

IN THE SUPERIOR COURT OF CHARLTON COUNTY
STATE OF GEORGIA

DR. SHERILONDA GREEN,

Petitioner/Plaintiff,

v.

CHARLTON COUNTY SCHOOLS,

Respondent/Defendant.

Civil Action No.
2022-SU-CV-0112

**PLAINTIFF’S MOTION FOR DEFENDANT TO PRODUCE CERTAIN FORENSIC
IMAGES OBTAINED BY ARCHERHALL**

COMES NOW Plaintiff, Dr. Sherilonda Green, and moves this Court for an Order for Defendant to produce ArcherHall’s forensic images of the smartphones of Matthew Sands, John Lairsey, and John Canaday, showing as follows:

The Court informed Defendant to instruct its computer forensic ESI vendor ArcherHall to preserve all forensic images in the event that it would become necessary to produce them. That time is now. Unfortunately, after the Plaintiff’s ESI expert collected the Defendants’ phones per the Court’s Order it appears that Defendants engaged in game of bait and switch where the phones produced to Plaintiff’s ESI expert are entirely different then the phones produced to Defendant’s ESI expert of the Superintendent and two key Board members. Per the Declaration of Nick Barlow, CEO of Beam Computer Forensics LLC:

“After comparing the list of smartphones contained on Mr. Watt’s collection log against the list of smartphones contained on Mr. Cooper’s collection log it was apparent that Matthew Sands, John Canaday, and John Lairsey did in fact provide Mr. Watt and Mr. Cooper with entirely different smartphones.” (Ex. A, Barlow Decl. ¶10.)

“After reviewing the affidavits that Mr. Watt received from Matthew Sands, John Canaday, and John Lairsey, it became evident that we would not be able to complete our investigation because the custodians did not provide Beam with the

same smartphones that they provided to ArcherHall.” (Ex. A, Barlow Decl. ¶14.)

“As Matthew Sands, John Lairsey, and John Canaday did not preserve their original smartphones, we now require unrestricted access to the forensic images that were created by Todd Cooper of ArcherHall so that we can proceed with our digital forensic investigation. The forensic images created by Todd Cooper now serve as the only remaining copy of Matthew Sand’s, John Lairsey’s, and John Canaday’s original smartphone data.” (Ex. A, Barlow Decl. ¶15.)

Notably, the Board members and Superintendent were on notice of their duty to preserve their phones at the start of the first lawsuit on November 25, 2020, *see* Exhibit B:

Wed 11/25/2020 9:06 PM

Dear Mr. Brooks:

Thank you for your letter. I am certain your I.T. department would be able to confirm receipt of the two Open Records Act Requests that your Superintendent denies receiving but I will be happy to forward them to you in the following email. Dr. Green denies your contention that her race discrimination claim or that her lawsuit's purpose is a smear campaign and respectfully reminds you and your client that retaliation is prohibited against employees who oppose or disclose a violation of a law, rule and regulation in Georgia under O.C.G.A. 45-1-4 in addition to the prohibition of retaliation under Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq., Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq., and 42 U.S.C.A. § 1981.

PRESERVATION NOTICE:

Please be sure to advise your clients, specifically the Superintendent, Board members, and its agent--the recruiting Superintendent search firm--to preserve all documents, records, video, audio, personal cell phone text messages, emails, and other electronic or non-electronic information concerning Dr. Green, her application to the position of Superintendent, claims of discrimination, and this respective lawsuit. You should not defer preservation steps as ESI may be lost or corrupted as a consequence of delay. Should your failure to preserve potentially relevant evidence result in the corruption, loss, or delay in production of evidence to which we are entitled, such failure would constitute spoliation of evidence, and we would not hesitate to seek sanctions in litigation.

Nevertheless, this is beyond just spoliation of evidence and violating the duty of preservation. This is now, once again, a flagrant flouting in Contempt of this Court’s Orders, attached for reference as Exhibit C.

CONCLUSION

Wherefore Plaintiff moves this Court to Order Defendant and ArcherHall to produce forthwith all forensic images downloaded and data collected from the Defendants to Beam Computer Forensics LLC and any further legal or equitable relief that the Court deems just and proper.

Respectfully submitted this 28th day of June 2023,

WILLIAMS OINONEN, LLC

/s/ JULIE OINONEN

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