

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

SHANNON D. STEVENS,)
)
Plaintiff,)
)
v.)
)
CITY OF GREENSBORO,)
LORA CUBBAGE, in her individual)
capacity, and in her official capacity)
for injunctive and declaratory relief)
only, JAMIAH WATERMAN, in his)
individual capacity, and in his)
official capacity for injunctive and)
declaratory relief only, NATHANIEL)
“TREY” DAVIS, in his individual)
capacity, and in his official capacity)
for injunctive and declaratory relief)
only, ROBERT NUNN, in his)
individual capacity, and in his)
official capacity for injunctive and)
declaratory relief only,)
)
Defendants.)

COMPLAINT
(Jury Trial Demanded)

NOW COMES Plaintiff, by and through her undersigned counsel, and alleges and says as follows:

INTRODUCTION

1. This action arises from Defendant City of Greensboro’s (hereinafter sometimes referred to as “City”) termination of Plaintiff’s employment and its denial of her constitutional right to a meaningful public name-clearing opportunity attendant thereto, as well as the dissemination, or potential for dissemination, of false and stigmatizing

reasons for her dismissal. Plaintiff seeks damages and equitable relief under 42 U.S.C. § 1983 and related state law.

PARTIES

2. Plaintiff Shannon D. Stevens is a citizen and resident of Guilford County, North Carolina.

3. Defendant City of Greensboro is a North Carolina municipal corporation organized under Chapter 160A of the North Carolina General Statutes. At all relevant times, Defendant City acted under color of law and through its officials, policymakers, and employees.

4. Defendant Lora Cubbage is the City Attorney for the City of Greensboro and a licensed attorney with the North Carolina State Bar. She is sued in her individual capacity for damages under 42 U.S.C. § 1983 and in her official capacity for injunctive and declaratory relief only.

5. Defendant Jamiah Waterman is the Executive Director of People & Culture for the City of Greensboro and a licensed attorney with the North Carolina State Bar. He is sued in his individual capacity for damages under 42 U.S.C. § 1983 and in his official capacity for injunctive and declaratory relief only.

6. Defendant Nathaniel (“Trey”) Davis is the City Manager for the City of Greensboro. He is sued in his individual capacity for damages under 42 U.S.C. § 1983 and in his official capacity for injunctive and declaratory relief only.

7. Defendant Robert Nunn is the City's Employee Success Partnership Manager in the People & Culture Department. He is sued in his individual capacity for damages under 42 U.S.C. § 1983 and in his official capacity for injunctive and declaratory relief only.

8. Plaintiff does not seek punitive damages against Defendant City of Greensboro.

9. Plaintiff seeks no damages against Defendants Cubbage, Waterman, Davis, or Nunn in their official capacities; any official-capacity relief sought is limited to prospective injunctive and declaratory relief.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343 because Plaintiff asserts claims arising under the Constitution and laws of the United States, including 42 U.S.C. § 1983.

11. This Court has supplemental jurisdiction over the related state-law claims under 28 U.S.C. § 1367(a) because they form part of the same case or controversy as the federal claims.

12. Venue is proper in this District under 28 U.S.C. § 1391 because the events and omissions giving rise to the claims occurred in Greensboro, Guilford County, North Carolina, which is within the Middle District of North Carolina.

13. Venue is proper in the Greensboro Division.

FACTUAL ALLEGATIONS

14. Defendant City hired Plaintiff in August 2021 as a paralegal in the City Attorney's Office.

15. Plaintiff was later reclassified to Senior Paralegal in April 2023, then to Knowledge Management and Lobbying Coordinator in April 2025.

16. At the time of her dismissal, Plaintiff was an exempt employee, meaning that she was paid a fixed salary for work performed and was not paid hourly and did not receive overtime compensation.

17. Shortly after Plaintiff's position reclassification to Knowledge Management and Lobbying Coordinator, she was assigned additional duties as the civilian paralegal to directly support the Greensboro Police Department and its Police Attorneys.

18. Throughout her tenure, Plaintiff was a dedicated and visible advocate for the City of Greensboro, its programs, and its workforce.

19. Plaintiff actively supported and promoted City employee initiatives, not only completing all four sections of the GSO Speaks employee engagement program but also taking leadership in establishing the GSO Speaks Alumni Luncheon series, which brought employees together and supported local minority-owned restaurants.

20. Plaintiff was recognized as a "go-to" resource by colleagues within the City Attorney's Office and across departments throughout the City of Greensboro.

21. Plaintiff's contributions extended beyond the City Attorney's Office. After transferring from the City Attorney's Office to the City Manager's Office, Assistant City

Manager Andrea Harrell (who is also an attorney licensed with the North Carolina State Bar) sought out and relied upon Plaintiff's skills for special projects, demonstrating Plaintiff's reputation as a trusted and respected employee whose expertise benefited multiple departments.

22. Plaintiff consistently advocated for co-workers by providing guidance, sharing institutional knowledge, and offering peer support.

23. Plaintiff also championed community outreach and cultural inclusion, working to expand language access services, coordinate cultural competency, and build trust between the City and diverse populations.

24. In December 2024, Plaintiff's service was formally recognized with the Mosaic Award from the City of Greensboro, underscoring her contributions to cultural sensitivity training, accessibility for non-English speaking residents, and the City's broader equity goals.

25. Plaintiff's record of service and performance evaluations show that she was not only respected within her own office but valued across the organization as a whole.

26. Defendant City repeatedly entrusted Plaintiff with new responsibilities, increased duties, and visible initiatives that advanced the City's mission and strengthened its credibility with employees and the public alike.

27. Plaintiff had no prior disciplinary actions during her tenure.

28. From March through May 2025, Plaintiff performed several assignments at the explicit direction of then-City Attorney Charles ("Chuck") D. Watts Jr. ("Watts"),

including preparing and filing legal documents and using a City procurement card to pay court filing fees, for purposes that benefited Watts personally (the “Assignments”).

29. In performing these Assignments, Plaintiff acted transparently and with supervisory approval and, upon information and belief, with City approval.

30. In performing these Assignments, Plaintiff received no personal or financial gain and did not take time away from fully performing her regular duties for the City.

31. As a non-supervisory, exempt legal staff member, she reasonably relied on the direction and approvals of the City Attorney and office management in performing the Assignments, as directed.

32. On or about July 1, 2025, Plaintiff was placed on administrative leave during what was labeled as an internal investigation concerning the conduct of former City Attorney Watts.

33. On July 24, 2025, Plaintiff was informed by telephone by Defendants Waterman and Cubbage that she was terminated.

34. Concurrently on July 24, 2025, Defendant City Attorney Lora Cubbage issued a written dismissal letter (hereinafter the “Dismissal Letter”, attached as Exhibit A) stating that termination was necessary due to “overwhelming public interest” and to “preserve trust” in the City Attorney’s Office, and listing standards such as “maintaining public trust”, “avoiding conduct unbecoming”, “responsible use of City property and resources”, and “proper use of City equipment.” *See* Ex. A at p. 1.

35. The Dismissal Letter further asserts that Plaintiff “engaged in serious misconduct,” “used city resources... for the benefit of a private, for-profit enterprise,” and that a supervisor’s assignment “does not relieve [her] of responsibility,” while admonishing she was “expected to know and follow policy” and to report “inappropriate conduct.” *Id.*

36. The Dismissal Letter also states that “using city resources for any purpose unrelated to official city business is prohibited,” and that Plaintiff was “expected to know and follow policy.” *Id.*

37. These statements accuse Plaintiff of wrongdoing that impugns her honesty and morality and, thereby, are stigmatizing. Moreover, upon information and belief, these statements by Lora Cubbage were knowingly false because she had actual knowledge prior to being hired as a City employee of the legal work Watts was performing outside of his role as City Attorney, as well as his use of staff for such purposes, and the (likely) City approval of such work.

38. Plaintiff’s actions were, rather, performed at the express direction of then-City Attorney Watts, with supervisory approval, and (likely) City approval, without any personal gain, and in the ordinary manner non-supervisory, non-attorney staff carry out assignments in a law office.

39. Defendants, or some of them, knew that Plaintiff received no formal training on procurement card use and reasonably relied on approvals from the procurement cardholder and office management as to its use. *See* Ex. B.

40. In that regard, the Dismissal Letter is blatantly false in general and with regard to its accusations against Plaintiff as being dishonest and having engaged in improper self-dealing.

41. In light of the surrounding accusations, these statements are reasonably understood to convey that Plaintiff acted with knowledge of wrongdoing or intent to misuse City resources, which is false or substantially false given the approvals, the direction from the City Attorney as department head, the likely City approval, the absence of any personal benefit, and the lack of training.

42. The Dismissal Letter is the final notice of decision setting forth the City's asserted reasons for dismissal, and under N.C. Gen. Stat. § 160A-168(b)(11) that final notice is a public record.

43. The Dismissal Letter's accusations are false or, at minimum, substantially false in their gist and implication, and they attribute to Plaintiff's intent and misconduct that did not occur.

44. Plaintiff expressly denies the truth of the stigmatizing charges asserted in the Dismissal Letter, including any suggestion that she knowingly misused City resources, acted dishonestly, or engaged in conduct unbecoming.

45. Further, the Dismissal Letter's accusations are false or substantially false because, among other things:

- a. Plaintiff acted at the direction of office leadership and with cardholder authorization;

- b. Plaintiff received no personal benefit from the Assignments;
- c. Plaintiff's status as an exempt employee, not an hourly employee, made the alleged improper "use of City time" a legal fallacy;
- d. The City's own records reflect no procurement card training was provided to Plaintiff, despite accusations that she failed to follow policy she neither received nor was trained upon, and Plaintiff requested comparator discipline to test consistency;
- e. upon information and belief, comparable conduct by other City employees has drawn lesser or no discipline; and
- f. the City omitted material context, including its own approvals and training deficiencies.

46. On July 25, 2025, Plaintiff submitted a timely written notice of appeal under the City's disciplinary appeal process, requested access to her personnel records, and – citing Sciolino v. City of Newport News, 480 F.3d 642 (4th Cir. 2007) – requested a public name-clearing hearing to respond to the stigmatizing reasons for her dismissal. *See* Ex. C.

47. Plaintiff further notified Defendants of their duty to preserve all potentially relevant records, including Microsoft Teams messages, emails, mobile-device communications, and cloud archives for identified custodians. *Id.*

48. On information and belief, relevant electronically stored information exists on City systems and devices for custodians including the City Attorney, the Executive

Director of People & Culture, the City Manager, City Council members and other City employees involved in the investigation.

49. Between July 28 and August 1, 2025, Defendant City sparsely produced some requested materials but failed to produce all records referenced or relied upon in the investigation, including Microsoft Teams messages and other internal communications identified as having been considered. *See generally* Ex. D.

50. Defendant City represented that it had reviewed Microsoft Teams messages and other internal communications as part of its investigation, yet those materials were not produced to Plaintiff before the appeal. *See* Ex. E.

51. Plaintiff requested preservation of Microsoft Teams and other electronically-stored information on July 25, 2025; to the extent such materials were deleted after litigation was reasonably anticipated, Plaintiff seeks appropriate spoliation remedies.

52. Plaintiff has also requested comparator disciplinary records concerning procurement card or misuse of resources violations under N.C. Gen. Stat. § 160A-168(b), training records, and any notes, drafts, or internal communications used in the decision.

53. Plaintiff repeatedly requested the relevant information and records necessary to prepare for her appeal, to wit: July 25, 2025, July 28, 2025, July 30, 2025, July 31, 2025, twice on August 1, 2025, and through her undersigned counsel on September 5, 2025. *See generally* Ex. D.

54. Much of the requested information is still yet to be produced to Plaintiff including but not limited to the requested Teams messages and comparator discipline records (if any exist).

55. By withholding or failing to timely produce materials that were referenced or used in the personnel decision, Defendant City deprived Plaintiff of a fair opportunity to review, analyze, and respond to the allegations prior to the appeal.

56. These omissions were material because, among other things, the missing records bear directly on whether similarly-situated employees received lesser discipline (or any discipline at all).

57. The City also maintains a policy related to dismissal appeals (hereinafter sometimes referred to as the “Policy”) that states that dismissed employees have “10 calendar days from the date of dismissal to submit the appeal request.” *See* Ex. F.

58. Plaintiff inquired of Defendant Waterman whether the ten (10) day deadline for filing an appeal under the Policy would be stayed pending the production of requested records. Defendant Waterman provided no meaningful response to that inquiry. *See* Ex. G.

59. On July 29, 2025, Defendant Nunn proposed to Defendant Waterman that Plaintiff’s requested “public name-clearing hearing” be conducted non-publicly, without witnesses, and with a 30-minute limit before the City Manager, with logistics through the City Manager’s Office. *See* Ex. H at p. 1.

60. Defendant Waterman agreed with this proposal and confirmed his belief that Plaintiff was not entitled to a name-clearing hearing.¹ *See* Ex. H at p. 1.

61. Defendant Waterman advised Plaintiff that the City would set a time-limited virtual appeal meeting, that Plaintiff could not call witnesses during the hearing, that the proceeding would not be public and that any name-clearing request would be combined into the nonpublic appeal meeting. *See* Ex. I at p. 1.

62. Plaintiff objected, on several occasions, that the proposed process did not satisfy constitutional requirements for a name-clearing opportunity. *See* Ex. D. at pp. 4, 6, and 8.

63. The City, however, refused a public proceeding, forbade Plaintiff from calling witnesses, and denied Plaintiff timely access to Teams messages and other materials it relied upon, thereby preventing her from addressing and refuting the specific accusations in a manner that could reach the same audience to whom the charges were or would be published and, in general, a fair hearing.

64. Plaintiff participated in the City's appeal hearing, under protest, on August 5, 2025.

¹ Despite the fact that the United States Supreme Court first recognized more than 50 years ago, in Board of Regents of State Colleges v. Roth, 408 U.S. 564 (1972), that public employees who are terminated based on allegedly false, stigmatizing allegations are entitled to some form of public due process in clearing their name of any attendant stigma, Defendant City of Greensboro appears to have no policy on these legally-required "name-clearing hearings." This is especially surprising given that Defendant Waterman, who heads the City's "People and Culture" (elsewhere Human Resources) Department, has been a licensed North Carolina attorney for more than 20 years.

65. Defendants Davis and Waterman heard Plaintiff's appeal and asked her no questions.

66. Several hours after the appeal hearing, also on August 5, 2025, Waterman sent the City Manager a draft decision letter "should you decide to uphold," and offered to draft alternatives if overturned. *See* Ex. J.

67. This sequence reflects authorship by People & Culture and ratification by the City Manager, rather than a truly objective review by the City Manager.

68. On August 7, 2025, Defendant Davis ratified and sent Waterman's pre-drafted decision letter, upholding Plaintiff's termination, to his assistant, Tykia Johnson, who forwarded the letter to Plaintiff. *See* Ex. K and L.

69. The August 7, 2025 appeal outcome letter (here attached as Exhibit M) does not recite the factual bases for termination and is not a public record under N.C. Gen. Stat. § 160A-168(b)(11).

70. In the City's Personnel Policy Manual (hereinafter the "Policy Manual"), the City identifies as public record the "written notice of the final decision...setting forth the specific acts or omissions that are the basis of the dismissal." *See* Ex. N at p. 34.

71. The Policy Manual refers to this record as "the Dismissal Letter." *See* Ex. N at pp. 286 and 292.

72. The City even provides its employees with a “Dismissal Letter Template” and instructs departments on its use.² *See* Ex. N at pp. 286 and 292.

73. This Dismissal Letter Template (here attached as Exhibit O) instructs the supervisor or manager completing the form letter to list “specific policies violated and expectations for performance and/or behavior(s) the employee failed to meet” and that the employee is “dismissed from employment effective immediately.”

74. The Policy Manual further goes on to indicate “The City Manager, Assistant City Managers, Department Directors or designee, and the P[eople]&C[culture] Director are the only positions authorized to approve the dismissal of an employee.” *See* Ex. N at p. 292.

75. The July 24, 2025 Dismissal Letter (Exhibit A) is the public record of Plaintiff’s dismissal under N.C. Gen. Stat. § 160A-168(b)(11), both under state law and under the City’s Policy.

76. On information and belief, in response to public records requests concerning the basis for Plaintiff’s termination, the City released (improperly) the August 7, 2025 appeal outcome letter (Exhibit M), but did not release the July 24, 2025 Dismissal Letter (Exhibit A).

² Based on metadata embedded in this publicly available Microsoft Word file, the Dismissal Template Letter was authored by Defendant Nunn. As such, he should be familiar with its use and status as the final, public dismissal letter under N.C. Gen. Stat. § 160A-168(b)(11) and City policy.

77. Local news media, including The Greensboro News and Record and The Winston-Salem Journal have reported on Plaintiff's termination and appeal using Defendant City's produced materials. *See* Exhibits P, Q, R, and S.

78. One of these media sources published the August 7, 2025 appeal outcome letter (Exhibit M), which is a confidential personnel record. *See* Ex. S at p. 5.

79. The appeal outcome letter is not a N.C. Gen. Stat. § 160A-168(b)(11) public record; releasing it discloses confidential personnel information.

80. This public reporting has caused ongoing reputational harm and hindered Plaintiff's ability to obtain new employment.

81. Prospective employers have asked, and are reasonably likely to continue to ask, whether Plaintiff has been terminated from prior employment and under what circumstances, and Plaintiff is required to answer truthfully.

82. Defendant City's improper handling of the public record therefore has immediate and foreseeable effects on Plaintiff's reputation and employment prospects.

83. Defendant Cubbage authored and/or ratified and issued the July 24, 2025 Dismissal Letter, made the decision to terminate Plaintiff's employment, denied Plaintiff access to records to which she was entitled under law, and declined to provide Plaintiff a public name-clearing hearing.

84. Defendant Cubbage is a final policymaker for disciplinary decisions within the City Attorney's Office.

85. Defendant Waterman corresponded primarily with Plaintiff before and after her termination, denied Plaintiff access to records to which she was entitled under law, ratified and communicated the nonpublic, time-limited appeal format that prohibited witnesses, thereby denying Plaintiff a name-clearing hearing as required by law, and improperly released or coordinated release to the public of Plaintiff's confidential employment records.

86. Defendant Waterman is a final policymaker for Defendant City of Greensboro.

87. Defendant Davis issued the August 7, 2025 appeal outcome letter upholding termination and approved or ratified the nonpublic, time-limited process (without witnesses and without timely production of relied-upon materials) that denied Plaintiff a meaningful opportunity to clear her name and thereby denied her right to due process.

88. Defendant Davis is a final policymaker for purposes of City personnel appeal decisions and the process governing City employee appeals.

89. Defendant Nunn authored the nonpublic, time-limited process (without witnesses and without the benefit of timely production of materials relied upon in the decision to terminate Plaintiff's employment) that denied Plaintiff a meaningful opportunity to clear her name and thereby denied her right to a meaningful, public name-clearing hearing and the attendant due process.

90. These limitations were applied here by final policymakers Waterman and Davis as a deliberate choice attributable to the City.

FIRST CLAIM FOR RELIEF
**DEPRIVATION OF LIBERTY INTEREST IN REPUTATION WITHOUT DUE
PROCESS 42 U.S.C. § 1983 (FOURTEENTH AMENDMENT) (AGAINST ALL
DEFENDANTS)**

91. Plaintiff realleges and incorporates by reference the preceding paragraphs.

92. Defendants, acting under color of state law, have publicly disseminated or provided to the press non-public records concerning Plaintiff's termination, or, at minimum, have made such records reasonably available for public inspection.

93. On information and belief, the City has produced publicly the August 7, 2025 appeal outcome letter, while withholding the July 24, 2025 Dismissal Letter that purports to set out the specific acts or omissions pertaining to Plaintiff's dismissal.

94. As a result, and in connection with her termination, stigmatizing allegations have been publicized, thereby impugning Plaintiff's good name, honesty, and integrity.

95. Because the Dismissal Letter is a public record under N.C. Gen. Stat. § 160A-168(b)(11), and the City has disseminated other termination records to the media, inspection by prospective employers is at least reasonably likely, satisfying the publication element. *See Sciolino v. City of Newport News*, 480 F.3d 642, 650–51 (4th Cir. 2007).

96. Consistent with City policy and N.C. Gen. Stat. § 160A-168(b)(11), the Dismissal Letter is the public, charge-setting record and the City's release of the appeal outcome letter to media while withholding the Dismissal Letter underscores both likelihood of dissemination and the need for a public name-clearing forum.

97. Even if the City has not yet released the July 24, 2025 Dismissal Letter, that letter constitutes the final notice of dismissal and is a public record under N.C. Gen. Stat. § 160A-168(b)(11), making its disclosure to requesting members of the public and prospective employers reasonably likely.

98. The stigmatizing allegations were false or substantially false and an employee is entitled to a name-clearing opportunity where she alleges falsity. *See Codd v. Velger*, 429 U.S. 624, 627–28 (1977).

99. Plaintiff has repeatedly requested a meaningful public name-clearing opportunity from Defendants.

100. Defendants refused to provide a legally-adequate public hearing, limited Plaintiff to a brief nonpublic virtual meeting, forbade Plaintiff from calling witnesses, and failed to produce all records relied upon before the proceeding, including Microsoft Teams messages and internal communications referenced in the investigation, comparator disciplinary information, and training records.

101. Because the City referenced and purportedly relied upon Teams messages and internal communications in reaching the personnel decision, Plaintiff had a statutory right to inspect those materials before the appeal under N.C. Gen. Stat. § 160A-168(c1)(4), which the City denied, undermining any meaningful opportunity to be heard. N.C. Gen. Stat. § 160A-168 (c1)(4) expressly entitles the employee to inspect ‘any’ documentary materials relied upon to make the personnel decision. *See also Bray v. Swisher*, 253 N.C.

App. 407, 798 S.E.2d 816 (2017)(reversing where employee was denied access to materials relied upon in termination decision).

102. Requiring Plaintiff to proceed without timely access to the relied-upon materials denied Plaintiff a meaningful chance to prepare and respond to the alleged violations of City policy and, therefore, violated her Constitutional due process.

103. As a direct and proximate result of Defendants' actions as alleged herein, Plaintiff suffered deprivation of a protected liberty interest without due process of law, including reputational harm, loss of employment opportunities, and other damages.

104. Defendant City of Greensboro did not provide any other adequate post-deprivation remedy that afforded Plaintiff a meaningful, public opportunity to clear her name in connection with the stigmatizing allegations tied to her termination.

105. Defendants Cubbage, Waterman, Davis, and Nunn personally participated in and, under the color of law, caused the denial of Plaintiff's meaningful public name-clearing opportunity by designing, approving, and enforcing a brief nonpublic process without witnesses and without timely production of materials relied upon.

106. At all relevant times, it was clearly established in the Fourth Circuit that (a) a public employee discharged amid stigmatizing charges is entitled to a name-clearing opportunity, and (b) publicity or likely inspection by prospective employers satisfies the publication element. *See Sciolino*, 480 F.3d at 650–51; *see also Ridpath v. Bd. of Governors of Marshall Univ.*, 447 F.3d 292, 319 (4th Cir. 2006).

107. Defendants' conduct was objectively unreasonable in light of clearly established law.

108. Defendant City of Greensboro is liable under § 1983 because the denial of a meaningful public name-clearing opportunity and the handling of related records occurred pursuant to the City's policies, customs, and decisions by final policymakers.

109. The City followed a practice of collapsing name-clearing requests into closed internal appeals that do not allow public presentation of evidence or witnesses, and of withholding or delaying access to investigative materials relied upon.

110. The right of a public employee terminated due to stigmatizing allegations, which the employee alleges are false or substantially false (like Plaintiff) to a meaningful opportunity to clear her name was clearly established at the time of Defendants' conduct, and a reasonable official would have understood that a brief, closed meeting without witnesses or timely access to relied-upon materials does not satisfy due process. *See Sciolino v. City of Newport News*, 480 F.3d 642, 650-51 (4th Cir. 2007); *Ridpath v. Bd. of Governors of Marshall Univ.*, 447 F.3d 292, 319 (4th Cir. 2006).

111. Qualified immunity does not shield Defendants Cubbage, Waterman, Davis, or Nunn because Plaintiff's right to the repeatedly-requested name-clearing hearing under these circumstances was clearly established in the Fourth Circuit at all relevant times.

112. Plaintiff seeks compensatory damages, nominal damages in the alternative, injunctive and declaratory relief, punitive damages against the individual defendants, and reasonable attorney's fees and costs under 42 U.S.C. § 1988.

WHEREFORE, Plaintiff respectfully requests judgment in her favor on this Claim and an award of the relief set forth in the Prayer for Relief.

SECOND CLAIM FOR RELIEF
MUNICIPAL LIABILITY (UNDER *MONELL*) 42 U.S.C. § 1983
(AGAINST DEFENDANT CITY OF GREENSBORO ONLY)

113. Plaintiff realleges and incorporates by reference the preceding paragraphs.

114. The constitutional violations described above were caused by the City's official policies, longstanding customs, and acts of final policymakers, including but not limited to: cover-up and scapegoating by and on behalf of local politicians (especially close in time to local elections), combining requested name-clearing hearings into nonpublic, time-limited appeal meetings without witnesses; failing to provide timely access to materials relied upon in disciplinary decisions; and producing incorrect public records that omit the final notice setting forth the City's asserted reasons for termination as required by state law.

115. These policies and customs were the moving force behind the deprivation of Plaintiff's due process rights and resulting damages.

116. Defendants Nunn and Waterman, along with City Manager Davis, acting as a final policymaker for appeal decisions, and City Attorney Cubbage, acting as a final policymaker for disciplinary decisions within the City Attorney's Office, designed, approved, upheld, and/or enforced the challenged process that denied Plaintiff a meaningful public name-clearing opportunity (nonpublic meeting, no witnesses, strict time limit, and no timely access to relied-upon materials), and they ratified the prior, July 24

termination decision in the August 7, 2025 appeal outcome letter. *See Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 690–94 (1978); *Pembaur v. Cincinnati*, 475 U.S. 469, 480–81 (1986).

117. The City has a long-standing practice of denying employees' constitutional and other legal rights.

118. These practices were adopted, implemented, and ratified by final policymakers, including the City Manager for appeals and the City Attorney for discipline within that office, and constitute the City's policy and/or well-settled custom.

119. These policies and customs were the moving force behind the deprivation of Plaintiff's liberty-interest due process rights. *See Monell*, 436 U.S. at 694; *Spell v. McDaniel*, 824 F.2d 1380, 1386–91 (4th Cir. 1987).

120. Additionally, the City failed to train and supervise officials, including Defendants Waterman, Nunn, Davis, and Cubbage, who were responsible for adjudicating appeals and handling personnel records on employees' rights to a meaningful public name-clearing opportunity and to inspect relied-upon internal communications under N.C. Gen. Stat. § 160A-168(c1)(4), despite the obvious need and repeated requests, amounting to deliberate indifference and causing the violations at issue. *See City of Canton v. Harris*, 489 U.S. 378, 388–92 (1989); *Connick v. Thompson*, 563 U.S. 51, 61–63 (2011).

121. The Policy Manual, Dismissal Letter Template, and Appeal Appendix confirm the charge-setting Dismissal Letter is public and the appeal format is non-public,

time-limited, and witness-less, each of which are deliberate choices attributable to final policymakers.

WHEREFORE, Plaintiff respectfully requests judgment in her favor on this Claim and an award of the relief set forth in the Prayer for Relief.

THIRD CLAIM FOR RELIEF
VIOLATION OF N.C. GEN. STAT. § 160A-168 (DECLARATORY AND
INJUNCTIVE RELIEF) (AGAINST DEFENDANT CITY OF GREENSBORO
ONLY)

122. Plaintiff realleges and incorporates by reference the preceding paragraphs.

123. North Carolina law requires the City to make available to the public the final notice of decision “setting forth the specific acts or omissions that are the basis of the dismissal.” *See* N.C. Gen. Stat. § 160A-168(b)(11).

124. Defendants’ practice of treating the appeal outcome letter as the operative public record while withholding the N.C. Gen. Stat. § 160A-168(b)(11) public dismissal letter that sets out the stated reasons contravenes North Carolina law, as well as City policy, and misleads the public record.

125. Prospective employers and media requestors routinely seek “final dismissal notices” under N.C. Gen. Stat. § 160A-168(b)(11), and the City maintains and produces such records upon request.

126. The August 7, 2025 appeal outcome letter is not the N.C. Gen. Stat. § 160A-168(b)(11) “written notice of the final decision...setting forth the specific acts or omissions

that are the basis of the dismissal,” as to Plaintiff because it post-dates the termination, is appellate in nature, and does not set out the acts/omissions forming the basis for dismissal.

127. Treating the August 7, 2025 appeal outcome letter as the operative public record while withholding the July 24, 2025 Dismissal Letter created an incomplete and misleading public record.

128. North Carolina law requires disclosure of the controlling final notice of dismissal that sets forth the specific acts or omissions forming the basis for termination. See Wind v. City of Gastonia, 226 N.C. App. 180, 183, 738 S.E.2d 780, 782, aff’d per curiam, 367 N.C. 184, 751 S.E.2d 611 (2013) (holding that the operative public record is the final notice of dismissal that sets forth the specific acts or omissions under N.C. Gen. Stat. § 160A-168(b)(11)).

129. Even apart from the City’s actual productions, the disclosure framework in N.C. Gen. Stat. § 160A-168(b)(11) makes public release of the July 24, 2025 Dismissal Letter reasonably likely and makes that document readily-accessible to prospective employers, which further underscores the need for a meaningful opportunity to clear one’s name before or contemporaneous with such dissemination.

130. Plaintiff seeks a declaration that the July 24, 2025 dismissal notice is the § 160A-168(b)(11) “written notice of the final decision...setting forth the specific acts or omissions,” and that the August 7, 2025 appeal outcome letter is not a lawful substitute for that record, nor is the August 7, 2025 appeal outcome letter a public record.

131. North Carolina law and City policy further provide that an employee has the right to include a written statement disputing inaccurate or misleading information in her personnel file. *See* N.C. Gen. Stat. § 160A-168(d) and Ex. N at p. 35.

132. Plaintiff has prepared a written statement under N.C. Gen. Stat. § 160A-168(d) disputing inaccurate or misleading information in her record and demands that the City place it in her personnel file.

133. To the extent the Court deems individual official-capacity defendants necessary to effectuate injunctive or declaratory relief, Plaintiff seeks such relief against Defendants Cubbage, Waterman, Davis, and Nunn in their official capacities.

WHEREFORE, Plaintiff respectfully requests judgment in her favor on this Claim and an award of the declaratory and injunctive relief set forth in the Prayer for Relief.

FOURTH CLAIM FOR RELIEF
VIOLATION OF NORTH CAROLINA PUBLIC RECORDS ACT N.C.
GEN. STAT. CH. 132 (DECLARATORY, INJUNCTIVE, AND FEE RELIEF)
(AGAINST DEFENDANT CITY OF GREENSBORO ONLY)

134. Plaintiff realleges and incorporates by reference the preceding paragraphs.

135. The North Carolina Public Records Act, N.C. Gen. Stat. § 132, requires that public records be made available for inspection and copying unless a specific statutory exemption applies.

136. N.C. Gen. Stat. § 160A-168 defines what portions of municipal personnel files are public and which are confidential.

137. The City's refusal or failure to produce the July 24, 2025 Dismissal Letter setting forth the specific acts or omissions that formed the basis of Plaintiff's termination, while producing only the August 7, 2025 appeal outcome letter, violates the Public Records Act when read in conjunction with N.C. Gen. Stat. § 160A-168(b)(11). *See Wind v. City of Gastonia*, 226 N.C. App. 180, 183, 738 S.E.2d 780, 782, *aff'd per curiam*, 367 N.C. 184, 751 S.E.2d 611 (2013).

138. Defendants further violated N.C. Gen. Stat. § 160A-168(c) by releasing other than public records from Plaintiff's confidential personnel file.

139. Defendants further violated their legal obligations to Plaintiff by failing to produce, in a timely manner, or at all, the public records requested on Plaintiff's behalf by her attorney, as well as the materials referenced as relied upon in Plaintiff's personnel decision, including Teams messages and internal communications, training records, and comparator disciplinary records that are subject to disclosure under N.C. Gen. Stat. § 160A-168(b) and § 160A-168(c1)(4) when used in a personnel decision.

140. Plaintiff seeks declaratory and injunctive relief under N.C. Gen. Stat. § 132-9, requiring the City:

- a. to produce the statutorily-prescribed final notice and to correct any incomplete or misleading public record created by prior disclosures;
- b. to produce the relied-upon materials including Microsoft Teams messages and all other internal communications referenced in the investigation;

- c. to produce for inspection and/or copying the comparator public personnel information requested by Plaintiff; and
- d. to produce the information requested by undersigned counsel in his September 5, 2025 request for public records.

141. Plaintiff also seeks an award of reasonable attorney's fees under N.C. Gen. Stat. § 132-9(c) for wrongful denial of access to the requested materials.

142. To the extent the Court deems individual official-capacity defendants necessary to effectuate injunctive or declaratory relief, Plaintiff seeks such relief against Defendants Cubbage, Waterman, Davis and Nunn in their official capacities.

WHEREFORE, Plaintiff respectfully requests judgment in her favor on this Claim and an award of the declaratory, injunctive, and fee relief set forth in the Prayer for Relief. Plaintiff seeks fees under N.C. Gen. Stat. § 132-9(c) against the City only.

FIFTH CLAIM FOR RELIEF
NORTH CAROLINA CONSTITUTION, ARTICLE I, § 19 (LAW OF THE LAND)
(DUE PROCESS - PLED IN THE ALTERNATIVE UNDER *CORUM*) (AGAINST
ALL DEFENDANTS)

143. Plaintiff realleges and incorporates by reference the preceding paragraphs.

144. Article I, § 19 of the North Carolina Constitution guarantees that no person shall be deprived of liberty or property but by the law of the land.

145. The City's denial of a meaningful public opportunity to clear Plaintiff's name after disseminating stigmatizing reasons for termination violated Plaintiff's due process rights under the North Carolina Constitution.

146. In the alternative, and to the extent that federal remedies are deemed not to provide an adequate remedy, Plaintiff brings this claim directly under the North Carolina Constitution pursuant to Corum v. University of North Carolina, 330 N.C. 761 (1992), seeking declaratory, injunctive, and compensatory relief.

WHEREFORE, Plaintiff respectfully requests judgment in her favor on this Claim and an award of the relief set forth in the Prayer for Relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor and award the following relief:

1. A declaration, pursuant to 28 U.S.C. §§ 2201–2202, that Defendants deprived Plaintiff of a liberty interest without due process of law in violation of the Fourteenth Amendment;
2. Declaratory and injunctive relief requiring the City to correct its handling of public records related to Plaintiff's termination, to treat the July 24, 2025 Dismissal Letter as the operative final notice of dismissal under N.C. Gen. Stat. § 160A-168(b)(11), and to include Plaintiff's N.C. Gen. Stat. § 160A-168(d) statement in her personnel file;
3. An order requiring the City to produce, within 14 days, the relied-upon materials referenced in the investigation and personnel decision, including Microsoft Teams messages and internal communications, as well as the

requested comparator discipline records as permitted by N.C. Gen. Stat. § 160A-168(b);

4. An order directing the City to annotate or correct Plaintiff's personnel records to reflect the matters adjudicated in this action;
5. Compensatory damages in an amount to be determined at trial for reputational harm, lost wages and benefits (including back pay and front pay), and other consequential damages resulting from the constitutional violations;
6. Nominal damages on the due process claims if compensatory damages are not awarded;
7. Punitive damages against the individual defendants to the extent allowed by law;
8. Reasonable attorney's fees and costs under 42 U.S.C. § 1988 and, for the public records claim, under N.C. Gen. Stat. § 132-9(c);
9. Taxable costs under Fed. R. Civ. P. 54(d)(1);
10. Prejudgment and post-judgment interest as allowed by law;
11. Retention of jurisdiction to enforce the Court's orders and any judgment entered herein; and
12. Such other and further relief as the Court deems just and proper.

JURY DEMAND/RESERVATION OF RIGHTS

1. Plaintiff demands a trial by jury on all issues so triable.

2. Plaintiff reserves the right to seek preliminary injunctive relief pursuant to Fed. R. Civ. P. 65.
3. Plaintiff reserves the right to amend this pleading as justice requires, including adding claims or parties revealed through initial disclosures, public information requests, discovery, and concurrent administrative (EEOC) process.

Respectfully submitted this the 15th day of October, 2025.

/s/ Amiel J. Rossabi
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