
12 have let me do that. I mean I've known Lenny a  
13 long time, and I mean I consider him a friend  
14 too. But right is right and wrong is wrong, and  
15 I wasn't going to get rid of that text.

16 Q. Understood.

17 MS. EARLS: Let's take a two-minute  
18 break.

19 VIDEOGRAPHER: Off the record,  
20 10:27.

21 (Recess was taken).

22 VIDEOGRAPHER: Back on the record,  
23 10:39.

24 Q. (By Ms. Earls) All right. Just a  
25 reminder, you're still under oath.

36. Any communications between Defendant Nesbitt, Defendant Mills, and former City Administrator Eddie Peterson or any other person concerning Defendant Mills' harassment at Thatcher's restaurant.
37. All correspondence, text messages, emails, and any related communications and documentation between Plaintiff and Defendants, and/or any other Fire Department employees concerning the subject matter of the Complaint.
38. All emails, computer messages, memorandums, internal messages, text messages, Instagram messages, Facebook messages, WhatsApp messages, Signal messages, and any related communications and documentation of any kind generate by Defendants or their agents regarding the subject matter of the Complaint.
39. All emails on any City computer or server relating to Plaintiff, the 17-year-old female high school student identified in Plaintiff's Complaint, and/or any fact or issue alleged in Plaintiff's Complaint, from 2017 through the present.

THIS 1<sup>st</sup> day of May, 2024.

P.O. Box 10186  
Savannah, Georgia 31412  
T: (912) 236-3311  
F: (912) 236-8725  
ghodges@olivermaner.com  
bhunter@olivermaner.com  
blingle@olivermaner.com

235 Peachtree Street, NE, Ste. 400  
Atlanta, GA 30303  
Atlanta, GA 30303  
T: (404) 334-9970  
F: (404) 334-9940

OLIVER MANER LLP

/s/ R. Benjamin Lingle  
I. GREGORY HODGES  
Georgia Bar No. 358925  
WILLIAM J. HUNTER  
Georgia Bar No. 141288  
R. BENJAMIN LINGLE  
Georgia Bar No. 390252  
*Attorneys for Plaintiff*

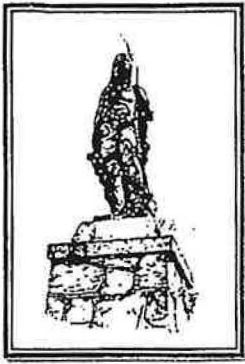
THE HAWKINS FIRM, LLC

/s/ Trisha Earls  
TRISHA EARLS  
Georgia Bar No. 472755  
*Attorney for Plaintiff*



1. Copies of all emails, text messages (whether to or from a personal phone or a business phone), letters, correspondence and any other written communications between Terry Mills and Roger Smith, from January 1, 2021, to the present.
2. Copies of all emails, text messages (whether to or from a personal phone or a business phone), letters, correspondence and any other written communications between Leonard Nesbitt and Roger Smith, from January 1, 2021, to the present.
3. Copies of all emails, text messages (whether to or from a personal phone or a business phone), letters, correspondence and any other written communications between Paul Worley and Roger Smith, from January 1, 2021, to the present.
4. Certified copies of each and every personnel policy in effect at the City of Calhoun at any point during Christopher Cox's employment with the City of Calhoun.
5. Certified copies of each and every personnel policy currently in effect at the City of Calhoun.
6. All memoranda, letters, emails, and any other written communications or other documents reflecting drafts, actual or proposed additions, actual or proposed deletions, and/or actual or proposed alterations to any personnel policy at the City of Calhoun during Christopher Cox's employment with the City of Calhoun.
7. Any and all audits pertaining to the training hours in the ESO system showing all entries or edits to Fire Fighter training hours in 2022, including but not limited to the name(s) of the individual(s) who made the edits or entry, the date the edit or entry was made, and the nature of the edit or entry.
8. Any and all documents related to Plaintiff's compensation, salary, and rate of pay during his employment with the City of Calhoun (2012 through 2022).





## *City of Calhoun, Georgia*

*Site of New Echota in the Land of the Cherokee*

December 12, 2022

CHRISTOPHER COX  
Division Chief of Training  
City of Calhoun Fire Department

I, Paul Worley, City Administrator for the City of Calhoun, hereby notify CHRISTOPHER COX (hereinafter "COX") that he is dismissed from his position with the City of Calhoun Fire Department effective 8:00 A.M. on December 12, 2022 because of his failure to work at an acceptable level of competence, insubordination resulting in an uncooperative attitude intending to lower discipline and morale within the Department, and unsatisfactory performance of duties and conduct unbecoming the Division Chief of Training as follows, to wit:

- (1) After having been put on notice of the need to observe the proper chain of command within the Department for the redress of alleged personnel matters during a grievance procedural hearing earlier this calendar year, on Friday, December 2, 2022 (hereinafter "the Meeting"), COX did unilaterally elect to wilfully violate same by reporting directly to the City Administrator several accusations regarding the commission of possible felonies by another member of the Department and factual allegations that the Chief and Deputy Chief had taken actions to conceal or otherwise disregard same.
- (2) Upon the conclusion of the Meeting, the City Administrator immediately communicated with the City Attorney to address the severe nature of the criminal allegations, the fact that the alleged accused had been promoted to the very position of battalion chief at issue in the COX grievance procedural hearing, and the involvement of the Chief and Deputy Chief in that same grievance proceeding initiated by COX.
- (3) After seeking the legal counsel of the City Attorney, the City Administrator requested an independent investigation be conducted confidentially by members of the Criminal Investigations concerning not only the allegations involving the individual employee named, but also the questions of deliberate actions to disregard or conceal the misconduct by the Chief and Deputy Chief.
- (4) Having interviewed the third party individual claimed by COX to possess the evidence to support the criminal allegations which COX indicated he had reviewed, as well as the "victim" identified by COX during the Meeting, the investigation revealed that:

*P.O. Box 248 ♦ Calhoun, Georgia 30703-0248 ♦ Tel: (706) 629-0151 ♦ Fax: (706) 625-0439*

*Council Meets Second and Fourth Mondays at 7:00 P.M. ♦ An Equal Opportunity Employer M/F/H*



- (a) the allegations of alleged misconduct had been grossly overstated by COX and his account reported in the Meeting was not corroborated by same;
  - (b) that the reporting outside of the chain of command by COX directly to the City Administrator had not been warranted; and
  - (c) that there was no evidence of the criminal misconduct as had been reported.
- (5) The investigation demonstrated that not only had the officers superior to COX properly addressed the matter when previously called to their attention by another third party report, but at the same time that COX undertook to breach the proper chain of command to report the allegations to the City Administrator while not on duty with the Department for Friday, December 2, 2022, this employee failed to timely respond to the critical request of the Deputy Chief for information for training record information in preparation for the upcoming ISO audit.
- (6) This violation of the chain of command to report this matter directly to the City Administrator is a “text book” example of insubordinate conduct, particularly after COX had been reminded of the impropriety of such conduct earlier this year in a public hearing by the City Attorney, and the City Administrator finds that same represents a continuing deliberate and uncooperative attitude by COX as the Division Chief of Training intended to lower discipline and moral within the Fire Department.
- (7) Additionally the City Administrator finds that the conduct of COX served as a deliberate attempt to circumvent the Chief and Deputy Chief in this matter, combined with the attempt to slander not only another officer equal to his rank but also his superiors within the Department represents a continuing course of conduct that severely impairs the ability to serve as the Division Chief of Training, but is additionally conduct that is unbecoming of the expectations of professionalism within the municipal fire department expected by the City Administrator and the governing authority.
- (8) Finally, as COX failed to properly address a question regarding the collection of training records critical to the upcoming ISO audit which directly impacts the City of Calhoun while wilfully undertaking to address a matter “above his paygrade” which is not a part of his assigned duty or responsibility, his conduct demonstrates a questionable continued level of competence as the Division Chief of Training for the municipal fire department such that his continued employment is no longer warranted.

This the 12<sup>th</sup> day of December, 2022.

  
\_\_\_\_\_  
PAUL WORLEY  
CITY ADMINISTRATOR  
CITY OF CALHOUN, GEORGIA

**YOU ARE ADVISED YOU HAVE A RIGHT OF APPEAL TO THE CITY PERSONNEL REVIEW PANEL BY MAKING A WRITTEN APPEAL WITHIN FIVE WORKING DAYS FROM THE DATE OF THIS DISMISSAL NOTICE. THE WRITTEN APPEAL MUST BE FILED WITH THE CITY ADMINISTRATOR AT CITY HALL, 226 SOUTH WALL STREET, CALHOUN, GEORGIA.**

*P.O. Box 248 ♦ Calhoun, Georgia 30703-0248 ♦ Tel: (706) 629-0151 ♦ Fax: (706) 625-0439  
Council Meets Second and Fourth Mondays at 7:00 P.M. ♦ An Equal Opportunity Employer M/F/H*



## *City of Calhoun, Georgia*

*Site of New Echota in the Land of the Cherokee*

December 23, 2022

Mr. Christopher Cox  
3973 Mt. Pleasant Road  
Dalton, Georgia 30721

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7016 1370 000 4310 9541  
VIA FIRST CLASS MAIL

**RE: Appeal Hearing Notice**  
Notice of Dismissal December 12, 2022

Mr. Cox,

Pursuant to your request, this correspondence serves as the written notice of the specified charges supporting your recent termination pursuant to Section Six(B) of the City of Calhoun Personnel Policies:

### **COUNT ONE**

The Division Chief of Training, CHRISTOPHER COX, did demonstrate an impermissible level of insubordination within the Calhoun Fire Department, to wit: on or about December 2, 2022, he undertook to report allegations concerning alleged illegal and unlawful misconduct by another employee directly to the City Administrator outside of the Calhoun Fire Department chain of command failing to first make such report to either the Department Deputy Chief or Department Chief thus allowing them an opportunity to first address the matter, and after having been previously warned not to breach said chain of command on a prior occasion via a separate grievance matter and hearing.

### **COUNT TWO**

The Division Chief of Training, CHRISTOPHER COX, did demonstrate an impermissible level of insubordination within the Calhoun Fire Department, to wit: on or about December 2, 2022, he undertook to report allegations concerning alleged illegal and unlawful misconduct by another employee directly to the City Administrator outside of the Departmental chain of command in violation of the Standard Operating Guidelines of the Calhoun Fire Department and the adopted Firefighter Code of Ethics failing to exercise proper professionalism,

*P.O. Box 248 ♦ Calhoun, Georgia 30703-0248 ♦ Tel: (706) 629-0151 ♦ Fax: (706) 625-0439*

*Council Meets Second and Fourth Mondays at 7:00 P.M. ♦ An Equal Opportunity Employer M/F/H*



competence, respect and loyalty for the established chain of command, and did seek to employ information gained by virtue of his position, whether confidential or otherwise, for the benefits of himself and not others than those entrusted to serve as he had previously filed a grievance and pursued a hearing for the very same position for which this accused individual had been promoted.

### COUNT THREE

The Division Chief of Training, CHRISTOPHER COX, did demonstrate an impermissible level of conduct unbecoming an individual in his position by virtue of rank within the Calhoun Fire Department, to wit: on or about December 2, 2022, he undertook to report allegations concerning alleged illegal and unlawful misconduct by another employee directly to the City Administrator outside of the Departmental chain of command in violation of the Standard Operating Guidelines of the Calhoun Fire Department and the adopted Firefighter Code of Ethics in that he did wilfully, negligently and/or recklessly disregard the truth in making said report to the City Administrator directly concerning the actions of both the Deputy Chief and Chief which upon investigation proved to be misleading and false and therefor sought to compromise the integrity of the fire service.

### COUNT FOUR

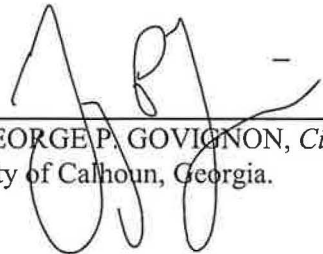
The Division Chief of Training, CHRISTOPHER COX, did demonstrate an impermissible level of incompetence and/or dereliction of his assigned responsibilities within the Calhoun Fire Department, to wit: on or about December 2, 2022, he undertook to report allegations concerning alleged illegal and unlawful misconduct by another employee directly to the City Administrator outside of the Departmental chain of command during his designated time off of duty while on the very same date he did also deliberately or negligently disregard the requests of the Deputy Chief for information concerning training and training records in preparation of the upcoming ISO audit.

### COUNT FIVE

The Division Chief of Training, CHRISTOPHER COX, has continued to demonstrate an impermissible level of incompetence and/or dereliction of his assigned responsibilities within the Calhoun Fire Department, to wit: on repeat occasions said employee has sought to violate the proper chain of command within the department to pursue matters of employee misconduct outside of his professional responsibilities, while failing to properly address current training shortcomings and time deficiencies for several department employees in the face of an upcoming ISO audit in January 2023 and additionally failed to take remedial steps to cure this situation while recklessly pursuing other personnel matters outside of his the tasks and duties assigned to his rank.

Enclosed in this notice you will find a copy of Section 70-34 of the personnel ordinance for the City of Calhoun.

This the 23<sup>rd</sup> day of December, 2022.



\_\_\_\_\_  
 GEORGE P. GOVIGNON, City Attorney  
 City of Calhoun, Georgia.

*P.O. Box 248 ♦ Calhoun, Georgia 30703-0248 ♦ Tel: (706) 629-0151 ♦ Fax: (706) 625-0439*

*Council Meets Second and Fourth Mondays at 7:00 P.M. ♦ An Equal Opportunity Employer M/F/H*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

CHRISTOPHER COX, )  
Plaintiff, )  
vs. ) CIVIL ACTION  
THE CITY OF CALHOUN, ) FILE NO.  
LEONARD NESBITT, PAUL ) 4:23-CV-00284-WMR-WEJ  
WORLEY, and TERRY MILLS, )  
in their Official and )  
Individual Capacities, )  
Defendants. )

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VIDEOTAPE DEPOSITION OF

PAUL WORLEY

9:00 a.m.

February 26, 2025

200 North Wall Street

Calhoun, Georgia

Terri B. Howell, CCR-B-1018

Veritext Legal Solutions

800.808.4958



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1 criminal activity and chose to cover that up to
2 protect a friend. Those were serious
3 accusations against the chief and the deputy
4 chief that, you know, were very serious in
5 nature.

6 I was very shocked when Chris Cox told
7 me that information. It was just mind blowing
8 to me that he would accuse a chief who's served
9 this community for over 40 years, had been the
10 chief for many, many years that would jeopardize
11 that just to protect a firefighter.

12 Same for Deputy Chief Mills. I believe
13 he served this community for over 30 years. And
14 for him also to just risk all that to try to
15 cover up criminal conduct was just a shocking
16 accusation to me. And then, further more, he
17 just adamantly, boldly just came out and
18 confessed that he had no trust in his chief.

19 He had no trust in his deputy chief.
20 And, to me, that was a serious admission,
21 serious concern and started painting a better
22 picture to me to get more validity to the
23 reasons and conduct of insubordination,
24 continued pattern of inability to provide
25 information about the training department.

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1 THE WITNESS: I'm not a police
2 investigator, so I don't feel I would be
3 qualified to do that.

4 Once we saw the text messages, we
5 realized that Roger Smith had not been
6 truthful with us to the nature of the
7 relationship, and it was immediately and
8 easily determined that he would be
9 terminated or given the opportunity to
10 resign.

11 Q. (By Mr. Hunter) Was it important to
12 you in determining whether or not to terminate
13 Chris Cox whether Roger Smith had engaged in
14 serious sexual felony misconduct with a
15 17-year-old waitress?

16 A. That was a separate matter and a
17 separate action against a separate individual.
18 Roger Smith was terminated for his actions.
19 Chris Cox was terminated for his actions and his
20 recklessly false accusations against the chief
21 and the deputy chief in addition to numerous
22 other concerns of insubordination, continued
23 pattern of failing to obey the proper chain of
24 command, failures coming to training
25 shortcomings, everything that's laid out in his

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1 correct.

2 Q. (By Mr. Hunter) How many times has
3 Chris Cox been written up for failing to work at
4 an acceptable level of competence in the ten
5 years prior to that meeting you had with him on
6 December 12th, 2022?

7 A. I think you guys went over a lot of
8 that information yesterday in those depositions.
9 I was privy to report back from the chief and
10 the deputy chief about the nature of the work
11 environment, some of the concerns over the years
12 of the training shortcomings.

13 I was well aware of the lack of
14 communication and transparency coming out of the
15 training division as evidenced by the chief's
16 basic request for feedback, information,
17 training, training schedules that he did not
18 receive.

19 To me, as a City administrator, I think
20 that would be a basic level of accountability
21 that I would assume that a training chief would
22 be providing to his fire chief. So it was very
23 disturbing and disappointing to me the track
24 record leading up to this point.

25 Q. Now, when did you learn about this

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1 track record leading up to this point?

2 A. Month after month, year after year.

3 Q. Okay. So this was a constant thing
4 going on where they were reporting to you that
5 Chris wasn't doing his job?

6 A. He wasn't -- I didn't say he wasn't
7 doing his job, but there was serious concerns
8 about his methods of training. There was
9 serious concerns about the friction within the
10 department.

11 There was serious concerns about how
12 training was being conducted. I had serious
13 concerns when I would hear back from them that
14 they had had meetings -- face-to-face meetings
15 with Mr. Cox about the training program. They
16 would get information from battalion chiefs with
17 their concerns about how the training programs
18 were being handled.

19 The chief, deputy chief, I think, would
20 try to step in and try to rectify the situation,
21 and it was disturbing to me that Mr. Cox would
22 not receive feedback, would not be open to
23 suggestions. It was always his way or the
24 highway type attitude. And so I was very
25 concerned about Mr. Cox's ability to work within

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1 the department and to follow instructions from
2 his leadership.

3 Q. Other than your conversation with Mr.
4 Cox on December 12th, 2022, did you ever make
5 any other writings concerning Mr. Cox, his job
6 performance, problems with communications,
7 problems with training or anything else?

8 A. No. I let that be handled by the chief
9 and the deputy chief. The fire chief is
10 appointed by the City council, so that's an
11 important position that the fire chief does
12 report to me as City administrator.

13 But Chief Nesbitt has been a member of
14 the fire department for many, many years, have
15 been chief for many, many years. So they would
16 report back to me. But I trusted them as the
17 leadership if there was need of any disciplinary
18 action, for them to handle that. It wasn't
19 until Chris Cox took it upon himself to come to
20 my office and make recklessly false accusations
21 did I feel like it was a -- it was appropriate
22 for me to step in and to take action myself.

23 Q. All right. But prior to that, you have
24 never taken any action against Chris Cox or
25 recommended any action be taken, true?