

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF GEORGIA  
3                   ATLANTA DIVISION  
4  
5                   NATHANIEL BORRELL DYER,  
6                   Plaintiff(s),                   CIVIL ACTION FILE NO.  
7                   vs.   1:18-CV-03284-TCB  
8                   ATLANTA INDEPENDENT  
9                   SCHOOL SYSTEM,  
10                   Defendant(s).

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11                   DEPOSITION OF  
12                   NATHANIEL BORRELL DYER

13                   September 3, 2019  
14                   10:00 a.m.

15  
16                   201 17th Street  
17                   Suite 1700  
18                   Atlanta, Georgia

19  
20                   Mari B. Temple, RPR, CMRS  
21                   Certified Court Reporter #2844

22  
23  
24  
25

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2

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3

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7

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(Original Exhibits D-1 through D-14 were attached to the original transcript.)

1 Deposition of NATHANIEL BORRELL DYER

2 September 3, 2019

3

4 NATHANIEL BORRELL DYER,

5 being first duly sworn, was examined and testified

6 as follows:

7 MR. MOULARD: Thank you.

8 All right. Today is September 3, 2019.

9 We're here for the deposition of Mr. Nathaniel  
10 Dyer in connection with Mr. Dyer's lawsuit  
11 against Atlanta Public Schools.

12 My name is Brandon Moulard, I'm joined by  
13 my colleague, Laurance Warco, and we represent  
14 Atlanta Public Schools.

15 Mr. Dyer is here as a pro se Plaintiff.

16 Is that still correct?

17 THE WITNESS: Yes.

18 MR. MOULARD: You're still unrepresented?

19 THE WITNESS: Well --

20 MR. MOULARD: You still don't have a  
21 lawyer.

22 THE WITNESS: Yes.

23 MR. MOULARD: Okay. This deposition is  
24 being taken pursuant to notice and agreement of  
25 the parties and will be used for any purposes

1 allowed under the Federal Rules of Civil  
2 Procedure and the Federal Rules of Evidence.

3 I'll mark this Defendant's Exhibit 1.  
4 (Exhibit D-1 was marked for  
5 identification.)

6 EXAMINATION

7 BY MR. MOULARD:

8 Q Mr. Dyer, have you seen this document  
9 before?

10 A Yes.

11 Q Okay. This is the notice of your  
12 deposition that you received informing you to be  
13 here today?

14 A Yes.

15 Q Okay. All right. So you understand that  
16 you're here to answer questions about the lawsuit  
17 that you filed against APS; correct?

18 A Yes.

19 Q Okay. Have you ever been deposed before?

20 A Yes.

21 Q You have been. Okay.

22 All right. So this isn't your first  
23 rodeo. But let me just go through some ground  
24 rules.

25 Do you understand that you're under oath?

1 A Yes.

2 Q Do you understand that if you give me --  
3 if you know and give me a false answer to any of my  
4 questions that you will have committed perjury?

5 A Yes.

6 Q Do you understand that perjury is a  
7 criminal offense?

8 A Yes.

9 Q Okay. So the court reporter is going to  
10 be transcribing everything that I say and that you  
11 say on the record. So it's important that in order  
12 to maintain a clear, readable transcript that we  
13 don't talk over one another. So I'll do my best not  
14 to interrupt you as you're giving an answer. I just  
15 ask that you allow me to ask my complete question  
16 before you respond.

17 Is that fair?

18 A Yes.

19 Q The court reporter can't take down  
20 nonverbal responses. So please try to remember to  
21 articulate all your responses verbally. So, for  
22 instance, try to avoid shakes -- you know, nodding  
23 your head, shaking your head, uh-huhs or huh-uhs.

24 Understood?

25 A Yes.

1           Q     Okay.  If I ask you something that you  
2     don't understand, or if I talk too fast and you  
3     don't understand me, just let me know, and I'll  
4     repeat the question.  If you don't understand a  
5     question, just ask me to clarify it.  If you don't  
6     ask me to clarify a question, or if you don't ask me  
7     to repeat a question, I'm going to assume that you  
8     understand it.

9                     Is that clear?

10           A     Yes.

11           Q     Okay.  We're going to be here for a little  
12     while, probably not too, too long.  But if you need  
13     to take a break, just let me know.  Restrooms are  
14     just across the lobby.

15                     My only condition is that if you need to  
16     take a break, and there's a question on the table,  
17     give me an answer to my question, and then we can  
18     take a break.

19                     Is that fair?

20           A     Yes.

21           Q     Don't take these questions the wrong way.  
22     It's something I always ask in deposition, just for  
23     purposes of the record.

24                     Are you currently under the influence of  
25     any alcohol?



1 A No.

2 Q Are you currently under the influence of  
3 any narcotics?

4 A No.

5 Q Are you currently taking any prescription  
6 drugs?

7 A No.

8 Q No. Okay.

9 Any other reason you can think of that  
10 would prevent you from answering my questions  
11 truthfully today?

12 A No.

13 Q Okay. Did you speak with anyone in  
14 preparation for today's deposition?

15 A No.

16 Q No. Okay.

17 Does anybody else know that you're  
18 attending a deposition today?

19 A Yes.

20 Q Who?

21 A Family members.

22 Q Family members.

23 Who in your family knows you're sitting  
24 for a deposition today?

25 A Let's see. My brother.

1 Q What's your brother's name?

2 A C.M. -- C, period, M, period, Dyer III.

3 Q Anybody else?

4 A My mom, my mother.

5 Q Your mom?

6 A Yeah.

7 Q What's your mom's name?

8 A It's Martha, that's M-A-R-T-H-A, Dyer.

9 Q Anyone else?

10 A Maybe -- let's see. Forgive me, I didn't  
11 expect this question.

12 Let's see. I think there was a friend  
13 named Karen Dodson.

14 Q Is that Dotson or Dodson?

15 A Dodson, D-O-D-S-O-N.

16 Q Okay.

17 A Yeah.

18 And another family member, Katrina  
19 Dawkins.

20 Q What's her relation to you?

21 A Cousin.

22 Q Okay. Do all these people live in the --  
23 do they live in Georgia?

24 A Just Dawkins and Dodson.

25 Q Okay.

1           A       And my brother live -- but he's stationed  
2       somewhere else.

3           Q       Oh.

4           A       Yeah.

5           Q       And what did you tell them about today?

6           A       Just told them I was having a -- you know,  
7       following the process. So I just keep them in the  
8       loop about my whereabouts.

9           Q       Okay. Have you spoken with any legal  
10       counsel in preparation for today?

11          A       No.

12          Q       No. Okay.

13                   Did you review any documentation in  
14       preparation for today's deposition?

15          A       Well, the documents that were passed back  
16       and forth.

17          Q       Can you be more specific?

18          A       The court docs, court docs.

19          Q       Okay. And, again, what do you -- what are  
20       you referring to? There's been a lot of documents.

21          A       Anything from the complaint up to the  
22       order, so those documents.

23          Q       The order on the motion to dismiss?

24          A       Well --

25          Q       Is that what you're referring to?

1           A       One of them. The court order as relates  
2       to the court's decision.

3           Q       Okay. Any other documentation that was  
4       not filed with the court? Did you read anything  
5       else in preparation for today?

6           A       I'm trying to -- ask that question again.

7           Q       Yeah, I'm sorry.

8                    Aside from the documents that were filed  
9       with the court, is there anything else that you  
10      reviewed to prepare for today?

11          A       Oh, yes, I have to do -- I read some  
12      things online, did a little research. That's pretty  
13      much it.

14          Q       Research on what?

15          A       Depositions.

16          Q       So just general deposition tips?

17          A       Just general -- general deposition.

18          Q       What did you learn?

19          A       I guess we'll find out.

20          Q       Well, no, I'm asking -- going to ask you,  
21      what did you learn?

22          A       Oh, what did I learn?

23          Q       Yes.

24          A       That's kind of vague, isn't it, just --

25          Q       You don't understand the question what did

1 you learn? What did you -- in your online research  
2 on preparing for sitting for depositions, what did  
3 you take away from that research?

4 A Well, I took away from it just the  
5 process, what's involved, just the whole scope of  
6 what it is. You know, I just had to do a refresher  
7 because I've done it before. I would just like to  
8 be more informed.

9 Q Let's talk about that other deposition  
10 that you sat for.

11 When was that?

12 A Can't remember.

13 Q Within the last five years?

14 A It's longer.

15 Q Last ten years?

16 A Longer than that, longer.

17 Q Longer. Okay. So more than ten years  
18 ago.

19 Was it in Atlanta?

20 A Yes.

21 Q Okay. Do you know what court it was in?

22 A Can't remember.

23 Q Was it federal or state court?

24 A Don't remember.

25 Q Okay. What was -- was it a lawsuit that

1     **you filed, or was it filed against you?**

2           A     Let's see.

3                   Oh, let me make a correction.

4           **Q     Uh-huh.**

5           A     I do remember doing one, which I didn't  
6     count this one.  It was for another person who was  
7     in a lawsuit.  So I mean I was -- I guess you would  
8     consider me being deposed at that time.  But for my  
9     own it was more than ten years ago.

10          **Q     Okay.  So --**

11          A     And --

12          **Q     -- we'll put a pin in that other one.**

13                   So the one that you had mentioned  
14     initially, that was more than ten years ago.

15          A     Yes.

16          **Q     What was it -- your role in the lawsuit?**

17     **Were you a party?  Were you a witness?  Why were you**  
18     **testifying?**

19          A     I was the party -- I was the plaintiff.

20          **Q     You were the plaintiff.**

21          A     Right.

22          **Q     And who were you suing?**

23          A     It was Bank of America.

24          **Q     And why did you sue the Bank of America?**

25          A     It was for discrimination and retaliation.

1 Q Was this an employment discrimination and  
2 retaliation?

3 A Yeah, employment, employment.

4 Q And what was -- generally speaking, what  
5 was your -- why did you think you had been  
6 discriminated or retaliated against by Bank of  
7 America?

8 A Well, they violated company policies as  
9 relates to the protections of employees.

10 Q Okay. Were you represented in that suit,  
11 or were you representing yourself, like you are in  
12 this lawsuit?

13 A Oh, no, I was represented.

14 Q You were represented?

15 A Yes.

16 Q Who represented you?

17 A It was Amanda Farahany.

18 Q From Barrett Farahany?

19 A Right, Barrett & Farahany.

20 Q Good lawyer.

21 A Yeah.

22 Q What was the outcome of that lawsuit?

23 A They settled.

24 Q They settled it?

25 A Yes.

1 Q How much did you get in that settlement?

2 A I don't think I'm allowed to disclose.

3 Q Why not?

4 A I think that was part of the agreement.

5 Q Are you saying there was a confidentiality  
6 provision in that agreement?

7 A It's been a while ago. I'll just say at  
8 this point I don't know. But I do remember there  
9 was a clause in there, so I have to leave that open  
10 to revisit.

11 Q But you did receive money?

12 A Yes.

13 Q Okay. And that case was -- it was  
14 dismissed pursuant to the settlement or after the  
15 settlement was reached?

16 A Yes.

17 Q Okay. You mentioned another deposition  
18 that you -- that you sat for. And I believe you  
19 said you weren't a party in that lawsuit.

20 Is that correct?

21 A Yes.

22 Q Tell me about that one.

23 A That one involved the school system once  
24 again. It was an employee who -- I think there was  
25 some employment -- personnel issues that she had.



1 And I was brought in as a witness.

2 Q Okay. So what was the name of that  
3 employee?

4 A I know the last name is Redwine.

5 Q Imogene Redwine?

6 A Yes, that's it, Imogene Redwine.

7 Q Were you brought in by Julie Oinonen?

8 A Right.

9 Q Have you ever worked for Atlanta Public  
10 Schools?

11 A No.

12 Q How were you a witness to an employment  
13 case, if you never worked for APS?

14 A I'm a volunteer, I'm an advocate for  
15 children, and --

16 Q Okay. So who took your deposition? Was  
17 it Ms. Oinonen or was it the plaintiff's counsel  
18 from Greenberg?

19 A I believe it was the plaintiff's counsel  
20 from Greenberg.

21 Q No, I'm sorry, the -- I might have said  
22 that confuseally.

23 Did Ms. Oinonen take the -- your  
24 deposition in that case?

25 A She was there. And then the -- the

1 attorneys for, I guess, APS were there. So I know  
2 she sat there but --

3 Q Who asked the majority of the questions,  
4 or who began the questioning?

5 A Oh, it was the -- I guess it would be the  
6 defendant --

7 Q Okay.

8 A -- the defense.

9 Q Did you testify at trial for the Redwine  
10 case?

11 A Yes.

12 Q You did.

13 Do you know how that case turned out?

14 A I don't know.

15 Q Aside from the Redwine case and your  
16 employment lawsuit against Bank of America, have you  
17 ever sat for a deposition?

18 A I think those are the only two.

19 Q Okay. Aside from the Redwine case, have  
20 you ever testified in court?

21 A I think that's the only time.

22 Q Okay. You don't have any formal legal  
23 training; correct?

24 A Yes.

25 Q That's correct?

1 A Yeah, that's correct.

2 Q All right. Has an attorney ever assisted  
3 you in any way in this lawsuit?

4 A No.

5 Q No. Okay.

6 So have you ever consulted with an  
7 attorney to ask for assistance in this lawsuit?

8 A Well, in trying to get the case started, I  
9 tried to find people, but nobody would take the  
10 case.

11 Q Nobody would take the case?

12 A Nobody would take it.

13 Q Now, so at the beginning of the case, APS  
14 filed a motion to dismiss.

15 Do you recall that?

16 A Yes.

17 Q Okay. And you responded to the motion to  
18 dismiss. I think you filed several briefs in  
19 response to that.

20 Is that --

21 A Yes.

22 Q Do you recall that?

23 A Yes.

24 Q And those briefs that you filed contained  
25 citations to law and legal argument; correct?

1 A Correct.

2 Q How did you do your legal research?

3 A Well, the Internet is a beautiful thing.  
4 That was the main crux of it. Of course, like I  
5 mentioned to you earlier, I do my research. And  
6 just -- and then, of course, the passion to make  
7 sure that, hey, my rights are protected.

8 Q So the Internet is a big place.

9 Where on the Internet did you do your  
10 research?

11 A Let's say I started with Google. And then  
12 things that are similar -- similar key words to my  
13 case.

14 Q But no -- no attorney or nobody with  
15 formal legal training assisted you with preparing  
16 any of the documents --

17 A No, I mean --

18 Q -- that you filed --

19 Let me finish my question.

20 A Okay.

21 Q No attorney or anybody with any formal  
22 legal training assisted you with preparing any of  
23 the documents that you filed in court; is that  
24 correct?

25 A That is correct.

1 Q Mr. Dyer, where -- what's your date of  
2 birth?

3 A January 17, 1970.

4 Q And where were you born?

5 A Vicksburg, Mississippi.

6 Q When did you move to Atlanta?

7 A 1996.

8 Q 1996.

9 Between 1970 and 1996, did you -- were you  
10 living in Vicksburg?

11 A No. That's just a birthplace.

12 Q Okay. So tell me the places that you've  
13 lived between your place of birth and then Atlanta.

14 A Well, that's Mississippi and Atlanta.

15 Q Okay. So aside -- so did you -- you were  
16 born in Vicksburg.

17 Did you live elsewhere in Mississippi?

18 A Yes.

19 Q Okay. Where?

20 A That's kind of vague. I mean --

21 Q Where did you live in Mississippi is --  
22 you don't understand that question?

23 A Well, different transitions that I've had,  
24 you know, from, what is it, 1970 to '96. You want  
25 me to name --

1 Q I want to know the places where you've  
2 lived.

3 A Oh, the places. There's Lorman,  
4 Mississippi. There's Cleveland, Mississippi. And  
5 Hattiesburg.

6 Q Okay.

7 A Okay.

8 Q So did you -- Hattiesburg is the last city  
9 in the -- city that you lived in; is that right?

10 A Yes.

11 Q Okay. So you moved from Hattiesburg to  
12 Atlanta?

13 A Yes.

14 Q In 1996.

15 A Yes.

16 Q Okay. And you would have been 26 years  
17 old at the time?

18 A Yes.

19 Q Okay. What brought you to Atlanta from  
20 Hattiesburg?

21 A Opportunity.

22 Q Opportunity. What kind of opportunity?

23 A Job --

24 Q Job.

25 A -- job opportunity.

1 Q What was that job?

2 A Well, the field is graphic communications.

3 Q Uh-huh. Is that what you were doing in

4 Mississippi before then?

5 A Yes.

6 Q Okay. And what specifically -- oh, it was

7 a specific job you came to Atlanta for, or just

8 broadly speaking there was more opportunity in

9 Atlanta?

10 A Yeah, just more opportunity.

11 Q Are you married?

12 A No.

13 Q Have you ever been married?

14 A I have not.

15 Q No. Any kids?

16 A No kids.

17 Q Where did you go to high school?

18 A Jefferson County High School.

19 Q And where is that?

20 A That's in Fayette, Mississippi.

21 Q Fayette, Mississippi.

22 Is that where you graduated from?

23 A Yes.

24 Q Did you go to college?

25 A Yes.

1 Q Where?

2 A The University of Southern Mississippi.

3 Q What did you study there?

4 A Graphic communications.

5 Q Okay. And did you graduate?

6 A No.

7 Q You did not. Okay.

8 How many -- how long did you stay there  
9 before leaving?

10 A I was there until '90 -- it was '90 --  
11 You said how long did I stay in the  
12 school?

13 Q Yeah.

14 A I'd say '94.

15 Q '94.

16 And when did you begin?

17 A '88.

18 Q '88.

19 So you were there in 1988 to 1994 but you  
20 did not graduate with a degree, is that what you're  
21 saying?

22 A Yes.

23 Q Okay. What city is University of Southern  
24 Mississippi in?

25 A Hattiesburg.



1 Q Is that Hattiesburg? Okay.

2 What did you do from 1994 to 1996 before  
3 moving to Atlanta?

4 A Worked.

5 Q Worked.

6 What kind of work?

7 A Graphic design.

8 Q Graphic design.

9 Were you employed by a -- by a --

10 A Yes.

11 Q -- single company?

12 A (Indicating.)

13 Q Were you employed by a particular company,  
14 or did you work freelance?

15 A Particular company.

16 Q What company?

17 A Hattiesburg American.

18 Q What kind of -- what kind of business is  
19 that?

20 A It's a newspaper, a daily newspaper.

21 Q Okay. And why did you decide to leave?

22 A (Indicating.)

23 Q Why did you leave that company, that job?

24 A Why did I leave?

25 Q (No verbal response, indicating.)

1 A Better opportunity.

2 Q Better opportunity in Atlanta?

3 A Yes.

4 Q Since moving to Atlanta in 1996, have you  
5 lived anywhere else, or have you stayed here?

6 A Stayed here.

7 Q Stayed here?

8 A Yes.

9 Q All right. I'll hand you a document  
10 marked Defendant's Exhibit 2.

11 (Exhibit D-2 was marked for  
12 identification.)

13 BY MR. MOULARD:

14 Q This is a printout of your LinkedIn  
15 profile; correct?

16 A Correct.

17 Q Okay. And your profile has a number of  
18 jobs listed here, as far as your work experience.

19 Are there any -- is there any jobs that  
20 you left out when you were filling out your LinkedIn  
21 profile?

22 A Well, here it says, Show 4 more  
23 experiences, so I really can't see what those are.

24 Q Sure. Okay.

25 So there are some here that are -- that

1 are not reflected in the printout.

2 But those all predate 1996; correct?

3 A Yeah, they should.

4 Q They should. Okay.

5 All right. So let's sort of take it step  
6 by step.

7 So from 1996 to 1998 you worked for a  
8 company called Aquent? Am I pronouncing that right?

9 A Aquent.

10 Q Aquent?

11 A Yeah.

12 Q Okay. And you worked for Aquent for  
13 two years as a graphic designer slash art director;  
14 correct?

15 A Well, it was originally Mac Temps. And  
16 then it became Aquent.

17 Q Got it.

18 What kind of business is that?

19 A That's a freelance company for graphic  
20 designers.

21 Q Okay. And, generally speaking, what did  
22 you do for them?

23 A I was contracted out to various companies  
24 around the city for graphic design.

25 Q For graphic design?

1 A Yeah.

2 Q Okay. So you stayed there for two years;  
3 is that right?

4 A Yes.

5 Q Okay. And why did you leave?

6 A I had an offer from Bank of America.

7 Q Okay. You left Aquent voluntarily?

8 A Well, it came through Aquent.

9 Q Oh, I see what you're saying. Okay.  
10 So were you actually employed by Aquent,  
11 or were you just farmed out by them --

12 A Well --

13 Q -- and they were --

14 A Oh, go ahead.

15 Q No. Explain how that worked.

16 A Yeah. Aquent is a -- basically, a temp  
17 agency.

18 Q Uh-huh.

19 A Okay? They send you out on jobs. You  
20 complete the assignment. And then they have you  
21 ready for the next assignment.

22 Q Got it. Okay.

23 So in between -- so you left Aquent, and  
24 then you went to Bank of America; is that right?

25 A Right.

1 Q Okay. So you -- but in between there you  
2 have listed on your profile that you were the art  
3 director for Verizon Wireless --

4 A Right.

5 Q -- correct?

6 Okay. So were you actually employed by  
7 Verizon as an employee, or were you a contractor?

8 A I was contracted with --

9 Q Okay.

10 A Yeah.

11 Q So you were a contract art director?

12 A Yes.

13 Q And what kind of work did you do for  
14 Verizon?

15 A At that time, they had a component called  
16 the calling cards --

17 Q Uh-huh.

18 A -- the -- and that's what we dealt with,  
19 doing the design for the -- it was prepaid --  
20 prepaid calling cards. So we designed the  
21 collateral, the look and feel for the cards and the  
22 presentations for the sales reps.

23 Q Okay. And your work for Verizon lasted  
24 for one year; is that correct?

25 A Yes.

1 Q From 1997 to 1998.

2 And why did you leave, or why did you --  
3 why did you stop that work?

4 A Well, again, it was part of Aquent, the  
5 contract. And had a better opportunity at Bank of  
6 America.

7 Q So it was a one-year contract?

8 A It was -- I think that's the time frame  
9 that it wound up being, about a year.

10 Q Okay.

11 A Yeah.

12 Q All right. So you left -- after that work  
13 ended, you left and began full-time employment with  
14 Bank of America --

15 A Right.

16 Q -- is that correct?

17 A Yes.

18 Q And you were, at that time, actually,  
19 employed by Bank of America, not by Aquent; is that  
20 right?

21 A Yes.

22 Q Okay. So you weren't a contractor for  
23 Bank of America. You were actually an employee.

24 A It started as contract. And then it went  
25 into a permanent.

1 Q Okay.

2 A Yeah.

3 Q And your position title was senior art  
4 director?

5 A Yes.

6 Q Was that your position title the entire  
7 time?

8 A Yes.

9 Q And did you work at their building  
10 downtown?

11 A Be specific, what --

12 Q The Bank of America building?

13 A Oh, the tower?

14 Q The tower.

15 A Yes, yes.

16 Q And what did you do for Bank of America in  
17 that role?

18 A I handled the lead on a lot of the  
19 internal communications, as relates to the benefits  
20 enrollment packages, things that dealt with HR, just  
21 internal communications.

22 Q Explain to me how -- how does that relate  
23 to your work as a graphic designer, dealing with  
24 internal communications?

25 A Well, basically, you're dealing with the

1 look of the brochure. See, graphic design deals  
2 with the look and feel, the layout --

3 Q Uh-huh.

4 A -- the photography that's chosen, the  
5 perception. So we deal with -- and those are very  
6 sensitive issues because you have to adhere to the  
7 brand standards of the company, so the logo, the  
8 colors.

9 Then, of course, you have to look at  
10 budget costs, working with printers, making sure  
11 that those colors are consistent across the board.

12 Q Got it.

13 A And then, of course, you're working with  
14 clients across the country.

15 Q Okay.

16 A Yeah.

17 Q And you left Bank of America in 2000?

18 A Yes.

19 Q Okay. And is it around that time that you  
20 filed your lawsuit against Bank of America?

21 A Yes.

22 Q Okay. Were you terminated?

23 A Yes.

24 Q Okay. What was the reason given for your  
25 termination by Bank of America?



1 A Can't recall at this time.

2 Q Okay. Well, you sued them for  
3 discrimination; correct?

4 A Yes.

5 Q Okay. So you believed that your  
6 termination, whatever reason they gave for it, was  
7 not true.

8 Is that fair to say?

9 A Yes.

10 Q Okay. And you believe that the real  
11 reason was, in fact, discrimination or  
12 retaliation --

13 A Yes.

14 Q -- correct?

15 But you don't remember what that other  
16 reason was they gave for your termination; is that  
17 right?

18 A I just know that it wasn't the correct  
19 reason, like you just stated.

20 Q Okay. So it wasn't the correct reason.

21 But you don't remember any specifics about  
22 what they -- why did they tell you that you were  
23 being fired?

24 A Can't remember specifically.

25 Q Okay.

1 A Yeah.

2 Q Was it job performance related?

3 A Well, again, they could have said whatever  
4 they wanted to say. But, in the end, if I have the  
5 proof, I know that wasn't the cause.

6 Q But do you recall, generally speaking,  
7 whether it was they did like quality for work, or  
8 did they allege that you violated some sort of  
9 workplace policy?

10 A Well, they did a sequence of things to  
11 build up to that point. So, you know, really it was  
12 a point -- the situation where you couldn't win.

13 So, at the end of the process, I had to  
14 take legal action.

15 Q They did a sequence of things.  
16 What do you mean, sequence of things?

17 A Well, of course, the retaliation part  
18 comes in when you report problems with management.

19 Q Uh-huh.

20 A And, again, my track record was stellar at  
21 the time. I had gotten a promotion and an  
22 11 percent raise after six months.

23 So, all of a sudden, the track record  
24 builds up to low performance. I'm getting written  
25 up about certain things that, you know, I didn't do.

1           So just came to the point where the  
2           termination came up, and I had to take legal action.

3           **Q       What was the nature of your complaints**  
4           **against management at Bank of America?**

5           A       The nature was there was a hostile  
6           environment. There was an imbalance of the work  
7           distribution. And just unfair practices, violated  
8           the code of the bank.

9           **Q       Was there a specific management official**  
10          **that you placed blame on?**

11          A       I don't understand your question.

12          **Q       So you complained about a hostile work**  
13          **environment and unequal distribution of work.**

14                    **Did you believe that a specific management**  
15          **official was responsible for that -- that**  
16          **wrongdoing?**

17          A       Well, yes.

18          **Q       And who was that person?**

19          A       That was Harold Waller at the time.

20          **Q       Was that your supervisor?**

21          A       Yes.

22          **Q       And what was Mr. Waller's title?**

23          A       Just -- I believe it was supervisor. I  
24          don't think there was --

25          **Q       He didn't -- his title was supervisor?**

1           A       Well, he was the person running the shop  
2   so --

3           Q       You don't remember his title?

4           A       No, I can't remember.

5           Q       After you were terminated from Bank of  
6   America, the next thing you have listed on your  
7   LinkedIn profile is creative director slash senior  
8   art director for NatBo, The EDGE, 2000 to 2019.

9                   What is NatBo, The EDGE?

10          A       That's my company.

11          Q       Your company.

12          A       Yes.

13          Q       And what kind of work does your company  
14   do?

15          A       Graphic design.

16          Q       Are you -- and I assume you do graphic  
17   design for other companies; is that right?

18          A       Yes.

19          Q       And what other companies do you work for?

20          A       I've done work for the Carter Center;  
21   Morehouse School of Medicine; Casa, National Casa; a  
22   long list of various clients.

23          Q       Okay. Have you -- how does that work --  
24   how do you go about getting clients for that kind of  
25   work?

1           A     A lot of times it's a referral.  People  
2     feel really good about your work and your delivery,  
3     and they tell other people.

4           Q     And is there a particular type of work you  
5     do, or is it just any kind of graphic design that  
6     people need?

7           A     Over the years I've become more versatile.  
8     First I started -- it was print heavy production.  
9     Then moved to more digital and video.  So, you know,  
10    as you're in the business, you continue to evolve.

11          Q     Do you have an office somewhere?

12          A     I work from home.

13          Q     You work from home.  Okay.

14                Where do you live?

15          A     I'm on Joseph Lowery.

16          Q     Joseph Lowery?

17          A     Yeah.

18          Q     Does anybody else work for your company?

19          A     Just me.

20          Q     Just you.

21                All right.  And then the next thing you  
22     have -- actually, let me back up.

23                So it lists here that NatBo, The EDGE, was  
24     in operation from 2000 to 2018.

25                Did it -- has it ceased operation?

1 A No, it hasn't ceased operation.

2 Q Okay. So it's still -- you're still  
3 actively doing work under that heading.

4 A Yes.

5 Q Okay. And then the next listing is for a  
6 company called Cerebral, Inc. And your position  
7 title is listed as freelance, and you're an art  
8 director. The dates --

9 So let me -- is that correct, you  
10 currently work for a company called Cerebral, Inc.?

11 A Let's see. We -- yes.

12 Q Okay. You hesitated for a minute.

13 A Well, what it is --

14 Q What is the reason for that?

15 A -- it's a group of people that's come  
16 together. It's an app --

17 Q Uh-huh.

18 A -- it's an app business. So it's pretty  
19 much we contribute time to it. So it's something  
20 that we'll -- be able to be grown.

21 Q What kind of app is it?

22 A It's -- let's see. About grading.

23 Q Grading?

24 A Yeah, grading.

25 Q What are you grading, and what's that --

1 A Like grading or rating professionals --

2 Q I see.

3 A -- like giving them -- yeah.

4 Q Okay. And are you doing -- what kind of  
5 graphic design work are you doing for them? Is it  
6 user experience, or what kind of -- describe it to  
7 me.

8 A Yes, user experience, the flow, the  
9 marketing, the branding, the look and the feel.

10 Q Okay. Is this an app that's currently  
11 available?

12 A It's in the test mode now.

13 Q Okay.

14 A Yeah.

15 Q And the company that is -- Cerebral is  
16 located in LA; is that right?

17 A Well, Atlanta and LA.

18 Q It's Atlanta and LA?

19 A Right.

20 Q Okay. You're associated with a couple of  
21 nonprofit organizations too; correct?

22 Let me be more specific.

23 A Yeah.

24 Q Does an organization called Trump Tight  
25 ring a bell to you?

1 A Yes.

2 Q **What is Trump Tight?**

3 A Basically, Trump Tight was an organization  
4 that a group of activists put together when we were  
5 trying to save schools --

6 Q **Okay.**

7 A -- from closure.

8 Q **When did that organization -- when was it  
9 formed?**

10 A I'd say 2009.

11 Q **Okay. Why did you call it that? What  
12 does that mean, Trump Tight?**

13 A Well, in the game of cards, if you're  
14 playing -- just a game of -- are you familiar with  
15 the game of Spades?

16 Q **Yeah.**

17 A Okay. So we have all of the -- I guess  
18 the -- it's been a while since I played. All of the  
19 spades, I guess they call it trump cards, you have a  
20 winning hand.

21 So by having an activist organization  
22 called Trump Tight, we wanted to make sure we had  
23 all of our information, our Is dotted and Ts  
24 crossed.

25 Q **Okay.**



1 A Yeah.

2 Q **It's not Trump as in Donald Trump.**

3 A Oh, no, no, not --

4 Q **Just coincidence.**

5 A Yeah.

6 Q **Is that organization still active? Trump**  
7 **Tight, it's still active?**

8 A I think it served its purpose during that  
9 time, but it wasn't like a formally, put together  
10 organization.

11 Q **Okay.**

12 A Yeah.

13 Q **Was anybody else affiliated with it?**

14 A It was just an interesting type of group  
15 that just came together during -- when the time was  
16 needed.

17 Q **Who else was in that group?**

18 A I really -- it wasn't the type of group  
19 that had names attached to it. I think -- I was the  
20 main organizer of it, and just ran a lot of things  
21 through it, as relates to rallies that we had, the  
22 protests. What else was there? And any type of  
23 information around schools that needed to be  
24 disseminated.

25 So mainly I -- was the main component of

1 it.

2 Q Were there any other people that were  
3 frequently involved or repeatedly involved in the  
4 events that were sponsored or organized by Trump  
5 Tight?

6 A I can't say, because people just came in  
7 and out. So, for me, to really just be specific and  
8 say that this person was there, I would be -- be  
9 speculating. So I just know I was there, yeah.

10 Q But you can't think of any other names?

11 A Well, it just didn't have a membership.

12 Q Got it.

13 A And I didn't require that type of  
14 commitment.

15 Q Okay.

16 A Yeah.

17 Q Aside from Trump Tight, any other  
18 nonprofit or sort of social organized groups that  
19 you are a part of?

20 A Created an organization call KIDS FIRST!.

21 Q Okay. What is KIDS FIRST!?

22 A It's a -- a youth organization that works  
23 with children across the city.

24 Q Okay. Is this a formal organization? In  
25 other words, is it a 501(c)(3) or 501(c)(4)?

1 A Maybe state -- it's not a 501(c)(3).

2 Q Okay. I mean is it formally organized,  
3 legally organized, or is it more of a loose --

4 A Registered with the state.

5 Q Okay.

6 A Yeah.

7 Q Registered with the Secretary of State?

8 A Yes.

9 Q Is that what you mean? Okay.

10 And, more specifically, what -- what does  
11 it -- what do you do? What does that organization  
12 do?

13 A We support families, children who have  
14 IEPs, 504 plans, help the -- give the parents more  
15 of a voice within the system. We rally to save  
16 schools. If there are problems at a school, we try  
17 to rectify that, bring attention to it.

18 Q Do you attend IEP meetings as advocates  
19 for families?

20 A I have.

21 Q You have.

22 A Yeah.

23 Q Do you still do that?

24 A Yes.

25 Q Okay. Are there other members -- are

1       **there other members of KIDS FIRST!?**

2           A       At --

3           Q       Right now.

4           A       No.

5           Q       No?

6                   In the past, have there ever been other  
7 **members, other than you?**

8           A       Define members.

9           Q       Have there been other individuals that  
10 performed work or activities under the -- the name  
11 **of KIDS FIRST!?**

12          A       Yes.

13          Q       Okay. Who are those people?

14          A       There's a number of them.

15          Q       Can you name them?

16          A       Let's see. There's Benjamin Kittler.  
17 There's Judy Davis. There's Jasmine -- ripping them  
18 off my head, I'd just say I don't know them all at  
19 the moment. But there have been some people that's  
20 come in and out over the years.

21          Q       Uh-huh.

22          A       Yeah.

23          Q       How is it that you get connected with  
24 **families or parents for, for instance, attending IEP**  
25 **meetings?**

1           A       Referrals. They know the work that I've  
2 done, the voice I have for -- the passion I have for  
3 the children. And they feel like they can trust me.

4           **Q       What kind of training do you have in**  
5 **special education law?**

6           A       Well, it's not the training that's  
7 important. It's being there to support the parent.

8           **Q       Uh-huh. Do you have any training on the**  
9 **Individuals with Disabilities Education Act?**

10          A       No formal training.

11          **Q       No formal training. Okay.**

12                   **What about Section 504 of the**  
13 **Rehabilitation Act; do you have any training on**  
14 **that?**

15          A       No formal.

16          **Q       So you're attending IEP meetings.**  
17                   **Do you attend 504 meetings as well?**

18          A       There's been a case where I have  
19 attended -- been involved with a 504 situation.

20          **Q       Okay. So if you don't have training in**  
21 **the IDEA or the Section 504, what are you doing at**  
22 **these meetings?**

23          A       Supporting the voice of the parent.

24          **Q       Okay.**

25          A       Yeah.

1           **Q     What does that mean, supporting the voice**  
2           **of the parent?**

3           A     Usually when I'm brought in, the parent is  
4           at wit's end, and she needs some support to navigate  
5           it.

6           **Q     Uh-huh.**

7           A     So I'm the person that listens during the  
8           meeting. I'm -- one thing I am aware of, what the  
9           system is capable of doing. And make some  
10          suggestions. And usually it works out for the  
11          parent and the child.

12          **Q     Okay.**

13          A     Yeah.

14          **Q     Are these -- the IEP meetings that you**  
15          **have attended, are these schools within the Atlanta**  
16          **Public Schools?**

17          A     Some are.

18          **Q     Okay. What other school systems have**  
19          **you -- what schools in other school systems have you**  
20          **attended meetings at?**

21          A     Recently there was a Forest Park meeting,  
22          Clayton County.

23          **Q     Uh-huh.**

24          A     Of course, Atlanta. And I also work in  
25          other counties, but I'm not going to say it's --

1 that's 504 or related.

2 Q Okay. So you attend other types of  
3 meetings as well at schools?

4 A Yes.

5 Q What kind of meetings?

6 A Discipline issues where there's -- a child  
7 has been suspended.

8 Q Okay.

9 A Wherever the parent needs support, they  
10 call me in to give them support.

11 Q Okay. All right. Aside from KIDS FIRST!  
12 and Trump Tight, any other nonprofit or similar  
13 organizations that you're a part of?

14 A Not that I can recall.

15 Q Okay. Do you get paid through KIDS  
16 FIRST!?

17 A For sitting in on the meetings?

18 Q Uh-huh.

19 A No.

20 Q Okay. You don't receive any kind of  
21 compensation for any of the work you perform under  
22 the KIDS FIRST! name?

23 A Only when we do the free -- the breakfast  
24 and lunch.

25 Q Okay.

1 A Yeah.

2 Q **Tell me about that.**

3 A We supply -- well, of course, it's not  
4 under -- because I'm not 501(c)(3).

5 Q **Uh-huh.**

6 A We just work with -- partner with other  
7 agencies.

8 Q **Okay.**

9 A Yeah.

10 Q **And to do what?**

11 A To provide free breakfast and lunches to  
12 children in Atlanta.

13 Q **At schools?**

14 A No, not at schools --

15 Q **Okay.**

16 A -- in the neighborhoods.

17 Q **In the neighborhoods.**

18 A Yeah.

19 Q **Is it -- so you provide free food and  
20 lunch before school or --**

21 A No, when school is out. This is during  
22 the summer.

23 Q **Oh, for the summertime.**

24 A Yeah.

25 Q **All right. What neighborhoods does**



1     **that -- are you working in when you do that?**

2           A     That's Magnolia Park, used to be Sammie E.  
3     Coan --

4           **Q     Uh-huh.**

5           A     -- Forest Cole, several churches. There's  
6     some others. I just can't remember at this time.

7           **Q     I think you said you partner with other**  
8     **organizations to provide the free breakfast and**  
9     **lunch?**

10          A     Right.

11          **Q     Is that right?**

12          A     Yes.

13          **Q     And what other organizations do you**  
14     **partner with?**

15          A     Nonprofit organizations.

16          **Q     Such as --**

17          A     Let's see. There was the -- I want to  
18     call the name wrong. You know where they usually  
19     put on the Michael Mix Festival. I can't remember  
20     the parent name of it. It will probably come to me.

21                     But, yeah, but that's one of the groups,  
22     yeah.

23          **Q     Okay. Any others?**

24          A     Oh, Forever Family.

25          **Q     Say that again.**

1 A Forever Family.

2 Q **Forever Family.**

3 A Yeah.

4 Q **Okay. Any others?**

5 A Not that I can recall at the moment.

6 Q **Okay.**

7 A Yeah.

8 Q **So in what sense do you receive**  
9 **compensation for providing free breakfast and lunch?**

10 A State that again.

11 Q **Well, sorry, I had asked you -- the reason**  
12 **we were on this topic is because I asked you whether**  
13 **or not you received any compensation for the work**  
14 **that you do under the -- the work that you do -- do**  
15 **for KIDS FIRST!.**

16 A Okay.

17 Q **And you had said no, with the exception of**  
18 **the free breakfast and lunch.**

19 **So what did you mean by that? In what**  
20 **sense do you receive compensation?**

21 A Oh, okay.

22 **By partnering with the nonprofit**  
23 **organization, they have to hire staff.**

24 Q **Uh-huh.**

25 A So I just provided the staff, and just run

1 the program.

2 Q Okay. Are you part of that staff --

3 A Yeah.

4 Q -- that helps run the program?

5 A Yes.

6 Q And you get paid for your time?

7 A Yes.

8 Q Okay. How much do you get paid?

9 A I can't recall at this time.

10 Q All right. Any other nonprofit  
11 organizations that you're affiliated with, other  
12 than KIDS FIRST! and Trump Tight?

13 A Now, what do you mean affiliated?

14 Q That you consider yourself a part of, that  
15 you do work for, that you have created, anything  
16 along those lines.

17 A Well, before KIDS FIRST! became  
18 KIDS FIRST! it was Atlenium. So just want to make  
19 sure I cover the bases. So it was Atlenium, but it  
20 turned into KIDS FIRST!.

21 Q Okay.

22 A If you're talking about an organization  
23 like Boy Scouts, I was affiliated with them at one  
24 point in time.

25 Q Uh-huh.

1           A     I guess PTA.  Would that -- PTA, would  
2     that fall under --

3           Q     **Sure.**

4                   **PTA for what school?**

5           A     John F. Kennedy Middle School.

6           Q     **Okay.  Anything else, any others?**

7           A     That's all I can recall at the moment.

8           Q     **Okay.  Have you ever been sued?**

9           A     No.

10          Q     **Have you ever filed for bankruptcy?**

11          A     Can you be more specific on that?

12          Q     **Have you ever -- have you ever filed for  
13     Chapter 11 or Chapter 7 bankruptcy in bankruptcy  
14     court?**

15          A     Yes, I have.

16          Q     **You have.**

17                   **When was that?**

18          A     I don't recall.  I just know I have.

19          Q     **In the past five years?**

20          A     Not sure.

21          Q     **You're not sure?**

22          A     Yeah, not sure, not sure.

23          Q     **Has your bankruptcy -- was a plan created?**

24          A     I didn't go through with it.

25          Q     **You didn't go through with it.**

1                   **What does that mean?**

2           A       It means that you can file it, but you're  
3       not in bankruptcy.

4           **Q       Okay.**

5           A       Yeah, just the process. But I don't have  
6       a bankruptcy, per se.

7           **Q       I guess I'm not -- I guess I don't**  
8       **understand what you mean by that.**

9                   **You made formal filing with the bankruptcy**  
10       **court; correct?**

11          A       Okay. Yeah.

12          **Q       Yes?**

13          A       Okay. Yes.

14          **Q       And did the bankruptcy court and your**  
15       **trustee come up with a plan to help pay off your**  
16       **debts?**

17          A       I think that's part of it.

18          **Q       Okay.**

19          A       Yeah.

20          **Q       And did that happen?**

21          A       No, it didn't. I either withdrew it, or  
22       whatever the process is, but I didn't go through the  
23       full process.

24          **Q       Okay. And --**

25          A       It was just a filing, but I wasn't

1 never -- I didn't go through with the complete  
2 process.

3 Q Those bankruptcy filings that you made,  
4 was that before or after you filed your lawsuit  
5 against APS?

6 A That was before.

7 Q Before? Okay.

8 Have you ever been arrested?

9 A Yes.

10 Q Okay. When was -- when were you arrested?

11 A When I was in Mississippi, for a DUI. In  
12 Georgia, I was volunteering at John F. Kennedy  
13 Middle School, and I was falsely accused of  
14 disorderly conduct.

15 Q The DUI in Mississippi, was that prior to  
16 1996?

17 A Yes.

18 Q Okay. And the arrest for disorderly  
19 conduct at JFK Middle, JFK Middle School, when was  
20 that?

21 A 2006.

22 Q And were you -- you were charged?

23 A (Indicating.)

24 Q You were arrested and charged?

25 A I was arrested.

1 Q Yeah. How did that -- how did that end  
2 up, or how did that resolve itself?

3 A Oh, it was thrown out --

4 Q It was thrown out.

5 A -- because it was bogus.

6 Q So you say it was thrown out.

7 Do you know the formal disposition of the  
8 case?

9 A For one thing, the parent and child never  
10 showed up. They reset the case three times.

11 Q Uh-huh.

12 A And the judge just said, Hey, you know,  
13 enough is enough. So it was dismissed.

14 Q This was in Fulton Superior Court?

15 A I'm not sure.

16 Q All right. So aside from the DUI in  
17 Mississippi and the disorderly conduct charge at  
18 JFK Middle School, is there any other time in which  
19 you've been arrested?

20 A As far as I can recall.

21 Q Okay. You have a Facebook account;  
22 correct?

23 A Yes.

24 Q Just one account, or do you have multiple?

25 A Well, like you said, a Facebook, I just

1 know I have one main account.

2 Q You have one main account.

3 A Yes.

4 Q Have you -- you don't know if you created  
5 another one?

6 A No.

7 Q Okay.

8 A Can you be more specific, like another  
9 name or --

10 Q Correct.

11 A I just know everything is tied to that one  
12 name that I have. So there's some extensions under  
13 the main one.

14 Q Have you ever posted anything about your  
15 lawsuit on your Facebook timeline?

16 A Not that I can recall.

17 Q Since the day that you filed the lawsuit  
18 against APS, have you deleted anything from your  
19 Facebook account?

20 A Not that I can recall.

21 Q Is it possible you deleted something?

22 A As it relates to a case?

23 Q But do you think you may have deleted  
24 something else?

25 A Not that heavy of a user of it. So what I



1 put up there, I don't see many problems, no need to  
2 go scrub it. I don't recall scrubbing anything.

3 Q What about -- do you have a Twitter  
4 account?

5 A I have one.

6 Q Okay. Have you ever posted anything about  
7 this lawsuit or your allegations in the lawsuit?

8 A I don't even use it.

9 Q Okay.

10 A No.

11 Q So is that a no?

12 A Yeah, that's a no.

13 Q What about Instagram; do you have an  
14 Instagram account?

15 A Yes.

16 Q What's your Instagram name or handle?

17 A I think it's DyerNathaniel.

18 Q One word? Is that one word?

19 A Yes.

20 Q Have you ever posted anything about your  
21 lawsuit or the allegations in your lawsuit?

22 A No.

23 Q No. Okay.

24 Have you deleted anything from your  
25 Instagram account since you filed this lawsuit?

1 A No.

2 Q Any other social media accounts that you  
3 have?

4 A YouTube.

5 Q Any others?

6 A That's all I can recall at the moment.

7 Q Okay. Have you deleted anything from your  
8 YouTube account or page since you filed this  
9 lawsuit?

10 A No.

11 Q What's your personal e-mail address?

12 A Nate@natbotheedge.com.

13 Q When did you start using that e-mail  
14 address?

15 A Not sure. It's been years, years ago.

16 Q Okay. Prior to the date you filed this  
17 lawsuit?

18 A Yes.

19 Q Okay. Is that your only active e-mail  
20 address?

21 A No.

22 Q Okay. What other active e-mail addresses  
23 do you have?

24 A Elect@nathanielbdyer.com.

25 Q Is that the e-mail address for your --

1 your campaign for the board of education?

2 A Yes.

3 Q Any others?

4 A There's a Gmail account that I don't ever  
5 use.

6 Q Okay.

7 A A KIDS FIRST! e-mail, but I don't hardly  
8 use that one as much. The main one is the  
9 nate@natbotheedge.

10 Q Okay. Which of those e-mail addresses  
11 have you used to send any e-mails pertaining to your  
12 lawsuit?

13 A That would be nate@natbotheedge.

14 Q Okay.

15 A Yeah.

16 Q Have you used any of the others that  
17 you've named to send any e-mails that have anything  
18 to do with this lawsuit?

19 A No.

20 Q No? Okay.

21 Now, you received a number of document  
22 requests from our office a few weeks ago; correct?

23 A Yes.

24 Q And have you conducted a search for your  
25 personal e-mail documents relating to this case in

1 response to those requests?

2 A Yes.

3 Q You did. Okay.

4 Did you find anything responsive?

5 A Ask that --

6 Q Did you find any documents that were  
7 responsive to the requests?

8 A You're going to have to pose that question  
9 again.

10 Q In other words, our document request asked  
11 you to produce certain documents; correct?

12 A Right.

13 Q And in the course of searching through  
14 your e-mails for documents that were relevant, did  
15 you find any relevant documents that you will be  
16 producing to us?

17 A Well, I supplied what I had --

18 Q Uh-huh.

19 A -- as relates to the documents that you're  
20 requesting.

21 I still have to make a search on that. So  
22 I'm taking care of other things that relates to the  
23 requests that you have. So, at this point in time,  
24 I can't answer that.

25 Q But you have -- you are in the process of

1 looking through your e-mails for documents that are  
2 relevant to our document requests.

3 A Yes.

4 Q Is that correct?

5 A Yes, yes.

6 Q And to the extent that there are documents  
7 that are relevant to those requests, we can expect  
8 to receive them in the next week or so when the due  
9 date comes; correct?

10 A Yes.

11 Q Okay. Have you conducted a search of any  
12 electronic text messages that are relevant to our  
13 document requests?

14 A I just want to be clear.

15 Now, I sent a slew of information over as  
16 relates to the things that you are requesting.

17 Q Uh-huh.

18 A So are you saying that I need to duplicate  
19 that?

20 Q Approximately three weeks ago, we sent you  
21 a document called, Request for Production of  
22 Documents and another document called,  
23 Interrogatories.

24 A Right.

25 Q Do you recall receiving those?

1 A Yes.

2 Q And do you understand that those documents  
3 require you to provide full and complete responses  
4 within 30 days of receipt?

5 A Yes.

6 Q You understand that?

7 A Yeah.

8 Q Okay. And to the extent that those  
9 document requests called for text messages, can we  
10 expect you to be producing relevant text messages  
11 that you have located?

12 A Well, I only located one that was coming  
13 from a superintendent.

14 Q Have you -- since looking for -- since  
15 receiving those interrogatories and document  
16 requests, have you actually looked for -- looked to  
17 see whether or not you have any other relevant text  
18 messages?

19 A Well, I'm still in the process.

20 Q You're still in the process.

21 A Yes, yeah.

22 Q So you do understand that in our document  
23 requests, we defined documents to include any  
24 electronic communication, including e-mails and  
25 electronic text messages.

1 Do you understand that?

2 A Yes.

3 Q Okay. So to the extent that you do have  
4 relevant text messages, we can expect to receive  
5 those, if you do actually have any.

6 Is that fair? Is that true?

7 A I have a question for you.

8 Well, of course --

9 Q Let me ask my --

10 A Yes, yes.

11 Q -- answer my question.

12 A Yes, yes, yes.

13 Q We can expect to receive those.

14 A Yes.

15 Q Okay.

16 A Have you received what I sent you already?

17 Q We did. But we sent follow-up requests.

18 So we appreciate you sending that stuff. But we do

19 have the right to send additional discovery

20 requests. So we will be expecting full responses to

21 those as well.

22 MR. MOULARD: All right. I'm going to

23 mark this Defendant's Exhibit 3.

24 (Exhibit D-3 was marked for

25 identification.)

1 BY MR. MOULARD:

2 Q Do you recognize this document, Mr. Dyer?

3 A Yes.

4 Q Okay. This is printout from your -- the  
5 website -- your election campaign website; correct?

6 A Yes.

7 Q So you're running for a seat on the  
8 Atlanta Board of Education; correct?

9 A Correct.

10 Q And if you won, what district would you  
11 represent on the board?

12 A It would be District 2.

13 Q District 2. Okay.

14 And what schools are in District 2.

15 A That would be the Booker T. Washington  
16 cluster schools, Douglass cluster schools and KIPP  
17 schools.

18 Q And are there any other people running for  
19 that seat?

20 A Yes.

21 Q Okay. How many other candidates are?

22 A Eight.

23 Q Eight other candidates.

24 A Yes.

25 Q That's a crowded field.



1                   Who currently occupies the seat that  
2   you're running for?

3           A     It's an open seat.

4           Q     It's vacant?

5           A     Yes.

6           Q     Okay. If you turn to, let's see, page 9.

7           A     Okay.

8           Q     And in that first full paragraph there's a  
9   sentence there -- the last sentence in that  
10   paragraph states, Billions of dollars are being used  
11   for parks, highrises and stadiums while our  
12   children's schools are being closed. The future of  
13   District 2 will have a sad ending if the cycle  
14   continues.

15                   Do you see that?

16          A     Yes.

17          Q     Those are your words?

18          A     Yes.

19          Q     You wrote that?

20          A     Yes.

21          Q     Is it fair to say that you're concerned  
22   with how APS uses its money?

23          A     I think that's -- that's fair.

24          Q     Okay. In other words, you know, APS  
25   should use its budget to serve the needs of the

1 students.

2 Wouldn't you agree?

3 A Yes.

4 Q Okay. They shouldn't be spending money on  
5 noneducational matters, correct, unless they're  
6 necessary for educational purposes?

7 A That's vague.

8 Q Which part is vague?

9 A All of this is part of education.

10 Q Uh-huh.

11 A So I understand that expenses are going to  
12 occur, students and, of course, the structures.

13 Q Uh-huh.

14 A So I mean I understand that.

15 Q But, generally speaking, APS should be  
16 using its money for -- to educate students; correct?  
17 That should be the end goal?

18 A Yes.

19 Q Okay. Are you aware that the board of  
20 education determines whether or not APS may settle  
21 certain lawsuits? Do you understand they have that  
22 authority?

23 A Not sure.

24 Q You're not sure.

25 You didn't know that?

1 A Well, just not sure.

2 Q Okay. What part are you not sure about?

3 A Well, I could speculate. It's more  
4 speculative as to know what their realm is as  
5 relates to this case.

6 Q Okay. But, generally speaking, are you  
7 aware of that the board of education determines  
8 whether or not -- whether or not APS should settle  
9 cases above a certain amount of money?

10 You know that?

11 A No, I did not know.

12 Q You've asked for \$10 million in this  
13 lawsuit; correct?

14 A Yes.

15 Q So you are seeking election to the elected  
16 body that could determine whether or not to settle  
17 your lawsuit.

18 Isn't that correct?

19 A Yes.

20 MR. MOULARD: Let's take a five-minute  
21 break.

22 (Brief break.)

23 BY MR. MOULARD:

24 Q All right. I'm going to hand you a  
25 document marked Exhibit 4.

1 (Exhibit D-4 was marked for  
2 identification.)

3 BY MR. MOULARD:

4 Q Mr. Dyer, do you recognize this document?

5 A Yes.

6 Q Is this something that you made?

7 A Yes.

8 Q Okay. So this will be entered into the  
9 record as an exhibit. But we'll sort of describe it  
10 real fast.

11 This is a flyer that you made that depicts  
12 Erroll Davis, who was the former interim  
13 superintendent of Atlanta Public Schools; is that  
14 correct?

15 A Yes.

16 Q And it depicts him in the robes of the  
17 Ku Klux Klan; is that correct --

18 A Yes.

19 Q And it states at the top, They erased  
20 answers. I erase black schools, quote, unquote,  
21 Race is not a factor, Erroll Bigsby Davis.

22 Did I read that correctly?

23 A Yes.

24 Q And at the bottom it has a -- pictures of  
25 the -- what was at the time the members that

1       **comprised the Atlanta Board of Education; correct?**

2           A       Yes.

3           Q       **When did you make this?**

4           A       During the redistricting process.

5           Q       **Okay. Do you know approximately when that**  
6       **was?**

7           A       I will say 2009.

8           Q       **2009. Okay.**

9                   **It was before Dr. Carstarphen took over as**  
10       **superintendent of APS; correct?**

11          A       Correct.

12          Q       **And what are you trying to communicate**  
13       **with this flyer by -- let me back up. Strike that.**

14                   **Erroll Davis, to your knowledge, is not in**  
15       **the KKK; correct?**

16          A       Correct.

17          Q       **Okay. So why would you create a flyer --**  
18       **and the KKK is a -- tell me if you agree with this.**

19                   **This is -- it's a terrorist organization;**  
20       **correct?**

21          A       That's an opinion.

22          Q       **Okay. So do you share that opinion?**

23          A       I share the opinion that they're not very  
24       friendly to people of color.

25          Q       **Okay. The KKK has a history of being**

1 violent toward persons of color; correct?

2 A Yes.

3 Q Okay. So why would you create a flyer  
4 depicting Erroll Davis, who's a black man; correct?

5 A Right.

6 Q Why would you depict in the robes of the  
7 KKK?

8 A He proposed to close 13 predominantly  
9 black schools right after the cheating -- worst  
10 cheating scandal in US history.

11 Q So are you saying that his decision or  
12 APS's decision to close schools is the same as an  
13 act that the KKK might take?

14 A You just said that they're a terrorist  
15 organization --

16 Q Uh-huh.

17 A -- against people of color. And one of  
18 the main components was education, so yeah.

19 Q I'm not sure I understand.

20 In what sense is Erroll Davis like a  
21 member of an organization that has murdered persons  
22 of color throughout the history of this country?

23 A Well, you use murder like there's only one  
24 comprehension of it.

25 If you deprive people of education,

1 couldn't that be considered a form of murder?

2 **Q Are you saying that Erroll Davis has**  
3 **murdered people?**

4 A When you close schools on vulnerable  
5 children, who just suffered from the worst cheating  
6 scandal -- I mean the Ku Klux Klan history, that's  
7 the correlation -- this is a satire.

8 **Q Uh-huh.**

9 A So with satire, political satire, you use  
10 those type of references. It doesn't make it true,  
11 but it at least brings attention to the situation --  
12 to the issue. So this is political satire.

13 **Q It's political satire to equate combining**  
14 **schools and closing schools with a group that**  
15 **murders people.**

16 **Is that your -- is that what you're**  
17 **saying?**

18 A The premise of satire is not to make  
19 people feel comfortable.

20 **Q Uh-huh.**

21 A That's part of the -- first one of -- this  
22 is one of the strongest components of first  
23 amendment.

24 **Q I'm not asking you about the First**  
25 **Amendment.**

1 I'm questioning -- I'm asking how -- what  
2 is the correlation between a decision to combine --  
3 consolidate schools, and close some schools in the  
4 process, with an organization with the history of  
5 murder and terroristic activities?

6 A They did more than murder and terroristic  
7 activities. They did -- they burned schools and  
8 churches.

9 Q Did Erroll Davis burn a school, burn any  
10 schools?

11 A He closed schools --

12 Q Uh-huh.

13 A -- and murdered schools on children who  
14 just suffered from the worst cheating scandal in  
15 US history.

16 Q So the children that went to the schools  
17 that were closed, they just went to other schools;  
18 correct?

19 A Ask that question again.

20 Q In other words, the children that attended  
21 any of the schools that were closed during  
22 Mr. Davis's administration, they weren't kicked out  
23 of school; correct? They ended up going to another  
24 school.

25 A The school was closed on them.



1 Q But they ended up going to a different  
2 school, didn't they?

3 A Yes.

4 Q Okay. So Erroll -- and your view Erroll  
5 Davis's or APS's decision to reassign students from  
6 one school to another is akin to the acts of the Ku  
7 Klux Klan.

8 Is that what -- the argument you're trying  
9 to make here with this flyer?

10 A He closed schools on children, vulnerable  
11 children.

12 Q Okay.

13 A Yeah.

14 And, like I said, right after the worst  
15 cheating scandal in US history, where they claimed  
16 that the children were low performing.

17 Q And how is closing schools and reassigning  
18 children from those closed schools to the schools  
19 that remain open, how is that like the activities of  
20 the KKK, such as lynching, burning churches, burning  
21 schools and murder?

22 How are those things similar?

23 A I'll give you this correlation.

24 Q Well, I mean I would like you to answer my  
25 question, if you're --

1 A I'll answer it.

2 Q Okay.

3 A You propose to close 13 schools on  
4 predominantly black children. Okay? But, at the  
5 same time, you spend 170 million on a school where  
6 it serves, I'd say, more of the -- another segment  
7 of the population.

8 So this is satire. And it's just set to,  
9 let's see, send a message. That's what it is,  
10 satire, political satire, historic.

11 Q And the message is to equate the closing  
12 of schools with the conduct of the KKK.

13 A Well, it's left up to perception.

14 Q Well, I mean you literally have him in the  
15 clothes of the KKK.

16 Is that not the immediate perception that  
17 this is trying to convey?

18 A Well, it's trying to say that closing  
19 schools is not good.

20 Q It's as bad as burning churches?

21 Is that what you're saying?

22 A Well, of course, that's my opinion.

23 Q You think that closing schools, and  
24 reassigning children from one school to another, is  
25 as bad as arson on churches.

1                   **Is that your opinion?**

2           A        I've witnessed young people whose --

3           **Q        I'm not --**

4           A        -- lives have been -- so, you know, you're  
5 asking this question like it's just a generic thing.

6                   But, again, these young people that he  
7 closed the schools on have had -- have gone through  
8 some tough things. And I, you know, tried to  
9 communicate with him about it but --

10           **Q        I don't think you answered my question.**

11                   **Is reassigning students from one school to**  
12 **another as bad as burning churches?**

13           A        Ask that question in more -- that's too --  
14 the way you framed the question, of course -- I mean  
15 can you ask that again, maybe a little more  
16 specific?

17           **Q        Which is the worst thing, reassigning a**  
18 **school -- reassigning a student to a different**  
19 **school or burning a church?**

20           A        If you're asking my personal opinion --

21           **Q        Well, I'm asking -- you're the only one**  
22 **answering questions here today, so yes.**

23           A        So my personal feeling is yes.

24           **Q        That burning churches is worse.**

25           A        I say the reassigning children.

1 Q You think that reassigning children from  
2 one school to another is worse than setting fire to  
3 a black church.

4 A A church is a building.

5 Q Uh-huh.

6 A Children are in human form.

7 Q Do you think that reassigning children  
8 from one school to another is worse than lynching?

9 A It can be akin to the same thing.

10 Q You think that reassigning a student from  
11 one school to another, it can be akin to murder?

12 A The end result can -- you're destabilizing  
13 children from their communities to another school.

14 And, see, what people don't understand is  
15 if you have factions of turf and territory or rival  
16 schools, and you're putting kids together, you know,  
17 isn't that a powder keg of destruction?

18 MR. MOULARD: I'm going to object as  
19 nonresponsive.

20 BY MR. MOULARD:

21 Q I'll ask again, is murder -- which is the  
22 worst act, reassigning a student from one school to  
23 another or murder?

24 A The worst act is murder, of course.

25 Q Okay. So in your flyer you're depicting

1 Mr. Davis as part of an organization that's  
2 committed acts that are much worse than the acts  
3 that he is responsible for.

4 You would agree with me.

5 A Your opinion.

6 Q You've just told me that murder -- the KKK  
7 has committed murders.

8 Wouldn't you agree?

9 A They've done more than murders.

10 Q But they have committed -- they have  
11 committed murders. That's a fact. Yes?

12 A It's all about context.

13 Q I'm asking you --

14 A You've got to be more specific. You're  
15 asking me about murder. But I can say -- I'm a  
16 black man.

17 Q Uh-huh.

18 A Can I tell you my experience?

19 Q I'm not --

20 A You're trying to frame things around, you  
21 know, what your perception is when I'm trying to  
22 explain to you it's deeper than that.

23 Q But it's a historical fact that the KKK  
24 has murdered people; correct?

25 A Among other things.

1 Q Among other things.

2 A Burnt schools as well; right?

3 Q Sure.

4 A All right.

5 Q I'm not saying it's all they've done, but  
6 they have murdered people.

7 So in depicting -- you've depicted Erroll  
8 Davis in the garb of an organization that's done  
9 much worse things, much more heinous acts, than  
10 anything Mr. Davis has ever done.

11 Wouldn't you agree?

12 A What he did was heinous.

13 Q He never murdered anyone though, did he?

14 A Context again.

15 Q He didn't -- he never murdered anyone, did  
16 he?

17 A That's speculative. I don't know.

18 Q Do you think Erroll Davis --

19 A I don't know.

20 Q -- murdered somebody?

21 A I don't -- again, perception.

22 If you're closing schools on vulnerable  
23 children, and they wind up going to jail or they're  
24 murderers, you know, the whole situation wasn't  
25 conducive to those young people's success who live

1 in those communities. I saw what the cheating  
2 scandal did to a lot of those children, a lot of  
3 them died, died, because they were suspended -- over  
4 suspended, not given the proper resources.

5 So this gentleman comes in. And instead  
6 of giving the system time to heal, you going to  
7 close 13 schools? And then use the population when  
8 that population couldn't work and -- to the  
9 advantage of low student-teacher ratio.

10 So when you -- you know, I wasn't alive  
11 during the heyday of the Ku Klux Klan, during that  
12 period. But there are certain things today that can  
13 be just as atrocious in modern times.

14 Q So you're saying that the APS decision to  
15 close schools and reassign students to other schools  
16 was just as bad as the acts that the KKK  
17 perpetrated.

18 Is that what your -- is that your  
19 message --

20 A I used this --

21 Q -- in this flyer?

22 A I used this satire to convey a message.

23 Q And that message is what?

24 A In today's times, it's not the  
25 Ku Klux Klan. It's people that look just like me,

1 who can be just as destructive on communities of  
2 color.

3 Q You think that Erroll Davis was just as  
4 destructive as the Ku Klux Klan?

5 A I put it here on the flyer.

6 Q So is that yes?

7 A Yes.

8 MR. MOULARD: I'm going to mark this  
9 Exhibit 5.

10 (Exhibit D-5 was marked for  
11 identification.)

12 BY MR. MOULARD:

13 Q Mr. Dyer, have you seen this article  
14 before?

15 A Yes.

16 Q All right. So this is an article that WSB  
17 put out on its website regarding the distribution of  
18 the -- the Erroll Davis KKK flyer, which we've  
19 previously marked as Defendant's Exhibit 4; correct?

20 A Yes.

21 Q And this article details some of the  
22 reactions to people in the community after seeing  
23 your -- excuse me, after seeing your flyer; correct?

24 A Correct.

25 Q Okay. So one person -- do you know who a



1 Reverend Claiborne Jones is?

2 A No, I don't.

3 Q You don't? Okay.

4 Mr. Jones is quoted in this article  
5 stating that your article -- or, I'm sorry, that  
6 your flyer was, quote, Appalling, disgusting, crass,  
7 bigoted, incendiary, all the things that you hate  
8 about misinformation that gets distributed.

9 Do you see that?

10 A Yes.

11 Q You don't -- you don't agree with  
12 Mr. Jones in his characterization of your flyer?

13 A They're entitled to their opinion.

14 Q You don't agree with it though? You think  
15 he's wrong?

16 A (Indicating.)

17 Q You think he's wrong?

18 A I don't understand your question.

19 Q Do you agree with Mr. Jones's -- Reverend  
20 Jones's characterization of the flyer?

21 A Well, in the article I said, Hey, they're  
22 privy to their opinion.

23 Q I'm not asking what you said. I'm asking  
24 you, sitting here today, whether or not you agree  
25 with him.

1           A       That's -- I don't understand the question.

2           Q       Do you understand -- do you agree with his  
3       **characterization of your flyer? Do you share his**  
4       **opinion?**

5           A       Disgusting, crass, bigoted, incendiary.  
6                    No, I -- I don't agree.

7           Q       Okay. You're quoted in this article as  
8       **calling this -- the flyer, quote, unquote,**  
9       **Psychological warfare.**

10                   Do you see that?

11          A       Yes.

12          Q       You're waging war against APS with this  
13       **flyer.**

14                   Is that what -- is that what you mean by  
15       **that?**

16          A       Psychological warfare.

17          Q       Uh-huh. You're engaging in psychological  
18       **warfare against APS by creating that KKK flyer;**  
19       **correct?**

20          A       I disagree.

21          Q       Okay. Then why did you use the term  
22       **psychological warfare?**

23          A       Because the flyer is to make you think  
24       **psychologically.**

25          Q       Yeah. But you didn't say that it was

1 designed to make you think. You used the term  
2 psychological warfare.

3 A Yeah.

4 Q Okay? Correct?

5 A Correct.

6 Q So you designed that flyer to, at a  
7 minimum, create a disruption at APS; correct?

8 A No, incorrect.

9 Q Incorrect. Okay.

10 Well, you designed the flyer to create  
11 conflict with APS; correct?

12 A Incorrect.

13 Q Then why would you use the term warfare,  
14 if you're not creating conflict or causing a  
15 disruption?

16 A I created it to change their way of  
17 thinking.

18 Q Then why did you use the term  
19 psychological warfare?

20 A Psychological -- in order to -- I've been  
21 dealing with this system since, what, 2000 --

22 Q Uh-huh.

23 A -- falsely accused of things, saying to  
24 them -- the cheating scandal. So a new way of  
25 thinking had to take place.

1 Q Why did you use the term psychological  
2 warfare? You didn't answer my question.

3 A I did to change their way of thinking.

4 Q What is psychological warfare, in your  
5 view?

6 A Psychological warfare is getting into  
7 someone's head; to get them to think consciously  
8 about the decisions that they're making.

9 Q Later in the article you state, quote, I  
10 can respect their tactics, and I just have mine.  
11 I'm not asking them to sign off on it or anything  
12 like that, referring to your flyer.

13 Again, you use the term tactics. What do  
14 you mean by tactics?

15 A Strategy.

16 Q Strategy for what?

17 A To save schools.

18 Q Did any schools reopen after you created  
19 that flyer and distributed it?

20 A We managed to save like 10 out of 15  
21 schools with the flyer.

22 Q The flyer did it.

23 A It went national. It brought attention to  
24 the whole situation and brought light onto the  
25 psychological warfare that it was intended, to make

1 people wake up. Say, Hey, these closures are wrong.

2 MR. MOULARD: I'm going to mark this

3 Defense Exhibit 6.

4 (Exhibit D-6 was marked for  
5 identification.)

6 BY MR. MOULARD:

7 Q Do you recognize this document, Mr. Dyer?

8 A Yes, I do.

9 Q This is another -- you also created this  
10 document?

11 A Yes.

12 Q Okay. This is a flyer depicting six  
13 individuals in clown makeup; correct?

14 A Correct.

15 Q Who are the six individuals?

16 A Let's see. They are the mayor, Kasim  
17 Reed; Ivory Young; Julian Bond; Byron Amos; Courtney  
18 English; and superintendent at that time, Erroll  
19 Davis.

20 Q Okay. And when did you create this flyer?

21 A I'm not sure.

22 Q Okay. Was it around the same time as the  
23 KKK flyer?

24 A No. I've created several since. I don't  
25 know a specific date.

1 Q Well, it was at least during the time that  
2 Erroll Davis was interim superintendent of APS;  
3 correct?

4 A Correct.

5 Q So it was before the time that  
6 Dr. Carstarphen took over --

7 A Yes.

8 Q -- as superintendent.

9 And there is a -- in the middle of this or  
10 the group of individuals there's a pencil, and it  
11 states, What a bunch of clowns.

12 Do you see that?

13 A Yes.

14 Q So you're calling Erroll Davis and  
15 Courtney English and Byron Amos and Julian Bond and  
16 Kasim Reed, you're calling them clowns; correct?

17 A Correct.

18 Q You're calling them stupid; correct?

19 A Clowns.

20 Q Isn't the suggestion when you call  
21 somebody a clown that they are of lower  
22 intelligence?

23 A If you call them stupid, that's more on a  
24 personal level. These are political -- these people  
25 are in the public eye, so it's not personal with me.

1 It's only in regards to their position.

2 So a clown, I think, is suitable -- I  
3 don't know these people personally, so I don't know  
4 if they're stupid or not. But as it relates to the  
5 term clown, yeah.

6 Q But you would agree with me that calling  
7 somebody a clown is, typically, a statement on that  
8 person's ability or intelligence or something along  
9 those lines?

10 A I would disagree.

11 Q Then why did you call them -- what did you  
12 mean by clowns? Why did you call them clowns?

13 A Well, like I said, the greatest sellout  
14 show on earth. And clowns are brilliant. They  
15 entertain. But here, the message I'm sending is,  
16 Hey, these guys can't be taken seriously.

17 Q They can't be taken seriously because  
18 they're making poor decisions? Why can't they be  
19 taken seriously?

20 A Well, you just said it, the poor  
21 decisions.

22 Q Okay. They made unintelligent decisions;  
23 correct?

24 A I'll stick with poor decisions.

25 Q I'm just curious why you would -- of all

1 the imagery you could have picked, you decided to go  
2 with circus clowns.

3 A It worked. I mean, again, these -- as we  
4 go back to psychological warfare, it's to get them  
5 to pay attention and think about the decisions that  
6 they make.

7 And that's the beauty of satire. You have  
8 many options. And then being an artist, I'm a  
9 creator.

10 Q But you're calling them fools by depicting  
11 them in clown makeup, are you not?

12 A That's perception.

13 As an artist, I create the imagery, but  
14 the perception is left up to the public.

15 Q Is that what clowns are? They act like  
16 fools?

17 A Well, that's a clown. But you correlate  
18 that into a political position, that just doesn't  
19 match up; right?

20 Q If you call somebody a clown, that's an  
21 insult, isn't it?

22 A Well, to an everyday citizen.

23 Q Okay. Now, if you call an elected  
24 official a clown, it's not an insult?

25 A Well, they're -- that comes with the



1 territory. When you're in politics, you're going to  
2 have people who protest and rally. And if they're  
3 not in agreement with you, they'll have signs. They  
4 make images.

5 And, see, this is one of the strongest  
6 components of political activism.

7 Q I'm not asking about political activism.

8 I'm asking if you call an elected official  
9 a clown, you're insulting that person, aren't you?

10 A In protest, yes.

11 Q Yes. You're calling them a fool, if you  
12 call them a clown, aren't you?

13 A You don't see any way to -- you're just  
14 reaching.

15 Q I'm sorry?

16 A You're reaching. You're trying to put  
17 words in my mouth.

18 Q What's the difference between calling  
19 somebody a fool and calling them a clown?

20 A Probably not much difference.

21 Q Not much difference.

22 So you called Erroll Davis -- you've  
23 analogized him to a member of a murderous, racist  
24 organization. And now you're calling him,  
25 essentially, a fool.

1                   **Isn't that right?**

2           A        I'm saying he needs to make better  
3        decisions.

4                   MR. MOULARD:   Mark this Exhibit 7.  
5                   (Exhibit D-7 was marked for  
6                   identification.)

7       BY MR. MOULARD:

8           Q        **Do you recognize this document?**

9           A        Yes.

10          Q        **This is another flyer that you made;**  
11       **correct?**

12          A        Yes.

13          Q        **Okay.   And this flyer depicts -- it's not**  
14       **full color.   But it depicts Marie Carstarphen as a**  
15       **witch; correct?**

16          A        The wicked witch, yes.

17          Q        **In fact, the wicked witch of the west;**  
18       **correct?**

19          A        Yes.

20          Q        **It doesn't say that, but that's -- that's**  
21       **the image that you're drawing on.**

22                   **Isn't that right?**

23          A        Right.

24          Q        **And then it has Kasim Reed next -- Kasim**  
25       **Reed's face next to her.**

1                   **And who is Kasim Reed dressed as?**

2           A       It is Hannah McDaniel from Gone With the  
3   Wind.

4           Q       **And you have -- Kasim Reed here is missing**  
5   **some teeth; correct?**

6           A       Correct.

7           Q       **And it states on the top, They erased**  
8   **answers. He erased black schools.**

9                   **Is the he referring to Kasim Reed?**

10          A       No. The he is referring to -- they erased  
11   answers is Billy Hall. He erased black schools is  
12   Erroll Davis.

13          Q       **Erroll Davis isn't on this flyer though;**  
14   **right?**

15          A       Right.

16          Q       **And then you have a tag hanging from Meria**  
17   **Carstarphen's hat that says \$400,000.**

18                   **What's that in reference to?**

19          A       That's a Minnie Pearl reference. And  
20   that's the salary, I think, they were proposing to  
21   give her at the time.

22          Q       **Is this before -- did you make this flyer**  
23   **before Dr. Carstarphen was hired?**

24          A       No.

25          Q       **Okay. And at the bottom here you've got a**

1 picture of all the board of education members;  
2 correct?

3 A Correct.

4 Q You issued them as -- you've got a --  
5 you've superimposed a hat on each one; correct?

6 A Yes, yes.

7 Q And those are the hats that the flying  
8 monkeys wear in the Wizard of Oz; correct?

9 A Correct.

10 Q And then underneath the picture of each of  
11 the individual board members you wrote, Atlanta  
12 Public School, Board of Inept, Inequitable Flying  
13 Monkeys; correct?

14 A Correct.

15 Q And you're calling board of education  
16 members inept and inequitable; correct?

17 A Correct.

18 Q You're calling them flying monkeys;  
19 correct?

20 A Correct.

21 Q The flying monkeys in the Wizard of Oz are  
22 the -- they're the minions of the wicked witch;  
23 correct?

24 A Correct.

25 Q They do as they're told; correct?

1 A Yes.

2 Q They sort of act mindlessly, based on the  
3 commands of the wicked witch; correct?

4 A Correct.

5 Q Is that what you're saying here, that the  
6 board of education doesn't -- they don't act  
7 independently, they act on the directives of the  
8 superintendent?

9 A Arthur Blank and Sam LaSalle, to be clear.

10 Q Arthur Blank?

11 A Arthur Blank, yes.

12 Q Arthur Blank isn't mentioned on this  
13 flyer, is he?

14 A (No verbal response, indicating.)

15 But when you're talking about the minions  
16 and the 400K, the salaries, and so it's tied into  
17 development as well. So, you know, it's not just  
18 school related. You know, there are other players  
19 in this scenario.

20 And Bethune and Kennedy sits within the  
21 shadows of a \$2 billion stadium, Arthur Blank.

22 Q Uh-huh.

23 A So if you follow the narrative you'll see  
24 where a lot of this pretty much ends up.

25 Q Why did you depict Kasim Reed as that

1 **character from Gone With the Wind?**

2 A Because I wanted to connect -- show how  
3 the city works with the schools to close them and  
4 then development comes in.

5 Q **Okay. Connect the dots for me.**

6 **What does that have to do with that**  
7 **character from Gone With the Wind?**

8 A Well, in that role, she was considered a  
9 mammy, right --

10 Q **Uh-huh.**

11 A -- just the help around the house.

12 He's in a powerful role as the mayor. But  
13 as relates to the communities that I live in hasn't  
14 been effective, and really keeps the cycle of  
15 poverty and disenfranchising going on.

16 Q **So how is he like the help?**

17 A He answers to big business. Like I say,  
18 Arthur Blank, Sam LaSalle.

19 Q **Now, you're depicting Meria Carstarphen**  
20 **here as the wicked witch of the west.**

21 **You're calling her wicked in this flyer,**  
22 **are you not?**

23 A Well, she came in and wanted to abolish  
24 the positions of experienced teachers.

25 MR. MOULARD: Objection. Nonresponsive.

1 BY MR. MOULARD:

2 Q Are you -- you're referring to her as a  
3 wicked villain from a classic movie, are you not?

4 A Yes, I am.

5 Q You think she's wicked?

6 A By her actions.

7 Q By her actions.

8 A Yeah. It's nothing personal. It's by her  
9 actions as the superintendent of education.

10 MR. MOULARD: I'm going to mark this  
11 Exhibit 8.

12 (Exhibit D-8 was marked for  
13 identification.)

14 BY MR. MOULARD:

15 Q Mr. Dyer, did you -- do you recognize this  
16 document?

17 A Yes.

18 Q This is another flyer you created;  
19 correct?

20 A Yes.

21 Q And this one -- at the top it says,  
22 Atlanta Public Schools Board of Cyborgs and  
23 Buffoons.

24 See that?

25 A Yes.

1 Q You're calling the board of education  
2 members buffoons in this flyer, explicitly --

3 A And cyborgs.

4 Q -- aren't you?

5 And buffoons; correct?

6 A Yes, correct.

7 Q And in the middle you've got a picture of  
8 Meria Carstarphen, and you've modified her face so  
9 it looks like the face of the terminator from --  
10 from the terminator movies; correct?

11 A Correct.

12 Q So, in other words, she's sort of got, you  
13 know, half -- half a human face and half a robot  
14 face; correct?

15 A Correct.

16 Q And she's got a word bubble coming off  
17 that says, I am black like you. We all are.

18 Do you see that?

19 A Yes.

20 Q Why did you -- why did you depict  
21 Dr. Carstarphen as saying -- making reference to her  
22 race?

23 A That's a comment that she made at one of  
24 the committee meetings.

25 Q Why did you feel that it was relevant to



1 **include that statement on this flyer?**

2 A Look at the cemetery of closed and merged  
3 schools. That's a profound statement to make.

4 Q **Explain to me why that's a profound**  
5 **statement?**

6 A The majority -- all of these schools are  
7 pretty much predominantly black schools.

8 Q **Uh-huh.**

9 A And low economic communities where black  
10 boys and girls reside. But they're set up for  
11 closure. But she comes and makes a statement like,  
12 I'm black like -- where is the empathy?

13 Q **Do you know why the schools were closed?**  
14 **Actually, let me -- I'm going to retract**  
15 **that question. I'll get to that in a second.**

16 **First of all, which one of these schools**  
17 **were closed and which ones remain open.**

18 A Bethune Elementary. Let's see. LP --  
19 well, LP Miles was merged. Adamsville Elementary  
20 was merged with LP Miles. Douglass is pretty much  
21 on the chopping block for closure because of the  
22 addition to a KIPP school which is going to pull  
23 numbers from them. The same thing with Washington  
24 with the closure of Bethune.

25 Q **Is Douglass still open?**

1           A       Yeah, Douglass is still open. And  
2 Washington is still open, but it's under attack. I  
3 think Coretta Scott King and Best Academy were  
4 merged together.

5           Q       Which one of those -- is Best Academy  
6 still open?

7           A       No. They changed it to John Lewis  
8 Invictus Academy.

9           Q       They changed the name, but the building is  
10 still there.

11          A       Still -- the building is still there.

12          Q       It's still operating as a school, just  
13 with a different name?

14          A       No. Best is in Coretta. They merged  
15 them. Yeah. Again, they --

16          Q       Wait, hold on.

17                   It's your testimony that Best Academy is  
18 not operating as Best Academy anymore?

19          A       The location where Best was, they're in  
20 Coretta Scott King now. They were merged together.  
21 Those two schools were merged together.

22          Q       What other schools are closed here? Is  
23 Harper Archer closed?

24          A       I think they rerenovated Harper Archer.

25          Q       Okay. It's still open; right?

1 A Right.

2 Q What about Bethune; is Bethune still open?

3 A No, but -- well, no, it's not open.

4 Q Whitefoord is still open though; right?

5 A I'm not sure. I'd have to check.

6 Q Well, Mr. Dyer, you made this flyer and  
7 depicted these schools as dead. But some of them  
8 are still open.

9 Isn't that inaccurate?

10 A They've been impacted by leadership.

11 Q You literally have them represented as  
12 dead on this flyer. When, in fact, they are still  
13 functioning.

14 Why would you -- those are inconsistent  
15 things, are they not?

16 A They're not inconsistent.

17 Q Oh, you don't -- okay. So you don't think  
18 that your flyer is communicating that the schools  
19 that have gravestones are closed.

20 A It's projecting the possible outcomes of  
21 those schools.

22 Q Where do you say that on this flyer? That  
23 these schools -- that this is the possible outcome  
24 of these schools?

25 A It says, The terminator of black schools

1 in Atlanta so --

2 Q It says, The terminator of black schools  
3 in Atlanta underneath a collection of gravestones.

4 Each of those gravestones depicts the name  
5 of a school; correct?

6 A Correct.

7 Q And when you depict the name of a school  
8 on a gravestone, that suggests schools are dead;  
9 correct?

10 A Well, again, it goes to the leadership.

11 MR. MOULARD: Nonresponsive. Objection.

12 Nonresponsive.

13 BY MR. MOULARD:

14 Q When you put the name of a school on a  
15 gravestone, on an image like this, the clear message  
16 is that the school is dead; correct?

17 A In its perception. Again, I labeled it as  
18 saying these schools are the ones who have been  
19 impacted by the change under her leadership. So,  
20 eventually, if they're not dead now, they will be  
21 soon. So it's a wake-up call to the community.

22 Q Where do you say anything about schools  
23 possibly being impacted on this flyer?

24 A To a person who attended Washington High  
25 School or is in -- is attending -- don't you think

1 that would wake them up, when they see that on a  
2 tombstone?

3 Q I'm just curious, Mr. Dyer, why you  
4 depicted schools as dead, when they are, in fact,  
5 open and operating.

6 A Because of the history of Atlanta Public  
7 Schools, coming from the 13 potential school  
8 closures, and these same schools have been rotated  
9 in that conversation since 2009. That was on under  
10 Erroll Davis.

11 Now, here she comes along, and she's still  
12 carrying that torch of school closures.

13 Q But, again, some of these schools are  
14 open; correct?

15 A You mentioned that -- I just told you that  
16 Best Academy, the building, is still there. But  
17 they merged -- they put the school in with Coretta  
18 Scott King.

19 So, hypothetically speaking, anyone could  
20 say, yeah, the schools are open, but how much  
21 longer.

22 Q But you have depicted these schools as  
23 dead and in the ground with gravestones, when, in  
24 fact, they are open and operating.

25 Isn't that misleading?

1 A Are they open and operating effectively?

2 So that's the question.

3 MR. MOULARD: Objection. Nonresponsive.

4 BY MR. MOULARD:

5 Q How is it not misleading to suggest that a  
6 school is dead, when, in fact, it is open?

7 A Again, this is satire. So, again, you ask  
8 me -- ask me is Erroll Davis a Klansman? Of course  
9 he's not.

10 But, see, that's the beauty of satire.  
11 You take -- you push the limits of the imagination  
12 to convey an idea or a thought.

13 Q Does satire mean that your -- that you  
14 lie?

15 A Satire is a -- like I said, it's a freedom  
16 that one has to convey thought to provoke change and  
17 make a difference. It's not lying. This is  
18 farfetched. Is she a terminator? No, she is not a  
19 terminator? Is she a robot? Are they cyborgs? No.

20 Q But by saying that a school is dead, you  
21 are saying the school is closed.

22 Wouldn't you agree?

23 A When you take this in all -- when you look  
24 at it as the composite -- in the composite state  
25 that it exists, you will see that that's farfetched.

1 Cyborgs, tombstones, names on it, it's  
2 totally make-believe.

3 Q But --

4 A You can't put a whole -- you're thinking  
5 too hard. You're trying to put too much thought  
6 into it. And, I guess, trying to catch me up into  
7 something.

8 But the reality is I'm aware of my rights.  
9 I've been doing this for a long period of time.

10 Now, had -- I'll tell you, what would  
11 really break this down, now, if I had her nude,  
12 running around the cemetery, now, that -- that's  
13 crossing the line. Okay? That's really crossing  
14 the line. Because now that's more of a personal  
15 attack.

16 But this scenario, this imagery --

17 Q But calling somebody a buffoon is not a  
18 personal attack?

19 A These people are in public domain.

20 MR. MOULARD: Objection. Nonresponsive.

21 BY MR. MOULARD:

22 Q By the way, if you -- those objections are  
23 going on the record. If I can't get answers to my  
24 questions here, we're going to come back another  
25 day.

1           **So it behooves you to go and answer my**  
2 **question, so we don't have to do this.**

3           A     Well --

4           Q     **All right? So is it a personal attack to**  
5 **call somebody a buffoon?**

6           A     I have to object to that question.

7           Q     **You can't object. You have to answer my**  
8 **questions. You're here.**

9           A     Well, that was not my intent. These  
10 people are political -- they're in the political  
11 space. That's what I intended it for.

12          Q     **Just because somebody --**

13          A     I don't know the people personally.

14          Q     **Just because somebody is a public figure**  
15 **doesn't mean -- they could still be insulted;**  
16 **correct?**

17          A     There's a difference. You're trying to  
18 make it as one -- like I'm trying -- it's nothing  
19 personal. I don't know these people. I just know,  
20 hey, they serve the community.

21          Q     **Well, you feel like --**

22          A     They're in political office.

23          Q     **Excuse me, I didn't mean to interrupt you.**  
24 **You certainly believe that you knew them**  
25 **well enough to call them buffoons though; right?**



1           A       I understand their position, what they're  
2       supposed to do for the communities.

3           Q       Uh-huh.

4           A       That's all I need to know.

5           Q       **When you call somebody a buffoon, you're**  
6       **insulting their intelligence; correct?**

7           A       In the position that they represent.

8           Q       **You're calling them unintelligent.**

9           A       In the position that they represent.

10          Q       **You're calling the board members, in their**  
11       **capacity as board members, as unintelligent.**

12          A       In the capacity that they serve in.  
13       That's a -- that's honest, yes.

14          Q       **And you're accusing the board and**  
15       **Dr. Carstarphen of having killed schools, closed**  
16       **schools, that to this day remain open; correct?**

17          A       Again, this is to paint a picture. It's  
18       not reality. It's to provoke thought. It's satire.  
19                 It's supposed to attack people in  
20       politics, people in the public domain. It's not to  
21       make them feel comfortable.

22          Q       **But it's important -- when you're using**  
23       **satire or critiquing a politician for their**  
24       **decisions, their official decisions, it's important**  
25       **to be accurate; correct?**

1           A       It's about provoke -- if it's that  
2 accurate, what's the point of satire?

3           Q       So are you saying if you're -- just  
4 because -- if you characterize something as satire,  
5 or you're making some sort of satirical reference or  
6 critique, you can misrepresent the facts?

7           A       I'll give you a prime example. If you --  
8 May I?

9           Q       Well, let me -- answer that question  
10 first.

11          A       Okay. Say that question again.

12          Q       Just because you're using satire doesn't  
13 give you license to misrepresent facts; correct?

14          A       Yes, I agree, you don't misrepresent the  
15 facts.

16          Q       You shouldn't misrepresent the facts;  
17 correct? In fact, it makes your satire less  
18 effective, if you're misrepresenting the facts.  
19                 Wouldn't you agree?

20          A       But satire captures -- again, you go back  
21 to the -- at the time when this flyer was done, with  
22 save John F. Kennedy Middle School, it was still  
23 open at that time. But, you see, was it back when I  
24 did it, but now the school is closed.

25                 So it projects -- these are to project the

1 possibilities of what can happen or what can be.

2 You know the fact remains -- the fact of the matter  
3 is these are people in positions who can impact that  
4 change. That's the fact. Everything else, you just  
5 have to paint -- I paint a picture.

6 And I tell you, hey, it hasn't been too  
7 far from the truth.

8 **Q So so far you've called Dr. Carstarphen a**  
9 **murderous cyborg and a wicked witch; correct?**

10 A You are obsessed with murder. I mean I  
11 don't even get into the mindset -- when I'm creating  
12 these things, it has nothing to do with murder. I  
13 don't know these people personally.

14 **Q Well, you use the -- you used the imagery**  
15 **from the terminator; correct?**

16 **What is the terminator about? It's about**  
17 **a robot that kills people, isn't it?**

18 A That's all you see in it.

19 **Q Well, I'm asking you.**

20 A I see a movie that looks into the future  
21 and tries to prevent things in the past from, I  
22 guess, growing to support things in the future.  
23 That's what I see.

24 As relates to the violence and all that,  
25 that's a -- what is it, a ticket grab -- call to get

1 people to show up.

2 But, see, there's a story line -- you have  
3 to understand there's a story line to all of this.  
4 You just want to go to murder or havoc and, see,  
5 that's not in my mindset.

6 **Q Well, then why did -- of all the choices,**  
7 **of all of movies and all the pop culture that you**  
8 **could have picked, you chose to depict**  
9 **Dr. Carstarphen as the terminator. Why?**

10 A I just explained to you what gets the  
11 popcorn and the ticket sales to the movie.

12 **Q I'm not asking about the movie. I'm**  
13 **asking about why you made a conscious choice to**  
14 **depict her as the terminator robot.**

15 A It's one of the most popular movies out  
16 there. And that's how you start with satire. You  
17 deal with something that people can remember,  
18 something that people can easily recall, just like  
19 you did.

20 **Q Uh-huh.**

21 A And you've made an easy reference to know  
22 all the nuances, except you just stick on murder.

23 **Q Well, you're the one that called her the**  
24 **terminator of black schools in Atlanta; correct?**

25 A Correct.

1 Q So, in other words, she is terminating  
2 black schools in Atlanta.

3 That's the message you're trying to  
4 convey?

5 A Well, she's proven that.

6 But, yeah, to answer your question, yes.

7 Q And the list of gravestones above that are  
8 schools that you are accusing her of having  
9 terminated; correct?

10 A Not having terminated, but they're in the  
11 process, basically.

12 Q Even though most of these schools are  
13 still open.

14 A Yes.

15 Q On Dr. -- there's another image of  
16 Dr. Carstarphen right next to the terminator --  
17 excuse me, terminator image that has her kind of  
18 squatting down. And on her right arm it has the H.

19 That's the Harbor logo; correct?

20 A That's correct.

21 Q And underneath that it says, \$2 million  
22 plus; correct?

23 A Correct.

24 Q What is that in reference to?

25 A Basically, by the end of that original

1 contract, she probably would have raked in about  
2 \$2 million.

3 Q On -- you mean through her salary?

4 A Yeah, through her salary, the way that was  
5 reported in the paper at least.

6 MR. MOULARD: I'm going to mark this  
7 Exhibit 9.

8 (Exhibit D-9 was marked for  
9 identification.)

10 BY MR. MOULARD:

11 Q Have you seen this document before?

12 A Oh, I'm not sure.

13 Q Okay. So this is the -- I'll represent  
14 that this is the Atlanta board of education policy  
15 governing board meetings and public comment at those  
16 board meetings. Okay?

17 You see that at the top on the first page?

18 A Yes.

19 Q Okay. You've never seen this before  
20 though?

21 A Well, I read some things in here that  
22 seemed like they have changed it.

23 Q Okay. So the -- like all APS policies,  
24 the board manual lists the date on which the rule  
25 was adopted and the last date of -- on which the

1 rule is revised.

2 And do you see those two dates on the  
3 first page?

4 A I see those.

5 But, again, I see some things that have  
6 been -- appears, to me, that have been changed.

7 Q Like what?

8 A Like on No. 8.

9 Q No. 8 in --

10 A Yeah.

11 Q On -- under what, what paragraph?

12 A Just the entire paragraph.

13 Q Well, there's multiple No. 8s here.

14 A Okay.

15 Q So which one are you talking about?

16 A Oh, the last page.

17 Q On page 3?

18 A Yeah.

19 Q So you're saying that -- No. 8 states,

20 Persons are expected to honor meeting decorum.

21 Applause, cheering, jeering or speech that defames

22 individuals or stymies or blocks meeting progress

23 will not be tolerated and may be cause for removal

24 from the meeting or for the board to suspend or

25 adjourn the meeting. Those wishing to display place

1 cards, signs and/or banners must remain behind the  
2 seating area, or on the side of the seating area,  
3 and may not block any attendees' view of the  
4 proceedings. Place cards, signs and banners may not  
5 have wooden or metal sticks or poles attached to  
6 them.

7 Is that what you're talking about?

8 A Yes.

9 Q Okay. So what -- what do you think has  
10 changed?

11 A Mind if I take a look, just to make sure?

12 Q Of course.

13 A Okay. Is it okay if I write on this?

14 Q Don't write on that one --

15 A Okay.

16 Q -- just because --

17 A Well, I mean I --

18 Q -- only because that one is going to go  
19 into the record. But you can write on that one, if  
20 you want?

21 A Okay.

22 Okay. Done.

23 Q Okay. So you've spoken at multiple board  
24 meetings; correct?

25 A Correct.



1 Q At Atlanta board of education meetings to  
2 be more specific; correct?

3 A Correct.

4 Q And are you -- were you familiar -- at any  
5 of the times you have spoken at board meetings, were  
6 you familiar with these rules?

7 A You said anytime?

8 Q Yeah.

9 A Oh, I'd say yes, yes.

10 Q Now, do you believe that this rule has  
11 changed at some point? I keep saying rule. I meant  
12 policy.

13 Do you believe that change has been made  
14 to this policy?

15 A I would say in regards to me that it has.

16 Q Well, let me ask a more specific question.  
17 Has this, the written policy, changed in  
18 any way since November 2, 2015?

19 A I don't know.

20 Q You don't know.

21 A The answer to that, I don't know.

22 Q All right. Now, at any time before you  
23 have spoken at a board meeting, did you review this  
24 policy?

25 A Ask that question again.

1           Q     Yeah. In other words, have you ever made  
2 yourself familiar with the board's policies  
3 regarding conduct at public comment, at the board  
4 meetings?

5           A     Yes.

6           Q     You are. Okay.

7                     So at some point you have reviewed this  
8 policy.

9           A     Yes.

10          Q     And you agree that persons that speak at  
11 public comment, or that want to participate in board  
12 of education meetings, they must abide by this  
13 policy.

14          A     Ask that again.

15          Q     Do you agree that if you want to  
16 participate at a board of education meeting, in  
17 particular if you want to take part in public  
18 comment, you must abide by this policy?

19          A     That's too -- I think you're trying to  
20 force me to make some type of assumption or  
21 speculate, just --

22          Q     Well, what -- this policy governs -- the  
23 purpose of this is to govern conduct and proscribe  
24 rules for conduct at public meeting; correct?

25          A     Okay. Correct.

1 Q So a person that participates at public  
2 meeting must act in accordance with this policy;  
3 correct?

4 A I'll say yes.

5 Q Okay. So the policy specifically  
6 prohibits applause, cheering, jeering or speech that  
7 defames individuals or stymies or blocks meeting  
8 progress; correct?

9 A That's what it says.

10 Q That's what it says. Okay.  
11 So certain types of conduct or speech  
12 would violate this policy. Wouldn't you agree?

13 A Depends on the context.

14 Q Okay. But just, generally speaking, you  
15 can concede -- let me pose an example, for instance.  
16 If somebody went up to the podium and just  
17 started using a bunch of profanity, that wouldn't be  
18 appropriate; correct?

19 A That wouldn't be appropriate, no, no.  
20 Correct, correct.

21 Q Yeah. Going up and accusing  
22 Dr. Carstarphen of, you know, having committed an  
23 act that she didn't do, a crime, for instance, that  
24 would not be appropriate; correct?

25 A You're reaching.

1 Q I'm just asking you.

2 A It's public comment. You're reaching.

3 Again, a person going up there, like you  
4 said earlier, using profanity back to back, there's  
5 no context for that.

6 Q Well, I'm just trying to get some  
7 parameters on what is appropriate and what is not  
8 appropriate. Okay?

9 A Again, I agree with you. Profanity-laced  
10 comments back to back, there's no content or there's  
11 no context for that.

12 Q Okay.

13 A But when you go to accusing the  
14 superintendent -- people have their opinions.

15 Q Well --

16 A That's what the forum is for.

17 Q -- let's say someone goes up to the podium  
18 at a public meeting and says -- and accuses  
19 Dr. Carstarphen of having robbed a bank, and they  
20 mean it matter of fact, that would not be  
21 appropriate; correct?

22 A Can we talk about what I'm doing? I don't  
23 do those type of things.

24 Q We're here -- just answer my question.

25 A As farfetched as it -- that is

1 inappropriate.

2 Q Okay. It would be defamatory. Accusing  
3 somebody of committing a crime they didn't commit is  
4 defamatory.

5 Wouldn't you agree?

6 A Of course, she's not a banker, or I mean  
7 you say -- she's not a -- I say, yeah, that's  
8 probably close to defamatory.

9 Q Okay. Threatening somebody, you couldn't  
10 walk up to the podium and say, Dr. Carstarphen, I'm  
11 going to come punch you in the face.

12 That would be inappropriate; right?

13 A Yes.

14 Q Going up and calling somebody on the board  
15 or Dr. Carstarphen a racial slur, that would also be  
16 inappropriate; correct?

17 A Could be inappropriate.

18 Q Okay.

19 A Yeah.

20 Q Going up to the podium and calling  
21 Dr. Carstarphen the N word.

22 You know what I mean when I say the N  
23 word?

24 A Can you be specific.

25 Q You don't know what I mean when I say the

1 N word?

2 A We're talking specifics here.

3 Q Uh-huh.

4 A You know, you --

5 Q When someone says the N word to you, what  
6 does that word mean, or what does that mean to you?

7 A You need to be specific. You know, you  
8 want to ask the hard questions, you know, understand  
9 what you're detailing with.

10 Q So if you were to walk up to the podium  
11 and call -- not you, but if anybody would walk up to  
12 the podium and refer to Dr. Carstarphen by the  
13 N word, and I mean N-I-G-G-E-R, would that be  
14 appropriate?

15 A So they go up there and say N-I-G-G-E-R.

16 Q No. They use the word. I'm spelling it  
17 out because it's a word I don't like to say. But I  
18 want to spell it out.

19 A Well, why would somebody go up there and  
20 call her that?

21 Q Mr. Dyer, just answer my question.

22 A Ask the question again.

23 Q If somebody were to come up to the podium  
24 and call Dr. Carstarphen, or any other members of  
25 the board of education, the N word, would that be

1 appropriate at a board meeting?

2 A That wouldn't be appropriate.

3 Q Okay. So it's inappropriate to call  
4 somebody a racial slur; correct?

5 A I disagree.

6 Q You think it's okay to go -- you think  
7 it's appropriate, or it would be appropriate, to use  
8 racial slurs in reference to individual members of  
9 the board of education or Dr. Carstarphen.

10 A For one thing, it's about context. People  
11 hear words just like you, are very sensitive about  
12 the word, but you don't hear the context. You just  
13 hear the word.

14 Q Uh-huh.

15 A So, in your mind, it's going to be  
16 offensive. But you're not taking into account --  
17 into account the context of the word.

18 And, see, that's the troubling part about  
19 this.

20 Q What's a context in which it might be  
21 appropriate to refer to Dr. Carstarphen, for  
22 instance, by the N word?

23 A For one thing, you've got to be specific  
24 as to what do you mean refer.

25 Q Uh-huh.

1 A You're saying refer.

2 Q Characterize as, using the N word.

3 A Well, I think you need to have more  
4 information before you pose the type of question to  
5 me, because I did not directly call her that.

6 Q Not saying you did. I'm just trying to  
7 get some parameters of what -- what you believe this  
8 policy means.

9 So but is it your testimony that there  
10 might be some circumstances in which it would be  
11 acceptable to call Dr. Carstarphen, or any other  
12 member of the board of education, by a racial slur?

13 A Again, like you mentioned earlier, if a  
14 person is cussing back to back to back, what's the  
15 context of that?

16 Q Uh-huh.

17 A You know, this system maligns me as that's  
18 all I go down and say. So the things is, they put  
19 parameters on -- I can't even sit down in a place  
20 without them coming around. So anything I do or say  
21 is considered an issue.

22 So for me to say what they speculate or  
23 what they feel -- whatever it takes for them to try  
24 to get me escorted out or arrested or threatened  
25 with arrest, that's what they do.



1 MR. MOULARD: Objection. Nonresponsive.

2 BY MR. MOULARD:

3 Q So is there a circumstance, just generally  
4 speaking, which it would be acceptable or  
5 appropriate to speak at public comment and use  
6 racial slurs in reference to the board of education?

7 A I would say there are some instances where  
8 it could be -- it may not be appropriate, but to  
9 convey a point. I wouldn't say you directly call  
10 them that. But I think within context you can make  
11 some type of historical reference, just like these  
12 flyers.

13 But, you know, to call them just right  
14 out, You're a this --

15 Q Uh-huh.

16 A -- I think that's out of line.

17 But as relates to protests, freedom of  
18 speech, those are things at your disposal.

19 MR. MOULARD: Going to mark this as  
20 Exhibit 10.

21 (Exhibit D-10 was marked for  
22 identification.)

23 BY MR. MOULARD:

24 Q Mr. Dyer, do you recognize this document?

25 A Yes.

1 Q Okay. This is a letter that was sent to  
2 you on January 15, 2016, by Board Member Courtney  
3 English; correct?

4 A Correct.

5 Q And this notified you that you were being  
6 suspended from speaking at board of education  
7 meetings until July 2016; correct?

8 A Correct.

9 Q Okay. Now, you attended the meeting -- a  
10 board meeting in January 2016; correct?

11 A Repeat that.

12 Q Okay. Did you -- you spoke -- you  
13 attended and spoke at a board meeting in  
14 January 2016; correct?

15 A Yes.

16 Q Okay. And you -- you spoke at the public  
17 comment section of the meeting; correct?

18 A Correct.

19 Q And during that part of the meeting, you  
20 used the N word; correct?

21 A Yes.

22 Q Okay. And you used the word coons;  
23 correct?

24 A Yes.

25 Q Okay. And you used the word buffoons in

1 reference to the board of education; correct?

2 A Yes.

3 Q Okay. The N word is a racial slur;  
4 correct?

5 A In today's times, who knows. It's up to  
6 people -- various people's opinions.

7 Q Okay. It can be used as a racial slur;  
8 correct?

9 A Yes.

10 Q It's context dependent.

11 A Context.

12 Q The word coons is historically a racial  
13 slur too; correct?

14 A Yes.

15 Q It's a derogatory term that refers to  
16 African Americans, correct, or persons of color?

17 A Could be.

18 Q What's your understanding of what that  
19 word is, if you disagree with that characterization?

20 A No. I would say that's a good assessment.

21 Q Okay. Who were you referring to when you  
22 used the N word and the word coons?

23 A At that point, I just said, What's the  
24 definition of it? I didn't call them -- you know,  
25 I'm just going to say the word, a nigger.

1 Q Uh-huh.

2 A I said, What's the -- I was speaking on  
3 the bus services. How they allowed the buses to  
4 leave children in the cold during the wintertime.

5 Q But who were you referring to when you  
6 used those words?

7 A It's for, hey, whoever -- if the shoe  
8 fits, you wear it. I just said, What's the  
9 definition of a nigger?

10 Q That's what -- those are the exact words  
11 you used in the board meeting?

12 A Yeah.

13 Q Why were you asking that question?

14 A Because, again, who leaves children piled  
15 up at a bus stop in the cold, and then have the  
16 buses travel a different route where you're stacking  
17 kids together. Okay? And then about -- when the  
18 kids -- it's too cold outside for the kids, they  
19 have to go home, and the bus passes them by, and  
20 they miss school.

21 Q What does that have to do with the N word  
22 and the word coons?

23 A The mindset.

24 Q Whose mindset?

25 A The board, the superintendent.

1           You see, parents come to me and tell me  
2 these stories.

3           **Q     Uh-huh.**

4           A     See, I'm not up there -- you think I'm  
5 going down there for -- I'm representing the voice  
6 of the parents who can't be there. I fill in the  
7 gaps. So I hear these horror stories. I hear the  
8 horror stories of what's going on with the children.

9           But, see, I can't -- these board members  
10 don't want to sit down and meet. They don't want to  
11 sit down and hear -- they want to -- so the platform  
12 I have to use is the two to four minutes. In two to  
13 four minutes I have to encapsulate everything just  
14 to -- and it's been effective.

15          **Q     Well, why did you use those two words?**

16          A     Again, when you have a certain amount of  
17 time to convey your message, and these people don't  
18 want to hear you or listen, well, sometimes you have  
19 to, how can I say, wake them up, so to speak.

20          **Q     Uh-huh.**

21          A     But the thing is I don't cross the line  
22 like, You're a this. I don't go there. What's the  
23 context? What's the definition?

24          But, see, the thing is they want to take  
25 that word, and turn it around and say that I called

1 them that.

2 Q Well, you were referring to somebody as  
3 that though.

4 A But the thing is that somebody -- but was  
5 I directly pointing out Carstarphen or Esteves?

6 No. You see, I'm more saavy than that.

7 Q Were you referring to the students by  
8 those words?

9 A I wouldn't, no.

10 Q I don't -- I just don't understand why  
11 you --

12 A The question is, if I'm talking to them  
13 and what their response -- I mentioned to you,  
14 busing. So let me give you the context. You see,  
15 you're just looking at the word alone.

16 There was context involved that exposed  
17 them for what they were not doing, and how they were  
18 not being in the best interest of our children.

19 Q Uh-huh.

20 A Leaving them in dangerously cold weather,  
21 not picking them up. And I'll be more specific  
22 just, you know -- and not -- the bus drivers tell me  
23 this. They send the buses on the north side and go  
24 house to house to pick the children up. Okay?

25 On the south side, there are 15, 20

1 children piled up at a stop. If a bus breaks down  
2 on the north side, they'll send a bus from the south  
3 side up north to pick those children up. But they  
4 leave these children in the cold.

5 Now, if a child on the north side is --  
6 missed the bus, they'll send that one bus out to  
7 pick that child up.

8 Q Uh-huh.

9 A You got a group of kids here when the bus  
10 comes back, and those children are there, they don't  
11 go back to pick those children up.

12 Q So I understand that you're expressing  
13 concerns about -- that the treatment of students  
14 on -- in a certain part of Atlanta in the cold  
15 weather.

16 But I don't understand -- or explain to me  
17 how that bears any connection to your question of,  
18 What is the definition of the N word and the word  
19 coons?

20 A I'll help you out.

21 These people think that they're better --

22 Q Uh-huh.

23 A -- than the people that exist in these  
24 communities. They think they're far beyond the  
25 names of, as you said, the N word --

1 Q Uh-huh.

2 A -- or the coons.

3 But, you see, when I paint this picture,  
4 what's the real reality? Aren't you just as bad, if  
5 you're going to leave children in these type of  
6 conditions? But you want to look down on the very  
7 communities that you're supposed to be representing?  
8 See, that's the context.

9 Q So is it -- just so I understand.

10 When you're asking that question, What is  
11 the definition of the N word, what is the definition  
12 of the word coons, were you saying -- were you  
13 trying to convey that, in your view, the district  
14 was treating them as lesser than, and you're using  
15 those words to convey that message?

16 A I'm creating the shoe where it fits.  
17 Basically, I'm -- just like this satire. If you do  
18 these things to children, the least of these,  
19 where -- you know, what is the definition? You tell  
20 me what the definition is.

21 Q Okay.

22 A You see? What's the definition of a  
23 nigger? If, you know, you -- here you are doing  
24 these things to children, leaving them in the cold.  
25 What is that definition? What's the definition of a



1 coon or a buffoon? Help me out with that.

2 Because what I'm seeing is a harsh  
3 reality, you know, right before my eyes. That's the  
4 context.

5 You know, you -- they want to say I'm  
6 calling them a nigger, a nigger.

7 Q Uh-huh.

8 A No. Why waste my time to go down and  
9 do -- and when I'm aware of the rules.

10 Q Well, I understand you didn't -- you  
11 didn't call somebody that was in that board  
12 meeting --

13 A But I'm telling you --

14 Q -- who was on the board.

15 I'm just trying to figure out who -- so  
16 you pose this question of, What is the definition of  
17 these two words.

18 A Right.

19 Q Okay? But how does that at all relate to  
20 the situation with the children and the buses?

21 A I've been going to these meetings since  
22 2006. And, I'm telling you, from various  
23 administrations it doesn't move the dial with these  
24 people. They don't get it.

25 Q Uh-huh.

1           A       So you -- so you're looking at it as an  
2 isolated event. I'm talking about children with no  
3 books, children with substitute teachers of math and  
4 science for an entire year, institutional raises.

5                   So this is just another component. You  
6 have to understand that when -- I'm a thorn in their  
7 side. So they hate to see me coming. So any little  
8 nuance word that they hear, they want to label me as  
9 being out of character.

10           Q       Well, I'm not asking you about what you  
11 think about the -- the intent or the mindset of the  
12 board of education members.

13                   I'm trying to figure out what the message  
14 was that you were trying to convey by asking that  
15 question, the question being, What is the definition  
16 of the N word? What is the definition of the word  
17 coons?

18                   Explain to me how the answer to that  
19 question, or the question itself, relates to this  
20 broader message of inequality that you're trying to  
21 convey at these board meetings.

22           A       Basically, who does that to children?

23                   Let's go back to the Klan flyer. Who  
24 closed the schools on children? Is it the Klan?  
25 Who does that to children, leave children in the --

1 so it's an assessment that they have to make for  
2 themselves.

3 Q Okay.

4 A You know, I didn't call -- I said, What's  
5 the definition of it?

6 Q And the answer to that question, what's  
7 the great broader significance of that, in the  
8 context of your -- your mission here?

9 A The goal is, again, to change the way of  
10 thinking.

11 Q Okay. And how does -- in your view,  
12 asking that question, how does it achieve that goal?  
13 How does it change their thinking?

14 A Well, you tend to believe that it's a  
15 racial slur. Okay? They evidently must perceive it  
16 as that. But it's something negative. So they  
17 perceive it as negative, but they're doing these  
18 negative things. Well, then you have to do  
19 something different to not be a part of that word.

20 If you can perceive that word as negative,  
21 but you're doing these negative things against  
22 children --

23 Q Uh-huh.

24 A -- the most vulnerable of us, but I pose  
25 the children, What's the definition of a nigger or a

1 coon, well, you've got to make some decisions to  
2 maybe change that scope, so you're not tied into  
3 that ball.

4 Q Uh-huh.

5 A You need to disassociate yourself with  
6 that term or with those actions.

7 Q Okay.

8 A That's all I'm saying, you know. I mean  
9 it's about context. It's about making change  
10 impact. You know, it may have made them angry. But  
11 the thing is, again, they overlooked the main  
12 component I was talking about.

13 But here we are talking about the word,  
14 but not about the children left in the cold. And,  
15 see, that's what bothers me.

16 Q So in the context of that question, who is  
17 the N word or who are the coons in that context?

18 A People who leave children in the cold to  
19 freeze --

20 Q Uh-huh.

21 A -- are whatever words you want to call  
22 them.

23 Q Okay. So were you referring to the people  
24 making the decisions as either of those words?

25 A Now, I was at the board meeting.

1 Q I'm sorry?

2 A I was at the board meeting.

3 Q You were at the board meeting.

4 A I was at the mic for public comment. So I  
5 had to be addressing the board. They have -- and  
6 the superintendent. They can make a change just  
7 like that to impact and better the lives of those  
8 children.

9 But did they ask me a question about where  
10 was the bus stop? Who are the children? No.

11 Q So you were referring to the board members  
12 as with the N word and the word coons.

13 A I posed the question. You're saying I  
14 referred -- I'm referring. Again, they have to make  
15 that determination.

16 Q Uh-huh.

17 A I brought the facts out of where -- of  
18 what's happening in the streets with the children.  
19 What's the definition of a nigger?

20 Q Uh-huh.

21 A That's the question posed. It may not  
22 just been for them. That's a question posed when  
23 these things are happening in the school district.

24 So how am I referencing -- referencing  
25 them if I'm saying, You are. You know, if I was

1 saying, You're -- you're a nigger, if I'm saying,  
2 you're a nigger, and how do you feel about the word?  
3 Now that's more of a personal attack. I'm directing  
4 it at you.

5 Q Sure.

6 A But in the -- what's the definition in the  
7 context of everything that I said. It fits right in  
8 there.

9 Q And is the purpose of that question to  
10 make the board or the superintendent expand what  
11 might be their preexisting definition of those words  
12 to consider what other types of people might fall  
13 into the class or definition of those words?

14 A The two to four minutes, I'm not going to  
15 allow you to reduce me down to one word, is to evoke  
16 thought and impact change for our children.

17 Q And how does that question do that?

18 A As a package. Within two to  
19 four minutes --

20 Q Uh-huh.

21 A -- it's very significant.

22 Q Well, why is the answer to that question  
23 relevant to your overall -- I understand your  
24 overall purpose is to draw attention to what you --  
25 problems in the school system or mistreatments --

1 mistreatments of the students. I understand that.

2 That's the -- is that fair to say that's  
3 broader context of your statement?

4 A State that again.

5 Q The problems in the school district, in  
6 particular in your view, unequal treatment of  
7 certain students in certain parts of the city.

8 Is that fair?

9 A I'd say that's fair.

10 Q Okay. So I'm not trying -- I'm not trying  
11 to pigeonhole you.

12 So I understand there's a broader context  
13 for this. And I'm trying to -- and by asking that  
14 question at the board meeting, you are trying to  
15 draw attention to that broader problem; correct?

16 A Correct.

17 Q Okay. How does the answer -- or how does  
18 the answer to that question, or how does the  
19 question itself, do that, in your view?

20 A The foundation is history. It's historic.

21 Q Uh-huh. What does that -- explain.

22 A Have you ever heard of -- what is it?  
23 Willie Lynch.

24 Q Uh-huh.

25 A You've heard of Willie Lynch; right?

1 Q (No verbal response, indicating.)

2 A How he separated the blacks, pitted them  
3 against each other, and those type of things; right?

4 Q Yep.

5 A There's a house nigger, the field nigger,  
6 the light-skinned, all these type of things; right?

7 Q Uh-huh.

8 A That's still prevalent today.

9 Q Okay.

10 A We have a majority of, what can I say,  
11 black school, board black school district, but yet  
12 we have all this failure. I just mentioned to you  
13 how the buses are going up so -- and this city is  
14 really a hotbed of Jim Crow and those type of  
15 things.

16 You know, the school system was -- when  
17 desegregation come about, white flight to big time  
18 flight. They don't want to be with the black  
19 students. So you have to understand, I come from  
20 historical context when I bring these things up.

21 Q Okay.

22 A I'm just not picking things out of the air  
23 saying this. So what I'm making reference to is  
24 historic fact. That's the context.

25 You know, you just said you understand



1 that Willie Lynch existed. We have people in high  
2 places in today's times that don't want to look out  
3 for the people in low places. I may be one of those  
4 people that's supposed to be on this end, but I  
5 refuse to. I look out for the ones who need the  
6 help and assistance --

7 Q Okay.

8 A -- you know. And sometimes, you know, the  
9 approach that I'm forced to take, you know,  
10 sometimes we have to use what's within your --  
11 within your constitutional rights to make a point.

12 Q So what -- but by asking -- so when you  
13 walked up to the podium, and you posed that  
14 question, What is the definition of the N word, what  
15 is the definition of the word coons, that's what you  
16 said; right?

17 A I know I posed the question, What's the  
18 definition of a nigger.

19 Q Okay. So when you asked that question,  
20 what did you hope to convey with that question?  
21 What was your intent? Like what did you hope the  
22 board was going to think when they heard that?

23 A All I can do is provoke thought within  
24 that period of time. Like I said, I conveyed a  
25 message, and it was more than just those three

1 words.

2 Q Understood.

3 A And that's the, you know, sad part about  
4 this whole process, when I'm reduced down to one  
5 word. But, yet, there's no addressing the issue of  
6 what's truly happening to the children.

7 Q I'm not trying to boil it down to one  
8 word. So feel free to give as much context as you  
9 want for what that question is.

10 What I'm trying to get -- understand your  
11 intent in asking that question, and what you hoped  
12 to convey or hoped to get the board to think about  
13 when you asked that question?

14 A Well, you know, I would say I've created a  
15 continuous cycle of information that they should be  
16 aware of, you know, everything -- we go back to the  
17 Davis Klansman situation, you know, that terrorist  
18 group. We come up to the clowns. We come up to the  
19 witch.

20 All these -- this is a narrative that's  
21 not in the best interest of the children that I'm  
22 advocating for. You know, that context is going  
23 back to 2009.

24 So, you know, it's something that you have  
25 to -- I'm forced to continue to hammer to get them

1 to understand that they're not meeting the needs of  
2 the children on the south side of town.

3 Q And how does asking that question convey  
4 to the board that they're not meeting the needs of  
5 the children on the south side of Atlanta?

6 A Well, that's for them to decide.

7 Q Well, how -- what was your intent? How  
8 did you think that that was going to achieve that  
9 purpose?

10 A Well, I'll tell you like this.

11 Since I've been advocating and going to  
12 the podium, a lot of changes have been made, a lot  
13 of policy changes have been made. They may not let  
14 me know personally for whatever reason. But they've  
15 brought books into schools. They've changed --

16 Because when I -- I'm vocal, like I am,  
17 and, I guess, you could say, of course, within my  
18 rights, constitutional rights, relaying the message,  
19 my credibility is there, you know, since 2006,  
20 through the cheating scandal, through redistricting,  
21 and all those types of things.

22 Q I don't think you answered my question.

23 Again, I just don't understand the intent  
24 behind the question, What is the definition of the  
25 N word?

1           A       I explained it to you, that the historical  
2 context is if you leave -- if any person -- I'll  
3 help you out with this.

4                    The analogy of Erroll Davis in the Klan  
5 robe.

6           **Q       Uh-huh.**

7           A       He's not white. But why do things that  
8 the Klan would do. Isn't it -- closing schools  
9 something that they would do on black children?

10                   In today's times, a lot of these people  
11 feel like, oh, well, that's a subgroup of people. I  
12 don't want to be a part of them. They may consider  
13 them to be niggers --

14           **Q       Uh-huh.**

15           A       -- or they act like this and that.

16                    But when you're in a position to help  
17 those people, and you do the same thing or worse,  
18 aren't you in that category as well, regardless of  
19 what your definition -- whatever the person may  
20 think. So it's just to bring reality that you may  
21 not be so farfetched from the word that you think  
22 you are.

23           **Q       And by you, you're talking about the board**  
24 **members.**

25           A       Yeah.

1 Q Okay.

2 A I don't know if that -- hopefully that  
3 helps you out.

4 Q So according to this letter -- going back  
5 to Exhibit 10, according to Mr. English, they -- the  
6 board viewed your speech as both disrespectful, but  
7 also offensive to the board, the superintendent and  
8 the staff.

9 Do you see that?

10 A Yes.

11 Q Mr. English also said that, Your comments  
12 failed to advance any meaningful discourse upon  
13 which the board or superintendent could possibly  
14 act.

15 Do you see that?

16 A Yes.

17 Q All right. It also notified you that  
18 there were children and families present for the  
19 board, and that the board didn't -- I'm sorry,  
20 present at the meeting.

21 And that, in the board's view, that  
22 language is not appropriate to use in front of  
23 children and families; correct? At least in the  
24 board's view?

25 A In the board's view.

1 Q Uh-huh. Okay.

2 And the letter also warns you that if you  
3 spoke at another meeting and used similar language,  
4 you may be permanently suspended; correct?

5 A Well, that's what the letter says.

6 Q Okay. You received a copy of this letter  
7 when they issued it, correct, so around  
8 January 15th?

9 A One of the officers hand delivered this to  
10 my house at 7:00 -- like after hours --

11 Q Right.

12 A -- which I thought that was odd.

13 Q So you received a copy of it.

14 A Yes.

15 MR. MOULARD: Okay. I'll mark this  
16 Exhibit 11.

17 (Exhibit D-11 was marked for  
18 identification.)

19 BY MR. MOULARD:

20 Q Do you recognize this document?

21 A Yes.

22 Q Okay. This is a letter that was issued to  
23 you on October 11, 2016, by Courtney English  
24 informing you that you're suspended from board  
25 meetings from October 11, 2016, through December 31,

1     **2017; correct?**

2           A     Correct.

3           Q     **And the reason that you were suspended is**  
4     **because you attended a meeting on October 10, 2016,**  
5     **and used the word sambos; correct?**

6           A     Repeat that question.

7           Q     **The stated reason for the suspension is**  
8     **because you attended and spoke at a meeting on**  
9     **October 10, 2016, in which you used the word sambos**  
10    **at public comment; correct?**

11          A     You're saying the reason I was suspended?

12          Q     **Uh-huh.**

13          A     I -- that's what the letter says.

14          Q     **That's what the letter says --**

15          A     Okay.

16          Q     **-- correct?**

17          A     Yes.

18          Q     **Did the board give you any other reason**  
19    **for your suspension?**

20          A     Basically, what it says here in the  
21    letter.

22          Q     **And you did, in fact, use the word sambos**  
23    **at that board meeting; correct?**

24          A     Yes.

25          Q     **Okay. And you were referring to students**

1 **when you used that term; correct?**

2 A Incorrect.

3 **Q Okay. Who were you referring to?**

4 A I was referring to -- the way that the  
5 meeting had been structured, it was like a minstrel  
6 show. It put the children in a bad light.

7 **Q Okay.**

8 A So instead of saying minstrel show, the  
9 word sambos came out.

10 **Q But who were you referring to -- who**  
11 **were -- in the context of that statement or that**  
12 **analogy, who were the sambos?**

13 A No. I just said it was samboed. It was  
14 like samboed. That's all I said. It was like --  
15 and I said nothing against the children in my  
16 recording. You'll hear it. I said, It was like  
17 samboed. But because Courtney English cut me off,  
18 he didn't hear that.

19 But, see, that's why I'm a target.  
20 Anything I say or -- as relates to anything like  
21 that -- and, of course, like I said, I understand  
22 historic -- use things in historical contexts.

23 Again, I was saying that the  
24 superintendent, the event that she had, where she  
25 had the children up there trap rapping, using broken



1 English and all that type of thing, I said that was,  
2 basically, out of line. It was samboed. Not  
3 against the children, but whoever.

4 But I couldn't finish. I had no chance to  
5 complete my train of thought, because against board  
6 policy he interrupted my comment.

7 Q Let's take a step back.

8 The word sambo, it's a derogatory -- it's  
9 a racial slur; correct?

10 A In context. Everything has a context.

11 Q Let's just say out of any context, just  
12 generally speaking, it's a --

13 A If you're in a --

14 Q -- derogatory.

15 A We're in a --

16 Q Well --

17 A -- educational setting.

18 Q Well, let me -- let me just get the  
19 question out.

20 So the word sambo in a vacuum is a  
21 derogatory term for -- specifically for black men;  
22 correct?

23 A I -- I'm not sure.

24 Q What does it mean to you? I mean it's a  
25 derogatory term, you agree; right?

1           A       What it meant to me on that date was  
2       misusing children or putting them in a bad light.  
3       It wasn't -- it wasn't targeting the children.

4           **Q       Uh-huh.**

5           A       It was how they showcased the young people  
6       in bad light, which I found to be highly  
7       unacceptable.

8           **Q       But let's just -- the word sambo itself is**  
9       **a -- is a derogatory term; correct?**

10          A       I would say it can be.

11          **Q       Okay. Can be.**

12                   **And you used the word sambo in reference**  
13       **to what when you were making that statement?**

14          A       Again, the environment that they placed  
15       the children in --

16          **Q       Uh-huh.**

17          A       -- was not in a good light. It was -- and  
18       I said in the video, you'll see it in the video,  
19       which I was cut off, I said, It was like samboed.  
20       Nothing against the children. I clearly -- because  
21       I know how they target me.

22          **Q       Uh-huh.**

23          A       But, you see, in the next meeting, a  
24       person came up and said sambo. Do you think they  
25       suspended him? No, they did not.

1           Q       **So in the context of your statement, are**  
2       **you describing the way in which the children were**  
3       **presented as sambo?**

4           A       Again, so you understand, the children  
5       were put into a situation which didn't put a good  
6       light on them.

7           Q       **Okay.**

8           A       The children can't be held responsible for  
9       that. Okay? Are we clear with that? I'm not  
10       holding the children responsible, because they're  
11       not in authority of that.

12                   The environment was put in place by the  
13       superintendent and her people, which created that  
14       type of setting, which was negative --

15          Q       **Uh-huh.**

16          A       -- which was -- in historical context it  
17       was sambo, like a minstrel show.

18          Q       **So are you using -- in this context,**  
19       **does -- you're using the word sambo as an adjective;**  
20       **correct?**

21          A       Yes, it's an adjective.

22          Q       **And the adjective means like a minstrel**  
23       **show?**

24          A       Similar.

25          Q       **Similar. Okay.**

1 A But not -- not targeting the children.

2 Q But you're describing the -- the event  
3 as -- with the adjective sambo; right? You're  
4 saying it was like a minstrel show?

5 A The light that they put them in, which  
6 they should have known better. They shouldn't have  
7 done that, they shouldn't have done that to the  
8 children.

9 Q Uh-huh.

10 A It's not the children that would be  
11 considered the sambo.

12 Q Well, then who -- then who were you --

13 A The people who put that thing on, who  
14 created that environment.

15 Q Dr. Carstarphen.

16 A Yeah. Those are the people who -- but,  
17 see, they don't want to accept that type of  
18 responsibility. So they rather me be maligned as  
19 saying that I'm calling the children sambos.

20 Now, that -- my track record totally  
21 speaks against that.

22 Q No. You were -- you were referring to the  
23 people that put the event on with the word sambo.

24 A Well, just the environment that -- you  
25 know, that -- children up there (indicating), trap

1 rapping, broken words English. And then you could  
2 see in their faces that they didn't have the  
3 confidence. And I'm just like who put --

4 You have to understand, see, I have a  
5 special heart for children. I don't have children  
6 of my own, but those are my children. So I feel a  
7 little bit deeper than most people would. And I  
8 speak out on things that people may not choose to or  
9 feel like it's out of line. But I'm called to call  
10 these things out.

11 That was totally out of line --

12 Q Uh-huh.

13 A -- what they did.

14 But then to use a word, sambo, and I'm in  
15 a space of education, you know, where I'm not  
16 saying, you know, These damn sambo did -- you know,  
17 using all types of profanity at this and things like  
18 that. I'm saying, It was like --

19 And you're speaking off the cuff. You  
20 know, they -- they asked me what did I say? I  
21 couldn't even -- what word did I use. I'm sure you  
22 saw the video so -- in the video.

23 So there was no malicious intent in that.  
24 I'm never going to just call children -- I never --  
25 I don't do that to children.

1 MR. MOULARD: I'll mark this Exhibit 12.

2 (Exhibit D-12 was marked for  
3 identification.)

4 BY MR. MOULARD:

5 Q Do you recognize this document?

6 A Yes, I do.

7 Q So this is a letter dated February 6,  
8 2018, signed by Board Member Jason Esteves; correct?

9 A Correct.

10 Q And this letter notified you that -- for  
11 the third time that you had been suspended from  
12 board meetings; correct?

13 A Correct.

14 Q And the suspension lasted from February 6,  
15 2018, through, I think, February 6, 2019,  
16 approximately?

17 It was about a year; right?

18 A Yeah. That's so inconsistent. First it's  
19 six months. It's 12. So no board policy involved.

20 Q And the reason you were suspended is  
21 because you distributed a flyer at this board  
22 meeting on February 5, 2018; correct?

23 A That's what they say.

24 Q Okay.

25 MR. MOULARD: So I'm going to mark this

1 Exhibit 13.

2 (Exhibit D-13 was marked for  
3 identification.)

4 BY MR. MOULARD:

5 Q And, I apologize, it's not full color.

6 But is the document marked Exhibit 13, is  
7 that the flyer that you distributed?

8 A Yes.

9 Q Okay. All right. Let's talk about this  
10 flyer.

11 Did you give this flyer out at the  
12 meeting?

13 A I always hand out the flyers.

14 Q And so --

15 A Been doing that since 2000 -- yeah, about  
16 2009.

17 Q So the board meetings are held downtown at  
18 the APS headquarters.

19 Where are you -- how do you distribute  
20 these?

21 A Oh, as soon as I come into the meeting,  
22 I -- as Mr. Warco knows, I hand out -- hand them to  
23 people. If they want one, they take it.

24 And then --

25 Q So you're walking --

1 I'm sorry.

2 A I make sure I give -- whoever the  
3 administrative assistant is for the board, they make  
4 sure the superintendent and everyone gets one before  
5 the meeting.

6 Q So you walk around, and you hand out these  
7 flyers; correct?

8 A Yes.

9 Q And this was a double-sided flyer?

10 A Right.

11 Q And so there's an image on both sides.  
12 Sort of describe this.

13 So on the front you have a picture of  
14 Arthur Blank, owner of the Falcons, and he's  
15 holding -- I don't know what it's called. But it's  
16 the -- it's like the marionette strings. And those  
17 strings are attached to Meria Carstarphen; correct?

18 A Correct.

19 Q So, in other words, you're depicting  
20 Arthur Blank as the puppet master of Meria  
21 Carstarphen; correct?

22 A Correct.

23 Q And there's a -- there's a text box  
24 underneath Mr. Blank, and it states, Blank's Falcons  
25 may never win the big one. But he's not a Pro-Bowl



1 puppet that's bringing home all the trophies to help  
2 destroy black children and their communities;  
3 correct?

4 A Correct.

5 Q And then you have the same similar image  
6 to what was on the terminator flyer. You have a  
7 bunch of gravestones, each of which have the name of  
8 a school on them; correct?

9 A Correct.

10 Q And, again, the suggestion is that these  
11 schools are closed; correct?

12 A They're under attack.

13 Q They're under attack.

14 But some of these schools are still open.  
15 Wouldn't you agree?

16 A They're under attack.

17 Q Not what I asked you.

18 Some of these schools are still open and  
19 operating --

20 A Yes, yes --

21 Q -- correct?

22 A -- yes.

23 Q They're still educating children; correct?

24 A Yes.

25 Q And then the bottom right-hand says,

1 **Created by Nathaniel B. Dyer. And there's, in all**  
2 **caps, U-N-N-I-G-G-E-D.**

3 **What is that?**

4 A Unnigged. That's going to be like an  
5 online publication. It's a word I created.

6 **Q It's like a -- something you created?**

7 A A word, yeah, just -- yeah. Like you can  
8 look it up, and you won't find it anywhere. Just a  
9 word that I created.

10 But yet they want to find that derogatory.

11 **Q What does it mean?**

12 A Well, if -- let's see. Un, means not --

13 **Q Uh-huh.**

14 A -- nigged, could be a, what, never been a  
15 nigger.

16 **Q Where did you get that word or that name**  
17 **from?**

18 A Just a -- well, a lot of things that I --  
19 we talked about earlier. Just the educational  
20 system. How people who look like me aren't in the  
21 best interest of children. You know, a lot of  
22 people think that as white people that's the main  
23 cause of a lot of issues that impact black  
24 communities. But I found that it's not so.

25 **Q Uh-huh.**

1           A       You know, it's people of color, who is on  
2       the main -- I can say enemies of the community. And  
3       most of them in positions. Just as you've seen  
4       these flyers to display that so --

5           **Q       So what does that word have to do with**  
6       **that concept?**

7           A       Just shows that -- leadership that's  
8       needed that's going to be in the best interest of  
9       black children in the communities, you know, not  
10      that old analogy of what the term nigger -- like I  
11      said, the negative is. So really it's a positive.  
12      You know, it's not a nigger.

13                 You know, they want to say, Oh, that's a  
14      racial slur. But not a nigger. You get what I'm  
15      saying? Unniggered, it means you're free of that  
16      crippled mindset.

17           **Q       On the back of the flyer, the top right**  
18       **states, Superintendent Meria Carstarphen's top ten**  
19       **catastrophic plays.**

20                 **Then you've got a list of ten things;**  
21       **correct?**

22           A       Correct.

23           **Q       And on -- but to the left of that, that**  
24       **title, you have a photoshopped image of**  
25       **Dr. Carstarphen in football pads and a football**

1 jersey; correct?

2 A Correct.

3 Q And it states -- on the front of that  
4 jersey is emblazed in the word Falcoons; correct?

5 A Correct.

6 Q So that's a play on words on Falcons;  
7 right?

8 A Well, it's a Japanese artist as well.  
9 Yeah, I look -- see, I look up words.  
10 Before -- before I do any flyer, I do my research, I  
11 understand perceptions and, especially, with the  
12 line of fire that I'm under, where everything I do  
13 is considered -- so I do my research. And I found  
14 that there's a Japanese artist by the name of  
15 Falcoons, yeah, before I did this.

16 Q But that's not -- you're not depicting her  
17 as Japanese artist. You're depicting her as wearing  
18 a Falcons jersey that's been doctored to say  
19 Falcoons; correct?

20 A That's perception.

21 Q Well, what did you intend, Mr. Dyer?

22 A Again, I play -- a play on words, a  
23 satire.

24 Q But the play on words is substituting the  
25 word Falcoons for the word Falcons; correct?

1           A       But she's not a football player. So, you  
2 know, a jersey in itself, you're looking at the  
3 word, but she's not a football player. This is a  
4 satire. She's a superintendent. She's not an  
5 athlete. She's not No. 11. And she doesn't play  
6 for a team called Falcoons. It's all satire.

7           Q       I understand you're not trying to  
8 represent that she actually plays football.

9                   This is a -- this is a -- it's a pun;  
10 correct?

11          A       Well, I guess you can call it that or --  
12 but a satire. It all falls within the realm of  
13 satire.

14          Q       It's play on words; right?

15          A       Satire.

16          Q       But it can be both, right, wouldn't you  
17 agree?

18          A       Satire. I'm focusing on satire.

19          Q       I'm asking you a question.

20                   You are intentionally using the word coons  
21 in place of C-O-N-S in the word Falcons; correct?

22          A       That's the way it's spelled.

23          Q       Okay. What is the purpose of depicting  
24 Dr. Carstarphen wearing a football jersey that says  
25 Falcoons on it?

1           A       Well, you know, you look at the front, and  
2     it says, Blank's Falcons may never win the big  
3     one --

4           **Q       Uh-huh.**

5           A       -- and a Pro-Bowl puppet.

6                    So it makes sense that in the Pro-Bowl you  
7     have a team, or you have athletes. So it's just a  
8     correlation, a continuation of the theme. That's  
9     all it is.

10          **Q       But why the word Falcoons?**

11          A       Because I think it's more impactful.

12          **Q       It's more impactful.**

13          A       Yeah, historical context.

14          **Q       What is -- I don't understand.**

15                    **What is the historical context of the word**  
16 **Falcoons?**

17          A       Well, see, when you look at the top ten  
18     plays, catastrophic plays, these are impacting the  
19     lives of not only black boys and girls. We just  
20     talked about historical context of niggers and  
21     coons. People in positions who can help them out.  
22     So if you want to see that as the Falcoons, like  
23     it's a rational slur, or the Japanese artist, that's  
24     your choice.

25                    But over here are the top ten plays. So,

1 you know, there's art in itself. You know, you have  
2 to look at the supporting details that go along with  
3 that.

4 Q But I understand that there is a message  
5 here that you were trying to convey that certain  
6 decisions that APS is making, in your view, are  
7 disadvantaging or to the detriment predominantly of  
8 black students; correct?

9 A Correct.

10 Q And you believe that this -- the choice of  
11 the image that you chose, somehow is illustrative or  
12 illustrates that message; correct?

13 A Correct, they're satire, yes.

14 Q How does putting Meria Carstarphen in a  
15 football jersey with the word Falcoons on it, how  
16 does it illustrate that message?

17 A It brings awareness and attention to these  
18 issues.

19 Q But you could have just had this flyer  
20 without the picture of Dr. Carstarphen on it; right?  
21 It still would have brought attention to the issues.

22 A Well, I chose to use my rights and my  
23 freedoms to make my choices.

24 Q This image is supposed to be funny, isn't  
25 it?

1 A It's supposed to be what?

2 Q **Funny.**

3 A Well, it depends on who -- who you share  
4 it with.

5 Q **Do you think it's funny?**

6 A My goal is to make sure it's effective --

7 Q **Do you --**

8 A -- and conveys the message.

9 Q **Do you think it's funny?**

10 A Not funny. I mean that's not my intent,  
11 you know.

12 You know, these are serious -- these are  
13 serious issues here. I mean what -- what am I going  
14 to find funny about this when I have charter  
15 schools, privatization of schools, merger. You have  
16 to understand the serious nature of what -- why  
17 these flyers are created.

18 Q **But you intentionally chose an image of**  
19 **Dr. Carstarphen dressed in a way that she's never**  
20 **been dressed; correct?**

21 A Which one?

22 Q **Sort of a fish out of water.**

23 A In which one?

24 Q **I'm sorry, the football image.**

25 A You need to do your research. She dresses



1 up in football uniforms all the time.

2 Q Okay. And what is the significance of her  
3 wearing a football jersey with this play on words on  
4 it that uses this racial slur?

5 A Well, like I said, she likes to dress up  
6 in football garb; right? But how far is she willing  
7 to walk in those children's shoes that she's closing  
8 schools on and all that? You know, it's okay to  
9 play around with kids and do the photo op thing.

10 But when you truly put on the shoes of  
11 those young people that I'm out there representing,  
12 you know, then it's a whole different story. Then  
13 maybe you rethink all this selling the schools,  
14 closing, merging, destabilizing children and their  
15 lives. You see? That's the significance. You see,  
16 this is deep matter.

17 You know, you're -- they want to make it  
18 like I'm coming down trying to play games with them.  
19 I just have -- take time out to do this.

20 No. I'm trying to make change for the  
21 lives of children who are our tomorrow, yes.

22 Q And how does putting Dr. Carstarphen in an  
23 image like this achieve that goal?

24 A Well, what I've just related to you about  
25 my track record of working on behalf of children,

1 sending IEPs out. And these people want to put me  
2 in jail or malign me to two or three words. I'm  
3 doing the work.

4 You know, I have the trust of parents.  
5 But you want to try to send me to jail. You want to  
6 try to ruin my reputation of helping children. So  
7 it tells me that you're on the other side of things.

8 **Q I don't think you answered my question.**

9 **I don't understand how ridiculing**  
10 **Dr. Carstarphen with this image achieves your**  
11 **purpose of drawing attention to any inequality in**  
12 **the Atlanta Public Schools.**

13 A It's not just a one-stop shop. It's a  
14 continuation. You have to understand you're looking  
15 at this flyer as -- again, I've been on this trail  
16 for a long period of time where I've done my  
17 homework and research.

18 Before she came in I knew there were  
19 schools on the chopping block that she was going to  
20 close. I even said that at one meeting. It was  
21 Bethune and Gideons, whatever.

22 Next week, because I'm banned for about  
23 two -- close to three years, and they got all the  
24 things that they have done, yeah.

25 **Q I don't think you've answered my question.**

1                   **I just don't understand how ridiculing**  
2   **Dr. Carstarphen advances your message. How --**  
3   **explain that.**

4           A       You know what the message is? She needs  
5   to go. She's not in the best interest of the school  
6   district. You know, you see here she's a puppet for  
7   Arthur Blank, the business entities of this city.

8                   And, see, the sad part about it is you all  
9   are implicated in this too, Nelson & Mullins. Yeah.  
10   Your name is on -- now, here you are -- let's see.  
11   Let me find the -- yeah. General counsel, Glenn D.  
12   Brock.

13                   Now, first I'm suspended for words that I  
14   said that are considered inflammatory or racial,  
15   racial slurs. I didn't say anything during this  
16   meeting. That's you. Now, maybe I'm going ahead  
17   again. But it was a flyer, not what I said.

18                   So where is the consistency in that?  
19   Where is the policy that talks about flyers --

20           **Q       You made that flyer; right?**

21           A       -- and that sort of thing.

22           **Q       You made this flyer?**

23           A       Yes, I did.

24           **Q       You created it on your own?**

25           A       Since 2009 I've -- the KKK flyer as well.

1 So I'm known for doing flyers within the district.

2 Q Got you.

3 A And there has never been a problem.

4 Again, I'm at the podium, and I'm  
5 interrupted, not only -- let's see, this may have  
6 been the -- yeah, the third time, which is against  
7 board -- you're not supposed to interrupt a speaker.  
8 I said nothing that had any type of racial overtones  
9 to it, and I'm interrupted by your -- the partner of  
10 this firm, Glenn D. Brock.

11 Q I still don't think you answered my  
12 question. I don't --

13 A What was the question again?

14 Q I just don't understand how ridiculing  
15 Dr. Carstarphen with this image advances your  
16 message to draw attention to inequality in APS.

17 A That's pretty vague. I mean I don't  
18 understand. That's your -- that's getting into  
19 personal emotions or your feelings.

20 But I explained to you the motive and the  
21 process. And if you look at those top ten things on  
22 the back, that would help you to understand that  
23 those things aren't in the best interest of children  
24 within the school district, especially on the south  
25 side of town.

1 MR. MOULARD: I'm going to mark this  
2 Exhibit 14.

3 (Exhibit D-14 was marked for  
4 identification.)

5 BY MR. MOULARD:

6 Q All right. Mr. Dyer, this is a copy of  
7 the initial disclosures that you served us with in  
8 this lawsuit; correct?

9 A Correct.

10 Q And you drafted this document?

11 A Yes.

12 Q Okay. Nobody helped you?

13 A Correct.

14 Q All right. Go to page 16 for me, please.

15 A (Witness complying.)

16 Q So this is the attachment in which you  
17 were supposed to provide a computation of the  
18 damages that you're seeking in this lawsuit.

19 And you have here that you're seeking  
20 \$10 million; correct?

21 A Correct.

22 Q All right. So you believe that you are  
23 entitled to \$10 million from being suspended from  
24 board meetings; correct?

25 A That's incorrect.

1           Q     **Okay. So that's what you're suing the**  
2     **district for, right, suspending you; right?**

3           A     You minimized it to just the suspensions.  
4     You're not taking into account the harassment. When  
5     I go sit down in a community meeting, I'm surrounded  
6     by three officers and immediately grabbed out, or I  
7     can't raise my hand to speak or ask a question in  
8     meetings, or I'm terrorized, antagonized.

9                     I go to schools to volunteer, I've got to  
10    hear them calling pound 3000, whatever that code is  
11    so --

12          Q     **I'm sorry, is any of that in your**  
13    **complaint?**

14          A     Oh, yeah, it is --

15          Q     **I don't think --**

16          A     -- in the complaint.

17          Q     **-- that it is actually so --**

18          A     It is in the complaint.

19          Q     **So, wait a minute, so you're saying that**  
20    **you're seeking \$10 million for actions by the**  
21    **district beyond just suspending you from APS**  
22    **property; is that correct?**

23          A     Like I said, it's all -- this is a big  
24    setup. It's just a big trump-up.

25          Q     **But you understand that your lawsuit is**

1 defined by the allegations that are in your  
2 complaint; correct?

3 A And those are in the complaint.

4 Q Okay.

5 A I laid those out.

6 Q So have you ever seen a doctor for any  
7 emotional distress resulting from your suspensions?

8 A No, I haven't.

9 Q You haven't. Okay.

10 Have you -- you started taking any  
11 medication because of any of the actions of APS?

12 A Well, you know, in today's times, you  
13 don't have to go to a specialist to experience  
14 emotional distress.

15 So, you know, the questions that you're  
16 asking, you know, I feel like they're very insistent  
17 and out of line. Because, again, had you read the  
18 complaint, you would have seen all the things -- you  
19 know, you want to focus on words. But, you see, you  
20 have to understand the type of voice that I've  
21 managed to create within the system on behalf of  
22 children.

23 And, again, you say, Why am I attacking  
24 this person? I'm the one that's being attacked.  
25 I'm a citizen coming in to speak on behalf of the

1 children. I've got to see -- I've never seen so  
2 many blue uniforms since I started speaking up for  
3 black boys and girls, and that's in the Atlanta  
4 Public Schools, for nothing. One minute it's words.  
5 One minute it's a flyer.

6 And then by people in your organization,  
7 the top brass. And then, of course, Mr. Warco was  
8 there at a meeting as well when I was handed a no  
9 trespass. I'm called downtown to the very area  
10 where they falsely accused me in 2006. And then I  
11 come in here thinking that we're going to talk about  
12 the possibilities of getting things established.

13 Marquita Sands handed me a trespass  
14 warning. You remember that? I know you can't speak  
15 right now. But I have it in the -- my complaint.

16 So all of those tactics, the suspensions,  
17 no due process. I'm labeled as -- and I hope you go  
18 through -- like here, a pedophile, a pedophile, when  
19 I have a youth organization working with children,  
20 sending IEPs. But I need to see a doctor.

21 Oh, continue.

22 MR. MOULARD: Objection. Nonresponsive.

23 BY MR. MOULARD:

24 Q Have you taken -- started taking any  
25 medication as a result of any actions of APS?



1 A No, I haven't.

2 Q No.

3 Have you started therapy or began seeing  
4 any psychotherapists or any mental health  
5 professional as a result of any of the actions of  
6 APS?

7 A No.

8 Q Did the suspensions, or any other action  
9 by APS, reduce your income?

10 A Well, it cut down my ability to serve the  
11 children.

12 Q Do you get paid for that?

13 A When it comes down to the feeding program  
14 that we had, I couldn't access the schools. I  
15 couldn't access the -- so I had to go to -- straight  
16 to the neighborhoods.

17 Q I thought you said -- you told me earlier  
18 that you don't receive any compensation for your  
19 work?

20 A It's on the feeding program when school is  
21 out.

22 Q Okay.

23 A But before school is out, you would like  
24 to reach the kids while they're in the school with  
25 the information.

1 Q You testified earlier that the free  
2 lunches and breakfast program was in the summertime.

3 A Yes, in the summertime.

4 Q And it takes place in neighborhoods;  
5 correct?

6 A Right.

7 Q So how would suspension from APS property  
8 affect your ability to participate in that?

9 A Because the final month of the year, the  
10 goal and strategy was to disseminate the information  
11 to the schools so the kids would be aware that the  
12 program existed during the summer.

13 Q So did the program not happen?

14 A I tell you, it could have been much more  
15 successful.

16 Q But you still attended it; correct?

17 A I say what?

18 Q Did you still attend it?

19 A Attend it.

20 Q Did you still take part in the -- the  
21 free --

22 A Well, we had -- we had the --

23 Q -- breakfast program?

24 A But more children could have been served.

25 Q Okay.

1 A That's what I'm telling you.

2 Q But I'm asking you how it --

3 (Comment by Reporter.)

4 (Discussion off the record.)

5 BY MR. MOULARD:

6 Q Did it make your income go down?

7 A I will say some of those effects,  
8 impacts -- because that was a situation where I had  
9 talked with -- what was it, the ombudsman and --  
10 what was that -- David Druggin.

11 Q Uh-huh.

12 A And we were talking about the pilot  
13 program at Forest Hills Academy. And there was  
14 going to be a pilot, working with the children,  
15 which I pretty much do in the neighborhood. And the  
16 suspension came along so -- and that was an impact.

17 Q Were you going to get paid for that?

18 A Well, the thing is we had the conversation  
19 about the pilot, to go there. So the potential, the  
20 possibilities. And as I say, at this point in time,  
21 it should have been a well-oiled machine but --

22 Q I'm sorry.

23 Were you going to be paid for wherever  
24 this pilot program is?

25 A I'm not sure.

1 Q You don't know.

2 A Yeah.

3 Q You didn't have an agreement in place  
4 saying you're going to get paid X amount --

5 A There was no agreement at that time.

6 Q So the income that you were receiving at  
7 the time -- throughout the -- at the time of your  
8 very suspensions, did it go down as a result of any  
9 of APS's actions?

10 A Well, that's hard to determine.

11 Again, you know, when you're serving a  
12 population of children, and you're not allowed to  
13 set foot on any property, you know, that can mess  
14 with you in many ways, psychologically, or you can't  
15 go on the campus.

16 Q How do you make your money, Mr. Dyer?

17 A I'm a graphic design.

18 Q Did any of APS's actions negatively affect  
19 your work as a graphic design and cause you to make  
20 less money?

21 A I don't know.

22 Q You don't know.

23 A I don't know.

24 Q So you can't say --

25 A No.

1           Q     -- you can't identify any negative impact  
2     on your compensation resulting from any of APS's  
3     actions.

4                     Isn't that correct?

5           A     Well, they labeled me a -- again, when  
6     you're harassed, when you're dragged out in front of  
7     an audience of community people, you know, that has  
8     an impact on a person's image, not just once, twice.  
9     You know, even when the cameras were there from the  
10    news.

11                    So you have to understand that perception  
12    goes a long way in a person's business and  
13    livelihood. And then especially if they're working  
14    with children.

15           Q     You have a YouTube channel; correct?

16           A     Yes.

17           Q     And you actually put up videos of you  
18    being escorted out of meetings on that YouTube  
19    channel; correct?

20           A     Yeah.

21           Q     So if you being escorted out of the  
22    meetings hurts your representation, then why are you  
23    broadcasting it to people?

24           A     Because I have to set the record straight.

25           Q     But if it's harming you, then aren't you

1       **just making it worse?**

2           A       Again, being in the business of graphics,  
3 marketing and branding, you have to do the best you  
4 can to control the narrative.

5           You know, the perception is out there.  
6 Okay. You all have said I'm a pedophile. You all  
7 are saying I'm just cussing and saying all these  
8 types of things. So I have to do my due diligence  
9 to try to control that narrative.

10          **Q       Who called you a pedophile?**

11          A       It's in the complaint.

12               A parent goes to the school, and she sees  
13 my picture up on the wall. And she said, Oh, you  
14 all know my friend, Nate.

15               And the lady behind the desk is like, Oh,  
16 you know him?

17               She said, Yeah, that's my friend.

18               You mean the pedophile.

19               So that came from the -- see, not only  
20 that, they e-mailed my image, my photo, across the  
21 district to all of the schools. A person showed  
22 me -- but then they didn't attach any reason why,  
23 you know, the suspension occurred.

24          **Q       Okay. Let's take that step by step.**

25               **Who called you a pedophile at the school?**

1           A       Well, she wouldn't mention the lady. But  
2           a parent that I know was talking to a lady, who  
3           works at the school.

4                   And she said, Oh, the pedophile. They  
5           said they're looking for him, meaning me.

6           Q       Wait a minute.

7                   So you weren't there when she said this?

8           A       She told it to the parent.

9           Q       So the parent -- she said this to a  
10          parent, and then the parent later told you about it?

11          A       Precisely.

12          Q       But you weren't there when she said it.

13          A       No, I wasn't there.

14          Q       And you don't know -- let's assume that's  
15          true, that she said this, you don't know where that  
16          person heard that you were a pedophile; correct?

17          A       That's, of course -- I say I don't know.

18          Q       You don't know. Okay.

19          A       But I do know the source.

20          Q       What school?

21          A       I don't know at this time.

22          Q       So you don't know the person that said it,  
23          and you don't know the school, and you don't know --

24          A       Well, I know the parent --

25          Q       -- how they found out about it; correct?

1           A       Sorry. I know that the parent is very  
2       credible, and I've known the person for a long time.  
3       And for them to call me and to say, Nate, they're  
4       calling you a pedophile. And they have my -- they  
5       had my picture up in the school building.

6                   And, you know, I know her daughter. Her  
7       daughter was the one that recognized it. So, in her  
8       eyes, seeing me as a pedophile, you know, even  
9       though she knows I probably -- but that's just  
10      totally out of line.

11           **Q       When did this happen?**

12           A       Let's see. I'm trying to think which  
13      suspension it may have -- oh, I think it was during  
14      the time when I was running for school board for  
15      District 7.

16           **Q       Okay. Well --**

17           A       And I used that photo for my website.

18           **Q       Okay. So that was, what, 2017?**

19           A       2017.

20           **Q       Okay. So after your -- during your second**  
21      **suspension this would have been; correct?**

22           A       I believe so, yeah.

23           **Q       Okay. But you don't know that anybody in**  
24      **APS told that woman that you're a pedophile; right?**

25           A       I mentioned to you that they falsely



1 accused me of fighting a child at -- and under the  
2 chief, Marquita Sands --

3 Q Answer that question first. Then you can  
4 talk about it.

5 A Say that.

6 Q You don't know whether anybody at APS told  
7 this person at the school that you're a pedophile;  
8 right?

9 A That was an APS employee.

10 Q Yeah. But she could have gotten that idea  
11 from anywhere; right?

12 A Now, you see, now you're really  
13 stretching.

14 Again, my reputation in the community is  
15 sound.

16 Q So let's back up.  
17 You accused the district of labeling you  
18 as a pedophile; correct?

19 A Correct.

20 Q Who labeled you as a pedophile.  
21 You don't know, do you?

22 A Not specifically.

23 Q You don't know.  
24 You don't know when, do you?

25 A I have a mountain load of evidence to say

1 that it was pretty much out of the general counsel,  
2 Glenn Brock, Jason Esteves and -- let's see who else  
3 is on this list, Applin, Chief Applin, of course,  
4 Marquita Sands, yeah.

5 Q Which one of them called you a pedophile?

6 A It doesn't have to be one.

7 Q You think all of them did it?

8 A How many times have I ever been suspended,  
9 about there -- I've been suspended three times for  
10 nothing, for utilizing my constitutional freedoms.  
11 Okay?

12 And you're trying to tell me that these  
13 people are far removed from any -- any level of that  
14 type of thing.

15 Q I'm asking you, Mr. Dyer. You're accusing  
16 the district, the district management, of accusing  
17 you of being a pedophile.

18 And I want to know what your evidence is  
19 for that.

20 A I'm suing them. My evidence is right  
21 here. Hey, whenever you tell somebody that you  
22 cannot communicate with an APS employee by phone,  
23 e-mail, text or in person, and you're trying to tell  
24 me they wouldn't put something out like I'm a  
25 pedophile, when they want to just totally disregard

1 any rights and freedoms that I have as relates to my  
2 First Amendment, and then give me no due process,  
3 and you want me to say that they're -- come on, now.

4 **Q Mr. Dyer, you've never heard anybody**  
5 **employed by APS or that works for APS call you a**  
6 **pedophile, have you?**

7 A Yes, I have.

8 **Q Who?**

9 A When I was at -- volunteering at Kennedy  
10 Middle School, this guy Lucius Brown, who got caught  
11 up in the cheating scandal, had this report and made  
12 a comment that they know of Nate Dyer, who hangs  
13 across the street from time to time after school.

14 So what is that referencing? That's,  
15 basically, saying I'm a pedophile.

16 **Q Did he use the word pedophile?**

17 A Do you have to use the word to describe an  
18 individual, who -- you know, working on behalf of  
19 children, who's running a business.

20 **Q When did that take place? When did**  
21 **Mr. Brown say that to you?**

22 A I can't -- can't remember. I can't  
23 remember.

24 **Q Was it before 2016?**

25 A Oh, yeah, it was before that time.

1 Q Okay. So before any of this -- the events  
2 that serve as the basis for your lawsuit, Mr. Brown  
3 made that statement.

4 Is that what you're saying?

5 A Yes.

6 Q Okay. And you never heard of anybody on  
7 the board or anybody in the senior management of the  
8 district or its legal counsel refer to you as a  
9 pedophile.

10 Isn't that correct?

11 A Not from them personally.

12 Q Not from them personally. Okay.

13 In fact, you never heard a single APS  
14 employee either say or put in writing that you are a  
15 pedophile.

16 Isn't that correct?

17 A That's correct.

18 Q Okay. Did you do any legal research to  
19 find jury verdicts, jury judgments, in any past  
20 cases?

21 A Yes, I did.

22 Q Okay. And so how did you come up with  
23 \$10 million as the amount you think that you're  
24 entitled to?

25 A Well, one thing, there was a court case in

1 Albuquerque, New Mexico, with Charles Chad  
2 McQuewick. And he sued the district pretty much for  
3 the same thing, except mine is a little more  
4 extreme. And then there was Sear versus Addison  
5 Rutland that was a case. But, of course, that was a  
6 smaller school district.

7 Q And they got \$10 million?

8 A Oh, no. Those were smaller school  
9 districts.

10 Q Then how did you come up with \$10 million  
11 as the amount that you're entitled to, even though  
12 it didn't -- even though the actions didn't affect  
13 your compensation, even though you haven't sought  
14 any medical treatment, and even though it didn't  
15 cause you to start taking any medication, how did  
16 you come up with that number?

17 A Did my research, for one thing. You don't  
18 have to have seen a doctor just to say that you've  
19 been emotionally distressed and over -- even though  
20 it was outside the statute of limitations, but APS  
21 has put a lot of harassment, a lot of slander out on  
22 me, those type of things. And then the heinousness  
23 of violating my constitutional rights.

24 And then, to boot, a law firm,  
25 Nelson & Mullins, who are complicit in it. You guys

1 are complicit in it and pushing this whole thing up,  
2 violating my First Amendment and 14th Amendment  
3 rights. Mr. Warco, you as well, and Mr. Brock.

4 To sign off on this last statement to say  
5 I can't talk to anybody with any communication,  
6 that's heinous.

7 **Q And you think that entitles you to**  
8 **\$10 million of taxpayer funds. That's a lot of**  
9 **money.**

10 A Well, my -- it's about accountability.  
11 You know, when a person is trying to do the right  
12 thing in life, and then work on behalf of children,  
13 and I'm treated like a criminal -- you've seen the  
14 videos. I'm just harangued by three officers,  
15 pulled out in front of people, who I have -- they  
16 have confidence in me to represent their kids. I've  
17 got to be faced with questions, Well, what's going  
18 on, what's this? But then their skepticism.

19 **Q You think that the image of you -- you**  
20 **being escorted out of the meeting is harmful to your**  
21 **reputation?**

22 A The word nigger bothers you. How about  
23 being harassed every time -- or having a sudden  
24 feeling of emotion every time you see a blue  
25 uniform. That's beyond words.

1 Q What do you mean, a blue uniform?

2 A Police officers, security. You know, the  
3 thought that, hey, they're going to just --

4 And, see, all of this happened during the  
5 period of time when a lot of black men were gunned  
6 down. So let's go to this pedophile rumor and this  
7 latest thing that they're looking for me. Say I'm  
8 out at a grocery store, and then somebody calls  
9 9-1-1, and I react in a different manner, I'm dead.

10 You can't fathom that, can you?

11 Q I don't understand how that --

12 A If --

13 Q Has that happened to you?

14 A If this parent talking to this lady in the  
15 Atlanta Public Schools says that I'm a pedophile,  
16 and they're looking for me, and I happen to be  
17 somewhere in the community, and somebody recognizes  
18 my picture, and says, Hey, I see the guy, and they  
19 call 9-1-1, I could be dead.

20 Q But, Mr. Dyer, you can't attribute that  
21 rumor to anybody at APS. You don't have any  
22 evidence.

23 A You see why -- you say historical context,  
24 you wouldn't understand. You see, you want to be  
25 offended by the word nigger, coons and all that

1 stuff. But, see, you don't understand the true  
2 essence of black life.

3 Q That's probably --

4 A And just how -- and how reputation is  
5 everything. And how a person like myself can be  
6 easily targeted or murdered by senselessness of the  
7 things that they spew out.

8 Q But you attended board meetings since your  
9 suspension ended; correct?

10 A I have.

11 Q And you were -- you were left alone;  
12 right?

13 A Because of this.

14 Q Okay.

15 A Before then, harassed, harassed, wherever  
16 I go, harassed. But I stayed in the fight for the  
17 children.

18 Q Well, you also didn't use any racial  
19 slurs --

20 A I'll tell you --

21 Q -- after that, did you?

22 A -- I've been consistent. I've been  
23 consistent the entire time. You see, one thing  
24 you'll find about me, I've been consistent. I've  
25 had these flyers since 2009. I know the parameters



1 in which I speak.

2 So why am I going to lose my mind in three  
3 instances back to back to back for two and a half  
4 years, when they don't have -- even have a policy of  
5 suspending. They don't even have a due process law.  
6 So I was targeted.

7 Q Have you lost any work, any graphic design  
8 work, as a result of your suspensions?

9 A I don't know.

10 Q You don't know. Okay.

11 You testified earlier that the district  
12 should be using its educational funds for  
13 educational purposes.

14 Do you remember saying that?

15 A Yeah, I do remember that.

16 Q But you would be okay if the district took  
17 \$10 million out of its budget and gave it to you;  
18 correct?

19 A I'll tell you this, they should be held to  
20 highest standard when they violate a person's  
21 rights.

22 I will tell any parent or any person in  
23 the community, say if I'm elected on the board, if  
24 your rights are violated, you sue, you do whatever  
25 you need to do to make yourself whole. That's why I

1 advocate on behalf of children.

2 So, yeah, I mean when the school system --  
3 you see, here I am -- now, mind you, two  
4 opportunities are allowed to go. Did I sue? No.  
5 Two opportunities which I knew were heinous. The  
6 third one was over the board. So at a certain point  
7 in time in life you have to stand up and fight.

8 Q What do you mean two -- what do you mean?

9 A I was suspended three times.

10 Q Uh-huh.

11 A I didn't file anything the first time.

12 Tried to communicate and operate with them. Now,  
13 the second time, seemed like they wanted to escalate  
14 things.

15 So I did my part. But, you see, the third  
16 time, it's not getting through to them.

17 Q But you did reference -- you did name  
18 those instances in your complaint.

19 A What I'm saying is I didn't file a suit.

20 Q But you did file a suit.

21 And in your complaint --

22 A After the third --

23 Q -- you name --

24 A Oh, sorry, sorry.

25 Q Your complaint names -- references all

1 **three suspensions; correct?**

2 A You've got to have reference. Again, I  
3 allowed those two -- the first one, I probably could  
4 have sued. No. Second one, I probably could have  
5 sued. But, see, the third time is the charm.

6 So you have to understand that I gave the  
7 system time. But in that time you all escalated  
8 things against a person who -- on words, two  
9 four-minute comments. And I'm suspended for  
10 six months, a year, just any type of thing you want  
11 to throw out. No consistency. Then no care for  
12 my -- not to set foot on any property, based on one  
13 or two words.

14 All of my life's -- giving up my life and  
15 time for children reduced down to four -- three or  
16 four words. And then you want to ask me about  
17 \$10 million, when you started getting harassed by  
18 police officers, and you have to worry about your  
19 moves and your life.

20 **Q Are APS police officers harassing you**  
21 **outside of APS property?**

22 A I tell you what they did.

23 **Q That's a yes or no question.**

24 A So what's that?

25 **Q Are they harassing you outside of APS**

1 **property, APS police officers?**

2 A Well, they came to my house.

3 **Q To deliver a letter.**

4 A Yeah, at 7:00.

5 **Q At 7:00 p.m.?**

6 A I put the time down, as close to 7:00,  
7 when they came to my house.

8 **Q Okay. And they delivered a letter and**  
9 **left?**

10 A Well, they came up to the -- walked up the  
11 driveway, parked in the street. Just like, What's  
12 going on? You know, it's evening time. You know,  
13 this guy still on the clock?

14 And I'm at a school, at a meeting, where  
15 they delivered this last letter and want to call  
16 Atlanta Police Department and have them staring at  
17 me. If I was to say one word, I would have been  
18 arrested.

19 And people wonder, Well, why the police  
20 here, why are the police here?

21 **Q You have a TV station; is that correct?**

22 A No, I don't.

23 **Q You don't have a TV station?**

24 A Do I own a TV station?

25 **Q Well, do you have a show?**

1 A I used to have a show.

2 Q **When -- what dates did you have a show?**

3 A It was on Monday night. Was it Monday? I  
4 can't remember the night. But it was a public  
5 access show.

6 Q **Do you know what channel it was on?**

7 A People TV, Channel 24.

8 Q **When did that show end?**

9 A I'm not sure, not sure.

10 Q **Was it in the last -- was it in 2018?**

11 A I don't know.

12 Q **Okay. Was it before or after your -- the**  
13 **suspensions?**

14 A I believe it was -- well, I don't -- I  
15 don't know. I -- I'm not sure.

16 Q **What's your best guess?**

17 A Maybe after, maybe after the suspensions.

18 Q **You think it was after?**

19 A I believe it was.

20 Q **What kind of -- how long was the show?**

21 **How long was each episode?**

22 A An hour.

23 Q **An hour. Okay.**

24 **And what kind of show was it?**

25 A Pretty much dealing with education,

1 issues, community concerns.

2 Q Did you speak on your concerns about the  
3 treatment of APS students and the sort of  
4 inequality-related concerns?

5 A That was the main brunt of it, yes.

6 Q That was the main -- okay.

7 Did you speak -- did you criticize the  
8 board of education or the superintendent?

9 A Yes.

10 Q Okay. Were you able to express the same  
11 sort of concerns that you were trying to express in  
12 public comment?

13 A Oh, yes. I had more time, yes.

14 Q You had more time. Okay.

15 Do you know why it ended? Why did the  
16 show end?

17 A They just had some management changes.  
18 And when they got back together, I just said, Hey,  
19 let me just move on.

20 Q Okay.

21 A Yeah.

22 Q Take a look at your initial disclosures  
23 again, if you would.

24 See on page 18 it has the bullet points.  
25 It says, Accused Plaintiff of fighting a child at

1 school and was falsely arrested during the  
2 Chief Sands era?

3 A Right.

4 Q When did that happen?

5 A I believe it was 2000 -- around 2006.

6 Q Around 2000 -- okay. Around 2006. All  
7 right.

8 MR. MOULARD: That's all I have. Thank  
9 you.

10 THE REPORTER: Read or waive?  
11 (Discussion off the record.)

12 MR. WARCO: You have the right to read  
13 whatever she writes on the transcript.

14 THE WITNESS: Okay.

15 MR. WARCO: And if you think there are  
16 errors that -- that she made when you were  
17 making your testimony --

18 MR. MOULARD: Like transcription errors.

19 MR. WARCO: -- in the transcript, you can  
20 say this is an error, or you can say forget it,  
21 I trust her.

22 It's your choice, if you want to read it.  
23 You have like, what, 30 days -- once she --  
24 once she gets it to you, you would have 30  
25 days --

1 THE WITNESS: Okay.

2 MR. WARCO: -- to fix it.

3 THE WITNESS: All right.

4 MR. WARCO: Is that what you want to do?

5 THE WITNESS: Oh, yeah. I would like to  
6 do that.

7 MR. WARCO: So he wants to read it.

8 MR. MOULARD: Can we put a rush on this?

9 THE REPORTER: Sure.

10 (Discussion off the record.)

11 THE REPORTER: Paper and electronic or  
12 electronic only?

13 MR. MOULARD: Electronic, please.

14 (Pursuant to Rule 30(e) of the Federal  
15 Rules of Civil Procedure and/or O.C.G.A.

16 9-11-30(e) signature of the witness has been  
17 reserved.)

18 (Deposition was concluded at 2:00 p.m.)

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COURT REPORTER CERTIFICATE

STATE OF GEORGIA:  
COUNTY OF FULTON:

I hereby certify that the foregoing transcript was reported, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages represent a true, complete and correct transcript of the evidence given upon said deposition, and I further certify that I am not of kin or counsel to the parties in the case; am not in the employ of counsel for any of said parties; nor am I in any way interested in the result of said case.

---

Mari B. Temple, RPR, CMRS  
Certified Court Reporter  
Certificate Number 2844

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DISCLOSURE OF NO CONTRACT

I, Mari B. Temple, RPR, Certified Court Reporter, do hereby disclose, pursuant to Article 10.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, that I am a Georgia Certified Court Reporter; I was contacted by the party taking the deposition to provide court reporting services for this deposition; I will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37(a) and (b) or Article 7.C. of the Rules and Regulations of the Board; and I am not disqualified for a relationship of interest under O.C.G.A. 9-11-28(c).

There is no contract to provide services between myself or any person with whom I have a principal and agency relationship, nor any attorney at law in this action, party to this action, party having a financial interest in this action, or agent for an attorney at law in this action, party to this action, or party having a financial interest in this action. Any and all financial arrangements beyond my usual and customary rates have been disclosed and offered to all parties.

This 6th day of September, 2019.



---

Mari B. Temple, RPR, CMRS  
Certified Court Reporter  
Certificate Number 2844

1 CASE: NATHANIEL BORRELL DYER vs 1:18- ATLANTA INDEPENDENT SCHOOL SYSTEM

2 NAME OF WITNESS: Nathaniel Borrell Dyer

3 The preceding deposition was taken  
4 in the matter, on the date and at the time and  
5 place set out on the title page hereof.

6  
7 It was requested that the deposition  
8 be taken by the reporter and that same be  
9 reduced to typewritten form.

10  
11 It was agreed by and between counsel  
12 and the parties that the deponent will read and  
13 sign the transcript of said deposition.

14  
15 Said jurat is to be returned within  
16 30 days following receipt of the transcript to  
17 the following address:

18  
19 Elizabeth Gallo Court Reporting, LLC  
20 2900 Chamblee Tucker Road  
21 Building 13, First Floor  
22 Atlanta, Georgia 30341

23  
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25

1 NAME OF CASE: NATHANIEL BORRELL DYER vs 1:18- ATLANTA INDEPENDENT SCHOOL SYSTEM  
DATE OF DEPOSITION: 09/03/2019  
2 NAME OF WITNESS: Nathaniel Borrell Dyer  
3 EGCR Job No.: 60934

4 CERTIFICATE

5 Before me this day personally  
appeared NATHANIEL BORRELL DYER, who, being duly  
6 sworn, states that the foregoing transcript of  
his/her deposition, taken in the matter, on  
7 the date and at the time and place set out on  
the title page hereof, constitutes a true and  
8 accurate transcript of said deposition.

9 \_\_\_\_\_  
10 NATHANIEL BORRELL DYER

11 SUBSCRIBED and SWORN to before me  
12 this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.  
13 in the jurisdiction aforesaid.

14  
15 \_\_\_\_\_  
My Commission Expires Notary Public

16 STATE OF \_\_\_\_\_

17 COUNTY/CITY OF \_\_\_\_\_

18

19  No changes made to the Errata Sheet;  
20 therefore, I am returning only this signed,  
21 notarized certificate.

22  I am returning this signed,  
23 notarized certificate and Errata Sheet with  
24 changes noted.

25

1 Errata Sheet

2 NAME OF CASE: NATHANIEL BORRELL DYER vs 1:18- ATLANTA INDEPENDENT SCHOOL SYSTEM

3 DATE OF DEPOSITION: 09/03/2019

4 NAME OF WITNESS: Nathaniel Borrell Dyer

5 Reason Codes: 1. To clarify the record

6 2. To correct transcription errors

7 3. Other

8 \_\_\_\_\_  
8 \_\_\_\_\_

9 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_

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11 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_

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24 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

25 Nathaniel Borrell Dyer

1 Errata Sheet

2 NAME OF CASE: NATHANIEL BORRELL DYER vs 1:18- ATLANTA INDEPENDENT SCHOOL SYSTEM

3 DATE OF DEPOSITION: 09/03/2019

4 NAME OF WITNESS: Nathaniel Borrell Dyer

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23

24 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

25 Nathaniel Borrell Dyer

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

NATHANIEL BORRELL DYER,

Plaintiff,

v.

Civil Action No. 1:18-CV-03284-TCB

ATLANTA INDEPENDENT SCHOOL  
SYSTEM,

Defendant.

**AMENDED NOTICE OF DEPOSITION  
OF PLAINTIFF NATHANIEL BORRELL DYER**

To: Mr. Nathaniel Borrell Dyer  
202 Joseph E. Lowery Boulevard, NW  
Atlanta, GA 30314

PLEASE TAKE NOTICE that Defendant will take your deposition upon oral examination, pursuant to Rule 30 of the Federal Rules of Civil Procedure, commencing at 10:00 a.m. on September 3, 2019, at the offices of Nelson, Mullins, Riley & Scarborough, LLP, 201 17<sup>th</sup> Street, NW, Suite 1700, Atlanta, GA 30363.

This deposition will be taken before a notary public or some other official authorized to administer oaths and authorized by law to take and transcribe said deposition from day to day as required until concluded. The deposition will be transcribed by a court reporter and a videographer.







The deposition will be taken for the purposes of discovery for use at trial or for other purposes such as are permitted under the applicable statutes or rules of Court.

This 15<sup>TH</sup> day of August, 2019.

*/s/ Brandon O. Moulard* \_\_\_\_\_

Laurance J. Warco  
Georgia Bar No. 736652  
Brandon O. Moulard  
Georgia Bar No. 940450  
MaryGrace K. Bell  
Georgia Bar No. 330653  
*Attorneys for Defendant*

**NELSON MULLINS RILEY & SCARBOROUGH LLP**

Atlantic Station / 201 17th Street, NW / Suite 1700

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(404) 322-6000 (phone)

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[marygrace.bell@nelsonmullins.com](mailto:marygrace.bell@nelsonmullins.com)



**CERTIFICATE OF SERVICE**

This is to certify that on this date I served the foregoing **AMENDED NOTICE OF DEPOSITION OF PLAINTIFF NATHANIEL BORRELL DYER** by depositing a copy of the same in the United States Mail in a properly addressed envelope with sufficient postage affixed thereto to ensure delivery to the following:

Mr. Nathaniel Borrell Dyer  
202 Joseph E. Lowery Boulevard, NW  
Atlanta, GA 30314

This 15<sup>TH</sup> day of August, 2019.

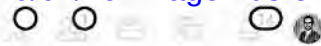
/s/ Brandon O. Moulard  
Laurance J. Warco  
Georgia Bar No. 736652  
Brandon O. Moulard  
Georgia Bar No. 940450  
MaryGrace K. Bell  
Georgia Bar No. 330653  
*Counsel for Defendant Atlanta Independent  
School System*

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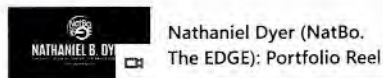
Highlights

Reach out to Nathaniel for... Mentoring, Contracting and freelancing, Paid consulting.

Message Nathaniel

About

A great talent and pleasure to work with, Nate enjoys pushing the creative edge in the ever changing world of graphic design and brand marketing. Being a studied professional in the industry for 15+ years, Nate has hands on experience in bringing creative solutions to just about every design scenario known to man and beast alike. From frantic ... see more



Experience

Freelance Senior Art Director

Cerebral Inc. 2018 - Present · 1 yr Greater Los Angeles Area

Cerebral Inc. is a California based App development company which creates cutting edge UX and UI for internal and external clientele.

- Works collaboratively with a team of developers, programmers and copywriters to build great user and brand experiences
- Directs client interaction experience by building relationships, understanding client vision/direction and presenting designs and concepts.
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Creative Director/Senior Art Director

NatBo. The EDGE 2000 - 2018 · 18 yrs Atlanta, Georgia

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- Developed web sites from concept to completion using WordPress, CSS and HTML5 See more



**Senior Art Director**

Bank of America  
1998 – 2000 2 yrs  
Greater Atlanta Area

Bank of America Corporation is ranked 2nd on the list of largest banks in the United States by assets It was ranked #11 on the Forbes Magazine Global 2000 list of largest companies in the world

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+3



**Art Director**

Verizon Wireless  
1997 – 1998 1 yr  
Greater Atlanta Area

MCI Inc was an American telecommunication corporation, currently a subsidiary of Verizon Communications, with its main office in Ashburn, Virginia

- Won Bravo Award for design execution and timely delivery of concepts for ExxonMobi See more



**Graphic Designer/Art Director**

Aquent  
1996 – 1998 2 yrs  
Greater Atlanta Area

Aquent provides staffing solutions to marketing and creative services organizations in global companies

- Built strong relationships with clients by implementing design objectives with precision See more

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**Education**



**University of Southern Mississippi**

Graphic Design  
Activities and Societies Advertising Presentation Team Intramural Sports

**Volunteer Experience**

**Executive Director and Founder**

KIDS FIRST! Global Inc  
2005 – Present + 14 yrs  
Children

KIDS FIRST! is a youth organization that provides free breakfasts and lunches during the summer for children up to age 18 It also provides mentoring and advocacy for children k-12 in our various school systems

**Skills & Endorsements**

Adobe Creative Suite 23

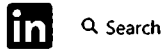
Kimberly Brooks, B A and 22 connections have given endorsements for this skill

Messaging









### Graphic Design 18

Cassandra Carter and 17 connections have given endorsements for this skill

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### Recommendations

Received (1) Given (1)



**James Wylie**  
President at Atlanta Booklet  
Printing Company  
March 21, 2012, James was a  
client of Nathaniel's

Nate has provided a high level of professional service for my company's time sensitive design projects, his work is on point and on time. Nate brings to the table a passion for his work and an understanding of customer service. He definitely knows his craft and consistently exceeds expectations. I highly recom See more

### Interests



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English (English)





# LET'S KEEP BOOKER T. WASHINGTON AND FREDERICK DOUGLASS HIGH SCHOOLS OPEN FOR OUR CHILDREN!

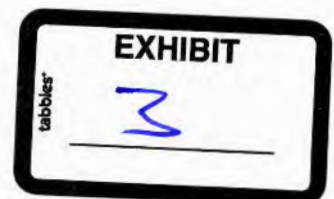
Not just campaign promises ... A platform for progress



**COMMUNITY  
ENGAGEMENT**

- ✓ Ensure that the community is well informed on all school matters
- ✓ Work in a spirit of collaboration with parents and stakeholders
- ✓ Represent the voice of the children and community


The graphic features the text 'COMMUNITY ENGAGEMENT' in large, bold, white letters on a black background. Below the text is a white pencil and two apples. The background also has faint, light-colored text that appears to say 'KIDS FIRST!'.






# CHAMPION SCHOOLS



- ✓ Ensure that Washington and Douglass Cluster Schools remain open and high performing
  - ✓ Increase the distribution of resources provided to District 2
  - ✓ Change the reputation of low performance to one of greatness
- 


# STAFF SUPPORT




- ✓ Ensure staff is equipped with the necessary tools for student success
  - ✓ Eradicate the culture of fear and intimidation within the system
  - ✓ Provide forums for staff to have a voice on decisions that affect them
- 




# SCHOOL SECURITY



- ✓ Ensure that resource officers are trained and emergency ready
  - ✓ Destroy the environment for bullying and train staff to recognize the signs
  - ✓ Meet outside of the school to bridge gaps with the community
- 

# STANDARDIZED TESTING



- ✓ Limit the number of tests students have to take within a school year
  - ✓ Place more time on character education and the arts
  - ✓ Allow teachers to be more creative with classroom instruction
- 









**CANDIDATE FORUM**

**Tuesday, September 10, 2019 @ 6 - 8 p.m.**

Lindsay Street Baptist Church (550 Lindsay Street NW - Atlanta, Georgia 30314)

**MEET AND GREET**

**Saturday, September 14, 2019 @ 10 a.m. - noon**

West Atlanta Watershed Alliance (1442 Richland Rd SW - Atlanta, GA 30310)

**ATLANTA BOARD OF EDUCATION SPECIAL  
ELECTION**

**Tuesday, September 17,  
2019**

# **MERCHANDISE**

VOLUNTEER OR DONATE A MINIMUM OF \$25 AND GET YOUR CAMPAIGN T-SHIRT!





FRONT

BACK





Campaign Wishes from Social Media



*You have been appointed AND anointed for such a time as this.*

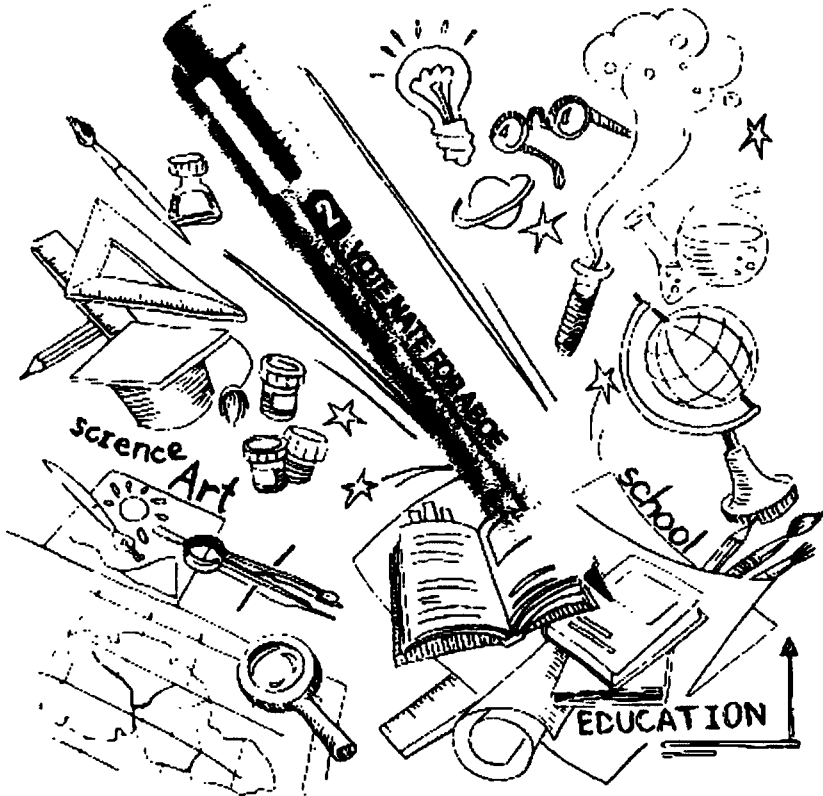
W. Whiteside





# THE FUTURE OF OUR CHILDREN'S SCHOOLS AND OUR COMMUNITY DEPENDS ON THIS ELECTION

Nate possesses a vision for progress, a voice of advocacy and real-time experience to get the job done for our children's success.



The children within District 2 are some of the brightest, gifted and most talented students in the world. However, they are systematically deprived of essential resources that all school districts should have. Hello, my name is Nathaniel Borrell Dyer and I am running to be your next Atlanta Board of Education (ABOE) District 2 representative. For far too long, we have had run-of-the-mill representation that deprived our children and our district of the progress necessary to stabilize our schools. Communication, which is a critical component of public service, was lackluster or none at all. The community was informed of board decisions only after they were made. Our



neighborhood traditional schools were closed and merged then replaced by non-traditional schools. This created over crowding and discipline problems at the newly merged school. The cries of the children and their parents were drowned out by private interests.

This year, Atlanta Public Schools will spend \$900,000 developing a facilities master plan to guide decisions about consolidating and building schools and changing attendance zone boundaries. This election is highly important for our schools and communities. With the poor reputation of Atlanta and its thriving history of development, families are being forced out of their homes when they should be growing with development. There are few, if any, opportunities planned for our children to be a critical part of the ever changing landscape of their communities. Billions of dollars are being used for parks, high rises and stadiums while our children's schools are being closed. The future of District 2 will have a sad ending if this cycle continues.

As your next District 2 representative, I will ensure that our children will no longer be used as scapegoats for failure. Instead, they will be shining examples of what student success looks like. Our children will be well-rounded and properly prepared to compete on the world stage. With your help, we can accomplish this and more on the behalf of our children.

I am excited about the possibilities of what we can achieve together as a district. Let's work together and win this election for our children who deserve a great education. With your vote, I promise to lead District 2 into a new horizon of success with honesty, integrity and the tenaciousness required.



Nathaniel B. Dyer





## DONATE

### **SUPPORT OUR CAUSE!**

Your contribution will go a long way to support our mission!

## VOLUNTEER

### **JOIN OUR TEAM!**

Please complete our volunteer form. We look forward to having you aboard.

## CONTACT US

### **WE NEED YOUR VOTE!**

If you have any questions, feel free to contact us. We will get back to you as soon as possible.

---

## **WORK WITH US**

Help our campaign reach it's goal of electing Nate as our next ABOE District 2 representative.



© 2019 All rights reserved. The Campaign to Elect Nathaniel B. Dyer.





# THEY ERASED ANSWERS. I ERASE BLACK SCHOOLS.

- "RACE IS NOT A FACTOR" - EROLL "BIGSBY" DAVIS -



## ALL I NEED IS 5 VOTES!

**KNOW YOUR BOARD**  
**ATLANTA PUBLIC SCHOOLS**



**EROLL DAVIS** Supt.  
eroll.davis@atlpubschoo.ga.gov



**BYRON AMOS**  
byron.amos@atlpubschoo.ga.gov



**REUBEN MEDANIEL**  
reuben.mcdaniel@atlpubschoo.ga.gov



**YOLANDA JOHNSON**  
yolanda.johnson@atlpubschoo.ga.gov



**COURTNEY ENGLISH**  
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**EVENDA J. MUHAMMAD**  
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**EMMETT JOHNSON**  
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**CECILY HAROSH-KINNANE**  
cecily.harosh@atlpubschoo.ga.gov



**LACHANDRA D. BUTLER-BURKS**  
lachandra.butler@atlpubschoo.ga.gov



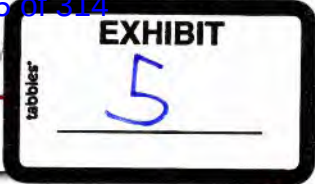
**NANCY MEISTER**  
nancy.meister@atlpubschoo.ga.gov

Designed by Nathaniel B. Dyer, Organizer - Trump Light





Would you like to receive news alerts from WSB?



### BREAKING NEWS

Dorian upgraded to Category 1 hurricane; could impact Georgia coast

1/3 >

# School closing flier depicts superintendent in Klan robes

By: Richard Elliot

Updated: Apr 6, 2012 - 5:03 PM



**ATLANTA** - School and neighborhood groups are quickly distancing themselves from a controversial flier opposing Atlanta Public Schools Superintendent Erroll Davis' redistricting plan. The flier depicts Davis wearing Ku Klux Klan robes surrounded by five people also wearing hooded robes.

Graphic artist Nathaniel Dyer told Channel 2's Richard Elliot he created the flier and called it "psychological warfare."

Dyer opposes Davis' redistricting plan because he believes it unfairly targets predominantly African-American schools for closure. Dyer does not have any children in the school district.



Would you like to receive news alerts from WSB?

Yes

Not Now



The plan has drawn a lot of opposition from neighborhood groups who want to keep their local school open, including residents of Peoplestown. Their local school, D.H. Stanton, was not on the preliminary closure list, but did make the final list.

Someone passed out the controversial fliers at a meeting between parents and APS representatives at D.H. Stanton Thursday night, but Peoplestown residents were quick to condemn it.

"I thought it was appalling, disgusting, crass, bigoted, incendiary -- all the things that you hate about misinformation that gets distributed," said Rev. Claiborne Jones, the director of Emmaus House. "It had nothing to do with us. We need to get that word out that we completely condemn this particular brochure."

Across town, Towns Elementary supporter Joyce Grangent echoed Jones' sentiment.

"I really think that's over the top," said Grangent. "While we don't agree with the superintendent's decisions, I definitely would not classify him as a Klansman. So I think that's over the top."

An APS spokesman said the flier was not worthy of comment.

Dyer vows to continue distributing the flier even though neighborhood groups oppose him.

"I can respect their tactics and I just have mine. I'm not asking them to sign off on it or anything like that," he said.

The Atlanta School Board will vote on the school closures next week.

<http://bcove.me/wfn98jd8>

## Trending - Most Read Stories

1st

2nd

3rd

**Dorian upgraded to Category 1 hurricane...**

**Sen. Johnny Isakson to resign at the end of the...**

**Victim kills bridge...**



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LIVE

## News

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- News Video
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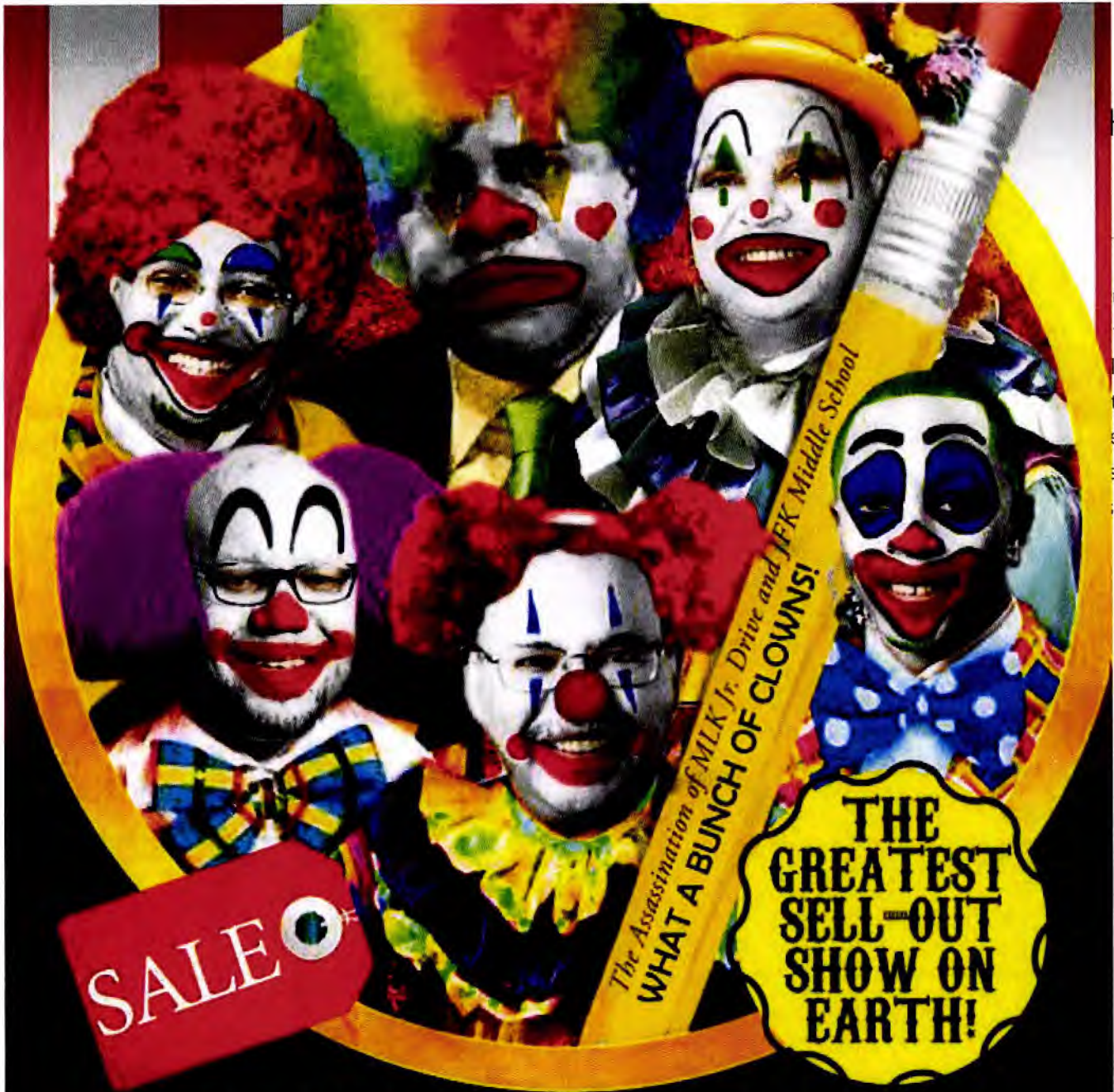
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**JOHN FITZGERALD KENNEDY MIDDLE SCHOOL**  
**SAVE OUR SCHOOL**  
**FROM THESE CLOWNS!**

MAYOR KASIM "COLD AS 2 INCHES OF ICE IN ATLANTA" REED COUNCILMEN IVORY LEE "THE OVERSEER" YOUNG  
 & MICHAEL JULIAN "DOUBLE O DO NOTHING" BOND SCHOOL BOARD MEMBERS BYRON "THE MASTERMIND" AMOS  
 & COURTNEY "PASS THE BUCK TO AMOS" ENGLISH SUPERINTENDENT ERROLL "BIGSBY" DAVIS

*Designed by Nathaniel B. Dyer, Founder - Trump Fight • www*

tabbles

**EXHIBIT**

6

HC  
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# THEY ERASED ANSWERS. HE ERASED BLACK SCHOOLS.



## I SWEEP BLACK SCHOOLS UP INTO CLUSTERS FOR STATE TAKEOVER AND PRIVATIZATION.



**ATLANTA PUBLIC SCHOOL BOARD OF INEPT AND INEQUITABLE FLYING MONKEYS**

*This flyer is dedicated to the gifted and highly qualified educators whose positions are being abolished for the sake of Belilines, Open Air Stadiums and School Takeovers by buffoons.*

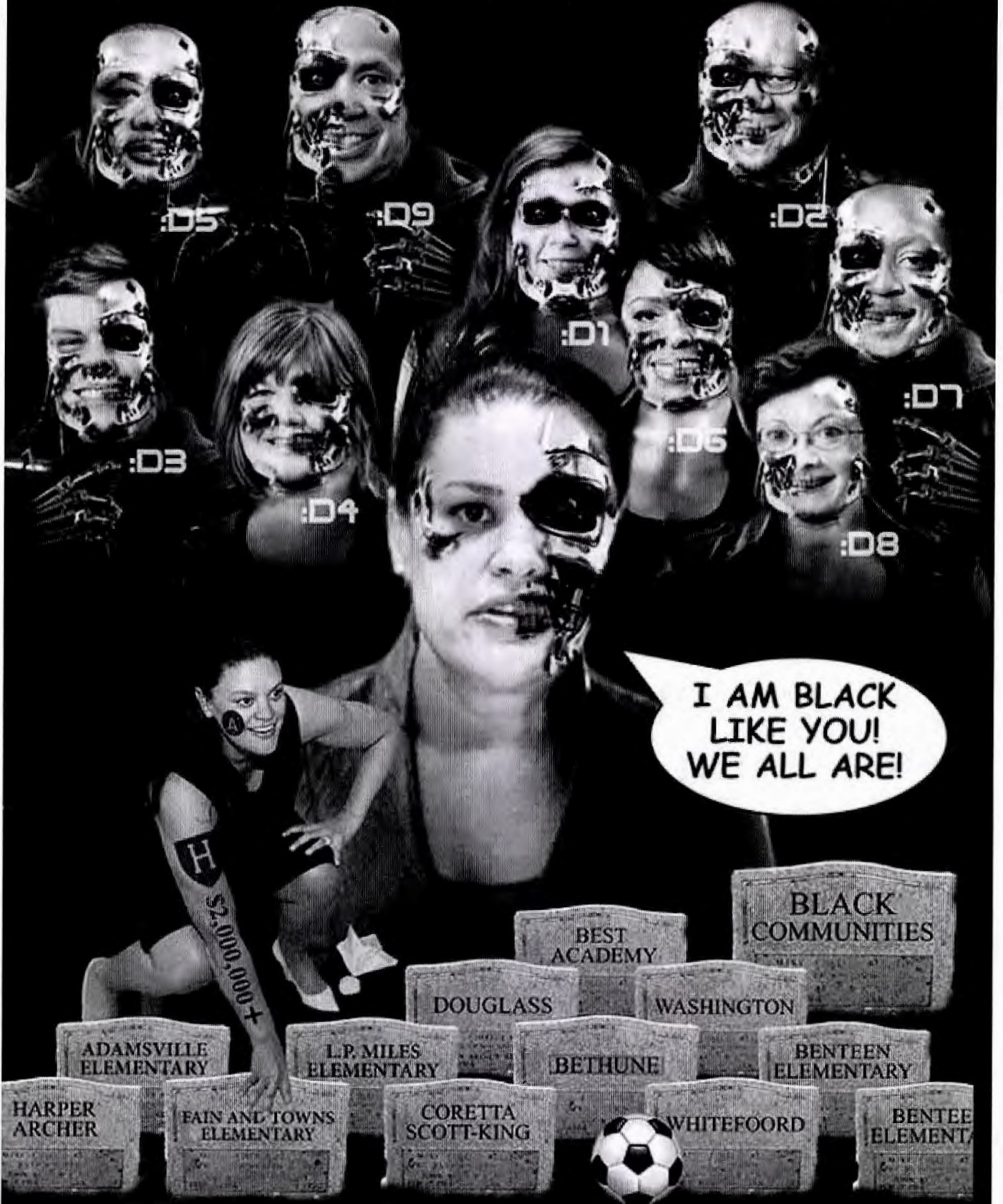
*Designed by Nathaniel B. Dyer - TrumpLight.org*

tabbles

**EXHIBIT**

7





THE  
**TERMINATOR**  
 OF BLACK SCHOOLS IN ATLANTA

EXHIBIT

8

tabbles





Book	Board Policy Manual
Section	1. Governance & School Board Operations
Title	Board Meetings - Public Comment
Code	BC-R(1)
Status	Active
Adopted	July 9, 2012
Last Revised	November 2, 2015

All Atlanta Board of Education meetings, other than executive sessions, shall be open to the public. Meetings shall be advertised by meeting notices posted at the Atlanta Public Schools (APS) Center for Learning and Leadership (CLL), notifications in the news media, and other appropriate means such as the APS Web site. Opportunities for public comments shall be provided at one or more meetings prior to a meeting where official board action is taken.

Public comment opportunities are available for the board to hear from interested members of the community. Board members do not provide responses or engage in direct conversation during public hearings. If stakeholders wish to receive an answer to a specific question, inquiries should be directed to the board office. For public hearings and the monthly community meetings, stakeholders may request a response by completing a written comment form at the speaker sign-in table. Members of the community may also submit public comments to the board at the following email address: boardcomments@atlantapublicschools.us.

## **Guidelines for Receiving Public Comment**

### **A. Board Work Sessions for Presentations and Discussion**

1. Work sessions shall be scheduled as necessary for the board to review and discuss pending issues and to receive presentations from the administration.
2. The work session agenda shall be posted online and in the CLL. The news media shall be notified of the date, time, place and agenda at least 24 hours in advance.
3. No official board action shall be taken during a work session.
4. Minutes shall be kept of all work sessions. Following official approval, work session minutes are open to the public.
5. Work sessions shall be open to the public, however, time will not be provided for public comment.

### **B. Public Hearings**

1. The board will conduct all legally required public hearings in accordance with state statute and these guidelines.







2. At its discretion, the board may schedule public hearings for the purpose of receiving public comment on topics of high public interest or concern.
3. Public hearing notices shall be posted in the CLL and local schools, as well as distributed via various outlets such as news media, APS websites, and e-mail as appropriate.
4. Stakeholders wishing to speak during a public hearing must sign up at least 10 minutes before the start of the hearing at the sign-in table.
5. Elected officials may request time to address the board by contacting the board office.
6. Each speaker shall be heard only once during the hearing. The board shall allocate one hour for public comment during public hearings.
7. Each speaker will be given up to two (2) minutes. At the end of the two-minute limit, individuals will be asked to end their comments and leave the podium. The board may elect to hear community comments in any order or sequence and is not limited by the arrangement shown on the sign-up sheets.
8. Community members presenting highly detailed or complex information are asked to provide a written outline of their comments for the board members.
9. In order to maintain appropriate meeting decorum, follow appropriate protocols, protect the confidentiality of students, and ensure the impartiality of the board, the board will not entertain comments on matters involving individual students, parents or the character, professional competence, or the physical or mental health of an individual. The board will not take public comment on personnel matters that specifically include the names or titles of employees; this includes but is not limited to: contract non renewals, position abolishment, the hiring or firing of staff, and investigative proceedings regarding allegations of misconduct. Communications regarding personnel issues should be sent in writing to: Atlanta Board of Education, 130 Trinity Ave, Atlanta, Georgia 30303 or via email at boardcomments@atlantapublicschools.us.
10. Persons are expected to honor meeting decorum. Applause, cheering, jeering, or speech that defames individuals, stymies or blocks meeting progress will not be tolerated and may be cause for removal from the meeting or suspension and/or adjournment of the meeting by the board.

### **C. Community Meeting**

1. The board shall allocate one hour to hear from the community during the monthly community meeting on any agenda and non-agenda items other than matters listed in section 7 below. If there are more speakers than time allotted, the board may elect to continue the community meeting after the conclusion of its legislative actions.
2. Stakeholders wishing to address the board must register in person at the sign-in table from 5:00 pm to 5:50 pm on the day of the community meeting. When signing up to speak, each person must provide the following information: name, address, telephone number, the agenda item or other topic to be addressed and, if applicable, the group or organization the person represents. An individual may not sign up for another person.
3. First priority will be given to APS students who sign in to speak. Students will be followed by any elected officials who have requested to address the board by contacting the board office in advance of the meeting. Third priority will be given to speakers who sign up to speak on agenda items. Additional speakers will be called in the order in which they signed up to speak.
4. If several individuals from the same group are concerned with the same issue and share the same opinion, they are encouraged to select a spokesperson to represent the group. The board reserves the right to limit repetitive comments.
5. Community members signing up to speak will be given up to two (2) minutes. At the end of the two-minute limit, individuals will be asked to end their comments and leave the podium.
6. Stakeholders presenting highly detailed or complex information are asked to provide a written outline of their comments for the board members.
7. In order to maintain appropriate meeting decorum, follow appropriate protocols, protect the confidentiality of students, and ensure the impartiality of the board, the board will not entertain comments on matters involving individual students, parents or the character, professional competence, or the physical or mental health of an individual. The board will



not take public comment on personnel matters that specifically include the names or titles of employees; this includes but is not limited to: contract non renewals, position abolishment, the hiring or firing of staff, and investigative proceedings regarding allegations of misconduct. Communications regarding personnel issues should be sent in writing to: Atlanta Board of Education, 130 Trinity Ave, Atlanta, Georgia 30303 or via email at [boardcomments@atlantapublicschools.us](mailto:boardcomments@atlantapublicschools.us)

8. Persons are expected to honor meeting decorum. Applause, cheering, jeering, or speech that defames individuals or stymies or blocks meeting progress will not be tolerated and may be cause for removal from the meeting or for the board to suspend or adjourn the meeting. Those wishing to display place cards, signs and/or banners must remain behind the seating area, or on the side of the seating area, and may not block any attendee's view of the proceedings. Place cards, signs and banners may not have wooden or metal sticks or poles attached to them.
9. Minutes shall be kept of all regular school board meetings. After the minutes are officially approved by the board, which is generally at the next meeting, the minutes will be open for public inspection via the online board agenda or by contacting the board office. Copies of board meeting minutes may be requested for a fee of \$0.10 per page.

#### **D. Executive (Closed) Sessions**

1. Closed sessions shall be held pursuant to the Georgia Open Meetings Act and board policy BC Board Meetings.
2. A notice of the closed session shall be posted in the CLL and the news media shall be notified of the date, time, place and purpose of the meeting at least 24 hours in advance.
3. Closed sessions are not open to the public or news media.
4. Records of the meetings shall be consistent with state law.

Last Revised: 11/2/2015

Date Adopted: 7/9/2012

See the statutory charter of the Atlanta Public Schools.

See also:

BC Board Meetings

[O.C.G.A. 50-18-0071 Right of access; timing; fees; denial of requests; impact of electronic records](#)

[O.C.G.A. 50-18-0073 Jurisdiction to enforce article; attorney's fees and litigation expenses; good faith reliance](#)

[O.C.G.A. 50-18-0074 Penalty for violations of Open Records Act; prosecution proceedings](#)

#### **Keywords:**

board work sessions, public hearings, public comments, community, public input









Courtney D. English  
Chair, Atlanta Board of Education  
Center for Learning & Leadership  
130 Trinity Avenue, S.W.  
Atlanta, Georgia 30303  
Phone 404-802-2801  
Fax 404-802-1801  
[www.atlantapublicschools.us](http://www.atlantapublicschools.us)

January 15, 2016

**Via Email (nate@natbotheedge.com) and U.S. Mail**

Nathaniel B. Dyer  
202 Joseph E. Lowery Blvd NW  
Atlanta, GA 30314

**Re: Suspension from Public Comment at Atlanta Board of Education Meetings**

Dear Mr. Dyer:

This letter is to inform you that your privilege to speak at any meeting sponsored by the Atlanta Board of Education (ABOE) is hereby suspended until July 2016.

This action is taken as a result of your public comments during community meeting portion of the January meeting of the ABOE. Using race-based slurs (including the "N" word, "coons," and "buffoons") was outside the bounds decorum that such a setting demands. They were not only disrespectful but were offensive to our board, our superintendent and our staff. Further, those abusive comments failed to advance any meaningful discourse upon which the board or superintendent could possibly act. As Chairman of the Board, I cannot and will not allow such abhorrent and hate-filled epithets, that can create a hostile work environment, during a meeting of an organization where the sole purpose is to advance the education of children. Members of our staff must attend our meetings as well as children along with their families are often present and none of them deserve to be subjected to such behavior.

I would further advise you that any further demonstration of such conduct may result in additional consequences including permanent suspension of your privilege to speak at APS board meetings.

Sincerely,

/s/ Courtney D. English

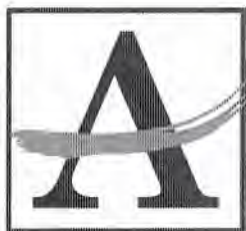
Courtney D. English

cc: Meria J. Carstarphen, Superintendent  
D. Glenn Brock, General Counsel









ATLANTA  
PUBLIC  
SCHOOLS

Courtney D. English  
Chair, Atlanta Board of Education  
Center for Learning & Leadership  
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Atlanta, Georgia 30303  
Phone 404-802-2801  
Fax 404-802-1801  
[www.atlantapublicschools.us](http://www.atlantapublicschools.us)

October 11, 2016

**Via Personal Delivery**

Nathaniel B. Dyer  
202 Joseph E. Lowery Blvd NW  
Atlanta, GA 30314

**Re: Suspension from Public Comment at Atlanta Board of Education Meetings**

Dear Mr. Dyer:

This letter is to inform you that, once again, your privilege to speak at any meeting sponsored by the Atlanta Board of Education ("ABOE") is hereby suspended until December 31, 2017. In addition, this will serve as a trespass warning. You are instructed not to set foot on Atlanta Public Schools ("APS") property for the remainder of this year and next year. If you do, you will be arrested for trespassing. These actions are a direct result of your inappropriate and disruptive behavior at yesterday's October 10, 2016 ABOE meeting.

As you know, on January 15, 2016, you were suspended from speaking at any ABOE meeting because of your use of several racial slurs during the public comment portion of the January ABOE meeting (see attached 1/15/2016 letter from C. English to you). You then attended a town hall meeting and disrupted the meeting being led by Dr. Carstarphen's senior staff. As a result of that behavior, Former APS Chief of Police Sands issued a trespass warning against you, prohibiting you from coming onto school property. (Copy attached). You were notified that any future similar demonstration may result in additional suspensions. Your suspension at that time ended in July 2016.

Nevertheless, on October 10, 2016, you brazenly ignored our previous warnings and again, you used a racial slur when you referred to APS students as "sambos" during the public comment portion of the ABOE meeting. You also referenced on the official sign-in sheet to speak at the ABOE meeting having previously spoken to "[a]ll of these fools." (Copy attached). Your insulting comments, particularly your reference to APS students as "sambos," are completely outside the bounds of civility and, as before, were offensive to the Board, our Superintendent, and our staff and community. Your comments failed to advance any meaningful discourse upon which the Board or Superintendent could possibly act.

In addition to subjecting everyone in the meeting to your offensive language, you refused to leave the podium after I repeatedly directed you to do so. Police ultimately escorted you from





Nathaniel B. Dyer  
October 11, 2016

Page 2 of 2

the meeting room, but you continued to disrupt the meeting by shouting within and outside of the room. We cannot and we will not allow such abhorrent and hate-filled behavior in a meeting of an organization whose sole purpose is to educate children.

I would further advise you that any further demonstration of such conduct may result in additional consequences, including permanent suspension of your privilege to speak at APS board meetings.

Sincerely,

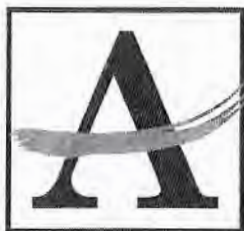
*/s/ Courtney D. English*

Courtney D. English

Enclosures

cc: Meria J. Carstarphen, Superintendent  
Ronald Applin, APS Chief of Police  
D. Glenn Brock, General Counsel





ATLANTA  
PUBLIC  
SCHOOLS

Jason Esteves  
Chair, Atlanta Board of Education  
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130 Trinity Avenue, S.W.  
Atlanta, Georgia 30303  
Phone 404-802-2801  
Fax 404-802-1801  
[www.atlantapublicschools.us](http://www.atlantapublicschools.us)

February 6, 2018

**Via Personal Delivery**

Nathaniel B. Dyer  
202 Joseph E. Lowery Blvd NW  
Atlanta, GA 30314

**Re: Suspension from Public Comment at Atlanta Board of Education Meetings**

Dear Mr. Dyer:

This letter is to inform you that, once again, your privilege to speak at any meeting sponsored by the Atlanta Board of Education (“ABOE”) is hereby suspended for the remainder of my current term as a Board Member. In addition, this letter will serve as a trespass warning. You are also instructed not to set foot on Atlanta Public Schools (“APS”) property for the remainder of my current term as a Board Member. If you do, you will be arrested for trespassing. These actions are a direct result of yet another instance of inappropriate and disruptive behavior by you at yesterday's February 5, 2018 ABOE meeting. This is your *third* violation of ABOE directives to you, and future occurrences will not be tolerated.

As you know, on January 15, 2016, you were suspended from speaking at any ABOE meeting because of your use of several racial slurs during the public comment portion of the January 2016 ABOE meeting. You then attended a town hall meeting and disrupted the meeting being led by Dr. Carstarphen's senior staff. As a result of that behavior, Former APS Chief of Police Sands issued a trespass warning against you, prohibiting you from coming onto school property. You were notified that any future similar demonstration may result in additional suspensions. (Exhibit A – January 15, 2016 Letter). Your suspension at that time ended in July 2016. However, despite that warning, on October 10, 2016, you used a racial slur when you referred to APS students as “sambos” during the public comment portion of the ABOE meeting. That behavior led to another suspension and trespass warning through December 31, 2017. (Exhibit B – October 11, 2016 Letter). You were also warned that similar conduct in the future could lead to additional consequences, including permanent suspension of your privilege to speak at APS board meetings.

Nevertheless, on February 5, 2018, you once again introduced racist and hate-filled epithets at an ABOE meeting. Specifically, you passed out flyers to audience members that contained the phrase “unnigged coming soon” and that contained a picture of Superintendent Carstarphen wearing a photoshopped football jersey with the name “FALCOONS” on it. These insulting





Nathaniel B. Dyer  
February 6, 2018

Page 2 of 2

references are completely outside the bounds of civility and, as before, were offensive to the Board, our Superintendent, and our staff and community. These references fail to advance any meaningful discourse upon which the Board or Superintendent could possibly act. We cannot and we will not allow such abhorrent and hate-filled behavior in a meeting of an organization whose sole purpose is to educate children.

I once again further advise you that any further demonstration of such conduct may result in additional consequences, including permanent suspension of your privilege to speak at APS board meetings.

Sincerely,

*/s/ Jason Esteves*

Jason Esteves

cc: Meria J. Carstarphen, Superintendent  
Ronald Applin, APS Chief of Police  
D. Glenn Brock, General Counsel







Courtney D. English  
Chair, Atlanta Board of Education  
Center for Learning & Leadership  
130 Trinity Avenue, S.W.  
Atlanta, Georgia 30303  
Phone 404-802-2801  
Fax 404-802-1801  
[www.atlantapublicschools.us](http://www.atlantapublicschools.us)

January 15, 2016

**Via Email (nate@natbotheedge.com) and U.S. Mail**

Nathaniel B. Dyer  
202 Joseph E. Lowery Blvd NW  
Atlanta, GA 30314

**Re: Suspension from Public Comment at Atlanta Board of Education Meetings**

Dear Mr. Dyer:

This letter is to inform you that your privilege to speak at any meeting sponsored by the Atlanta Board of Education (ABOE) is hereby suspended until July 2016.

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I would further advise you that any further demonstration of such conduct may result in additional consequences including permanent suspension of your privilege to speak at APS board meetings.

Sincerely,

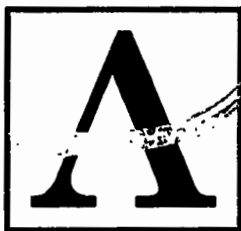
/s/ Courtney D. English

Courtney D. English

cc: Meria J. Carstarphen, Superintendent  
D. Glenn Brock, General Counsel

**Exhibit A**





ATLANTA  
PUBLIC  
SCHOOLS

Courtney D. English  
Chair, Atlanta Board of Education  
Center for Learning & Leadership  
130 Trinity Avenue, S.W.  
Atlanta, Georgia 30303  
Phone 404-802-2801  
Fax 404-802-1801  
[www.atlantapublicschools.us](http://www.atlantapublicschools.us)

October 11, 2016

**Via Personal Delivery**

Nathaniel B. Dyer  
202 Joseph E. Lowery Blvd NW  
Atlanta, GA 30314

**Re: Suspension from Public Comment at Atlanta Board of Education Meetings**

Dear Mr. Dyer:

This letter is to inform you that, once again, your privilege to speak at any meeting sponsored by the Atlanta Board of Education ("ABOE") is hereby suspended until December 31, 2017. In addition, this will serve as a trespass warning. You are instructed not to set foot on Atlanta Public Schools ("APS") property for the remainder of this year and next year. If you do, you will be arrested for trespassing. These actions are a direct result of your inappropriate and disruptive behavior at yesterday's October 10, 2016 ABOE meeting.

As you know, on January 15, 2016, you were suspended from speaking at any ABOE meeting because of your use of several racial slurs during the public comment portion of the January ABOE meeting (see attached 1/15/2016 letter from C. English to you). You then attended a town hall meeting and disrupted the meeting being led by Dr. Carstarphen's senior staff. As a result of that behavior, Former APS Chief of Police Sands issued a trespass warning against you, prohibiting you from coming onto school property. (Copy attached). You were notified that any future similar demonstration may result in additional suspensions. Your suspension at that time ended in July 2016.

Nevertheless, on October 10, 2016, you brazenly ignored our previous warnings and again, you used a racial slur when you referred to APS students as "sambos" during the public comment portion of the ABOE meeting. You also referenced on the official sign-in sheet to speak at the ABOE meeting having previously spoken to "[a]ll of these fools." (Copy attached). Your insulting comments, particularly your reference to APS students as "sambos," are completely outside the bounds of civility and, as before, were offensive to the Board, our Superintendent, and our staff and community. Your comments failed to advance any meaningful discourse upon which the Board or Superintendent could possibly act.

In addition to subjecting everyone in the meeting to your offensive language, you refused to leave the podium after I repeatedly directed you to do so. Police ultimately escorted you from

**Exhibit B**



Nathaniel B. Dyer  
October 11, 2016

Page 2 of 2

the meeting room, but you continued to disrupt the meeting by shouting within and outside of the room. We cannot and we will not allow such abhorrent and hate-filled behavior in a meeting of an organization whose sole purpose is to educate children.

I would further advise you that any further demonstration of such conduct may result in additional consequences, including permanent suspension of your privilege to speak at APS board meetings.

Sincerely,

*/s/ Courtney D. English*

Courtney D. English

Enclosures

cc: Meria J. Carstarphen, Superintendent  
Ronald Applin, APS Chief of Police  
D. Glenn Brock, General Counsel



.....  
**BLANK'S FALCONS** may NEVER win the **BIG ONE**, but he's got a **PRO-BOWL PUPPET** that's bringing home all the **TROPHIES** to help destroy **BLACK** children and their communities.  
.....

\$2,000,000+

DAMSVILLE  
ELEMENTARY

L.P. MILES  
ELEMENTARY

FAIN AND TOWNS  
ELEMENTARY

CORETTA  
SCOTT-KING

BETHUNE

BEST  
ACADEMY

DOUGLASS

WASHING

WHITEF



EXHIBIT

13

Created by Nathaniel B. Dyer, UNNIGGED

tabbles





**ROOKIE CATASTROPHE**

**ALL-STAR**



# **SUPERINTENDENT** *Meria Catastrophe's* **TOP 10** **CATASTROPHIC** **PLAYS**

- 1 SELLING SCHOOLS** - She tackles the issues of deeds from the city to sell them to developers for gentrification of Black neighborhoods.
- 2 CLOSING SCHOOLS** - She closed schools such as Bethune ES and Kennedy MS located in the midst of a minimum of five billion dollars in development which includes Arthur Blank's Mercedes Benz Stadium Project.
- 3 MERGING SCHOOLS** - She has merged Black students together into overcrowded situations while proposing options to alleviate overcrowding for White students.
- 4 PRIVATIZING SCHOOLS** - She gives private operators, Purpose Built Communities and Kinesis, carte blanc and long contracts with little to no accountability.
- 5 CHARTER SCHOOLS** - She places Kinesis and KIPP schools in the heart of neighborhoods where she claims there is low student population. Her latest KIPP move will kill Douglas High School.
- 6 OPPORTUNITY SCHOOL DISTRICT (OSD)** - She hired the architect of Gov. Nathan Deal's OSD proclaiming to save schools from takeover but she closed them instead.

- 7 AGE DISCRIMINATION** - More than 100 teachers over 40 are suing this rookie for age discrimination. The culture of fear and intimidation still exists within Atlanta Public Schools and it may have intensified.
- 8 POLICE FORCE** - She created a police force claiming they are to aid with mentoring students. To date, bullying and discipline issues are still prevalent within APS at an all-time high.
- 9 BODY CAMERAS FOR OFFICERS** - Offering little money for exposure and resources to help children, this rookie wants to expose them in a hi-tech manner to be legally profiled for life.
- 10 INEQUITIES** - She caters heavily to White communities through whatever measures it takes to help them maintain stability and an uninterrupted learning experience. Anything to the contrary, this would cause White Flight. And Lawdy, She's Sho nuffin Don't Wants Dat!

**It's time to retire this rookie. A new contract cannot be an option for what this third year rookie has done to Atlanta's children who possess so much promise and potential.**

**UNNIGGED COMING SOON!** For more information, please contact Nathaniel B. Dyer at 404.964.6427 or email [district7@nathanielbdyer.com](mailto:district7@nathanielbdyer.com)



FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta

MAY 14 2019

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

JAMES N. HALLEN, Clerk  
By: *[Signature]* Deputy Clerk

NATHANIEL BORRELL DYER, :

Plaintiff, :

CIVIL ACTION FILE

v. :

NO. 1:18-CV-03284-CAP

ATLANTA INDEPENDENT :

SCHOOL SYSTEM, :

Defendant. :

**PLAINTIFF'S INITIAL DISCLOSURES**

(1) State precisely the classification of the cause of action being filed, a brief factual outline of the case including plaintiff's contentions as to what defendant did or failed to do, and a succinct statement of the legal issues in the case.

**Response:**

The classification for this case is under Civil Rights. Plaintiff Pro Se, Nathaniel Borrell Dyer, brings this suit under 42 U.S.C. § 1983 against Atlanta Independent School System (AISS).

Count 1. Violation of the First Amendment to the United States Constitution By excluding Mr. Dyer from all school property with the AISS and instructing him not to have any communication whatsoever with any employee or representative





of the ABOE or APS for the duration of the suspension. This prohibition on communication includes, but is not limited to, verbal, written, electronic, or in-person communication has impermissibly burdened his ability to express himself, obtain information, and participate in the political process and has thereby violated the First Amendment.

Count 2. Violation of the Fourteenth Amendment to the United States Constitution By issuing criminal trespass orders in a way that creates a high-risk of the erroneous deprivation of rights, and by issuing a no-trespassing order deprived Mr. Dyer of his rights without notice or a meaningful opportunity to be heard, the defendant has contravened the Fourteenth Amendment guarantee of procedural due process.

- (2) Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which plaintiff contends are applicable to this action.

**Response:**

- AISS's Board of Education's policy for community meetings.
- *Chaparro v. Carnical Corp.*, 693 F.3d 1333, 1337 (11th Cir. 2012) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)).
- *Bell Atl. Corp. v Twombly*, 550 U.S. 544, 570(2007); *Chandler v Sec'y of Fla. Dep't of Transp.*, 695 F.3d 1194, 1199 (11th Cir. 2012) (quoting *id.*).
- *Iqbal*, 556 U.S. at 678 (citation omitted) (quoting *Twombly*, 550 U.S. at 556); see also *Resnick v. AvMed, Inc.*, 693 F.3d 1317, 1324-25 (11th Cir. 2012).



- *Twombly*, 550 U.S. at 555-56 (citations omitted)
- *Powell v. Thomas*, 643 F.3d 1300, 1302 (11th Cir. 2011)
- *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998)
- *Baker v. McCollan*, 443 U.S. 137, 144 n.3 (1979)
- *Livadas v. Bradshaw*, 512 U.S. 107, 132 (1994)
- *Hale v. Tallapoosa Cty.*, 50 F.3d 1579, 1582 (11th Cir. 1995)
- *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 797 (1985)
- *Trulock v. Freeh*, 275 F.3d 391, 404 (4th Cir. 2001)
- *Belyeu v. Coosa Cty. Bd. of Educ.*, 998 F.2d 925, 930 (11th Cir. 1993) (quoting *Curtis Publ'g Co. v. Butts*, 388 U.S. 130, 149 (1967))
- *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46, 50 (1988)
- *Bose Corp. v. Consumers Union of United States, Inc.* 466 U.S. 485, 503-04 (1984))
- *Snyder v. Phelps*, 562 U.S. 443, 458 (2001) (quoting *Texas v. Johnson*, 491 U.S. 397, 414 (1989))
- *Saxe v. State Coll. Area Sch. Dist.*, 240 F.3d 200, 206 (3d Cir. 2001)
- *Chaplinsky v. New Hampshire*, 315 U.S. 568, 571 (1942); see also *United States v. Stevens*, 559 U.S. 460, 468-69 (2010)
- *Meyer v. Grant*, 486 U.S. 414, 425 (1988) (quoting *Grant v. Meyer*, 828 F.2d 1446, 1457 (10th Cir. 1987))
- *Arcara v. Cloud Books, Inc.*, 478 U.S. 697 (1986)
- *Wright v. City of St. Petersburg*, 833 F.3d 1291 (11th Cir. 2016)





- *Cohen v. California*, 403 U.S. 15, 18 (1971)
- *Rodriquez v. Maricopa Cty. Cmty. Coll. Dist.*, 605 F.3d 703, 708 (9th Cir. 2010)
- *Hardy v. Jefferson Cmty.*, 260 F.3d 671, 679 (6th Cir. 2001)
- *Bonnell v. Lorenzo*, 241 F.3d 800, 820-21 (6th Cir. 2001)
- *Wilson v. Attaway*, 757 F.2d 1227, 1246 (11th Cir. 1985) (quoting *Chaplinsky*, 757 F.2d at 1242)
- *Cf. King v. Bd. of Cty. Comm'rs*, No 8:16-cv-2651-T\_33TBM, 2018 WL 515350, at \*2 (M.D. Fla. Jan. 23, 2018)
- *Jones v. Heyman*, 888 F.2d 1328, 1331 (11th Cir. 1989)
- *Barrett v. Walker Cty. Sch. Dist.*, 872 F.3d 1209, 1223-24 (11th Cir. 2017) (citation omitted) (quoting *Walker v. Tex. Div., Sons of Confederate Veterans, Inc.*, 135 S. Ct. 2239, 2250 (2015)).
- *Crowder v. Hous. Auth. of City of Atlanta*, 990 F.2d 586, 591 (11th Cir. 1993)
- *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 45 (1983)
- *Board of Trs. of State Univ. of N.Y. v. Fox*, 492 U.S. 469, 480 (1989)
- *Elrod v. Burns*, 427 U.S. 347, 362 (1976)
- *Doe v. City of Albuquerque*, 667 F.3d 1111, 1131 (10th Cir. 2012)
- *Quiller v. Barclays Am./Credit, Inc.* 727 F.2d 1067, 1069 (11th Cir. 1984)
- *Asociacion de Educacion Privada de P.R., Inc. v. Echevarria-Vargas*, 385 F.3d 81, 86 (1st Cir. 2004)
- *Bourgeois v. Peters*, 387 F.3d 1303, 1319 (11th Cir. 2004)
- *United States v. Frandsen*, 212 F.3d 1231, 1236-37 (11th Cir. 2000))



- *Universal Amusement Co. v. Vance*, 587 F.2d 159, 165 (5th Cir. 1978) (quoting *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963))
- *Grayden v. Rhodes*, 345 F.3d 1225, 1232 (11th Cir. 2003)
- *Perry v. Sec'y, Fla. Dep't of Corr.*, 664 F.3d 1359, 1367-68 (11th Cir. 2011)
- *Cyr v. Addison Rutland Supervisory Union*, 955 F. Supp. 2d 290, 295-96 (D. Vt. 2013)
- *Zinerman v. Burch*, 494 U.S. 113, 127 (1990)
- *Parratt v. Taylor*, 451 U.S. 527, 538 (1985)
- *Daniels v. Williams*, 474 U.S. 327, 330 (1986)
- *Gilbert v. Homar*, 520 U.S. 924, 930 (1997)
- *Burch v. Apalachee Cmty. Mental Health Servs Inc.*, 840 F.2d 797, 801 (11th Cir. 1988); see also *Rittenhouse v. Dekalb Cty.*, 764 F.2d 1451, 1454 (11th Cir. 1985)
- *Keniston v. Roberts*, 717 F.2d 1295, 1301 (9th Cir. 1983)
- *Branch v. Franklin*, No. 1:06-cv-1853-TWT, 2006 WL 3335133, at \*2 n.1 (N.D. Ga. Nov. 15, 2006)
- *Hudson v. Palmer*, 468 U.S. 517, 534 (1984)

Plaintiff reserves the right to supplement this response.

- (3) Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information. (Attach witness list to Initial Disclosures as Attachment A.)



**Response:** Please see Attachment A. Plaintiff reserves the right to supplement this response.

- (4) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in Fed.R.Civ.P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports to Responses to Initial Disclosures as Attachment B.)

**Response:** Plaintiff has not retained an expert at this time who may testify at trial. If Plaintiff later decides to call an expert witness at trial, it will amend its Initial Disclosures in accordance with both the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Northern District of Georgia.

- (5) Provide a copy of, or a description by category and location of, all documents, data compilations or other electronically stored information, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information. (Attach document list and descriptions to Initial Disclosures as Attachment C.)

**Response:** Please see Attachment A. Plaintiff reserves the right to supplement this response.



- (6) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying as under Fed.R.Civ.P. 34. (Attach any copies and descriptions to Initial Disclosures as Attachment D.)

**Response:** Please see attachment D. Plaintiff reserves the right to supplement this response.

- (7) Attach for inspection and copying as under Fed.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment. (Attach copy of insurance agreement to Initial Disclosures as Attachment E.)

**Response:** Plaintiff does not maintain any applicable insurance policy.

- (8) Disclose the full name, address, and telephone number of all persons or legal entities who have a subrogation interest in the cause of action set forth in plaintiffs cause of action and state the basis and extent of such interest.

**Response:** At this time, Plaintiff does not contend that any other person or legal entity has a subrogation interest in the case of action. Plaintiff reserves the right to supplement this response.

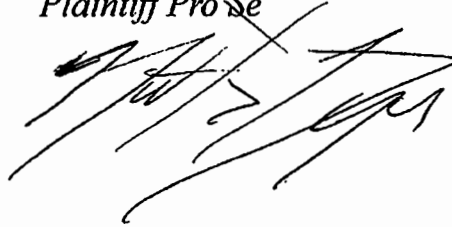




Respectfully submitted this 13th day of May, 2019.

Nathaniel Borrell Dyer

*Plaintiff Pro Se*

A handwritten signature in black ink, appearing to read 'Nate Dyer', written over the typed name and title.

Nathaniel Borrell Dyer,

*Plaintiff Pro Se*

202 Joseph E. Lowery Blvd., NW

Atlanta, GA 30314

(404) 964-6427

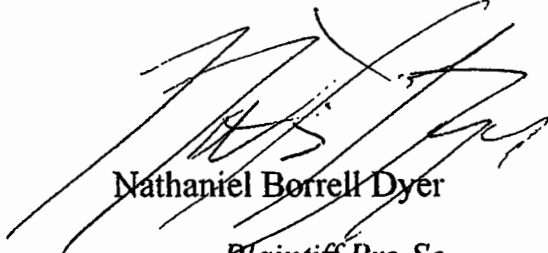
nate@natbotheedge.com



**CERTIFICATE OF COMPLIANCE**

I certify that the foregoing was prepared using Times New Roman font,  
14-point type, which is one of the font and print selections approved by the Court  
in L.R.5.1(B).

This 13th day of May, 2019.



Nathaniel Borrell Dyer  
*Plaintiff Pro Se*

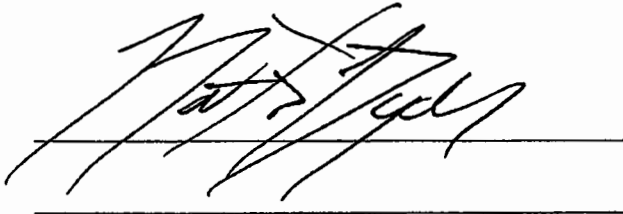


**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of May, 2019, a copy of the document entitled **RESPONSE TO DEFENDANT'S NOTICE OF OBJECTION TO PLAINTIFF'S AMENDED RESPONSE TO DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM** was delivered by first class mail to:

Nelson Mullins Riley & Scarborough LLP  
Atlantic Station / 201 17th Street, NW / Suite 1700  
Atlanta, GA 30363

Nathaniel Borrell Dyer  
*Plaintiff Pro Se*



A handwritten signature in black ink, appearing to read 'Nathaniel Borrell Dyer', is written over a horizontal line. Below this line is another horizontal line, creating a space for a signature.



**ATTACHMENT A**

Each of the members below are employees of Nelson Mullins Riley & Scarborough  
LLP and may be contacted at the following:

Nelson Mullins Riley & Scarborough LLP  
201 17th Street NW, Suite 1700  
Atlanta, GA 30363  
Tel: 404.322.6000  
Fax: 404.322.6050

D. Glenn Brock  
General Counsel for AISS  
Partner at Nelson Mullins Riley & Scarborough LLP  
T 404.322.6336  
M 404.322.6050

Laurance J. Warco  
Assistant Counsel for AISS  
Of counsel at Nelson Mullins Riley & Scarborough LLP  
T 404.322.6177





**ATTACHMENT B**

**Expert Witnesses and Reports**

None at this time.



**ATTACHMENT C**

**Document List and Descriptions**

**Videos:**

- AISS Board Meeting pubic comment portion based on the letter sent from Courtney English to Plaintiff on October 11, 2016
- AISS Board Meeting pubic comment portion based on the letter sent from Jason Esteves to Plaintiff on February 8, 2019
- AISS Board Meeting pubic comment portion not allowing Plaintiff to speak after signing up on February 1, 2016
- AISS community meeting held at Grove Park Elementary pertaining to the Criminal Trespass Warning issued by former Chief Marquenta Hall Sands on February 2, 2016
- AISS community meeting held at Carver High School where Plaintiff was harassed by former Chief Marquenta Sands-Hall and board members for raising hand to ask Superintendent Meria Carstarphen a question.

**Text message:**

- Superintendent Meria Carstarphen's text dated March 2, 2015 to Plaintiff alerted him of Beverly Hall's passing
- The text states that Plaintiff's words were fair and kind



**Documents:**

- Criminal Trespass Warning dated February 2, 2016
- Criminal Trespass Warning dated February 29, 2016
- AISS Chief Applin's phone number given to Mr. Dyer to consider joining the steering committee on body cameras dated January 30, 2018
- North Atlanta High School PTSA (BOE Candidates Meeting Email)
- North Atlanta Parents for Public Schools Candidates Forum Email
- Atlanta Journal Constitution Article: Atlanta superintendent donates to school board candidate's campaign dated October 13, 2017
- Atlanta Public Schools Volunteer Release Form dated September 18, 2013
- Atlanta Public Schools Board Meeting Notice dated June 1, 2018
- Atlanta Public Schools Board Member Leslie Grant Community Coffees Email Notice dated May 29, 2018
- Boy Scouts of America Registration and Roster for 31 Scouts (Page 1 and 3) dated October 27, 2006 where plaintiff served as Scoutmaster at Kennedy Middle School
- Valentine Dance Announcement (Email) dated February 10, 2006 where Plaintiff was PTSA Vice-President #2 at Kennedy Middle School
- Receipt for 31 PTSA Members \$85.25 dated February 28, 2006 where Plaintiff was PTSA Vice-President #2 at Kennedy Middle School
- City of Atlanta Arrest Citation for Disorderly Conduct dated December 15, 2006
- Booking Mugshot of Nathaniel B. Dyer
- Letter #1 from Michael Walker, APS General Counsel dated December 14, 2006



- Letter #2 from Michael Walker, APS General Counsel dated December 14, 2006
- Letter from Damarus Perryman-Garrett, Director dated December 18, 2006 from Office of Internal Resolutions/Employee Relations
- Letter from APS Office of Internal Resolution Employee Relations dated February 12, 2007 and stamped received on March 16, 2007 concerning Plaintiff's volunteer status and access
- A Timeline of How The Atlanta School Cheating Scandal Unfolded updated April 02, 2015 (December 2008 - April 2015)
- Satirical Flyers





**ATTACHMENT D**

**Damage Computation**

Plaintiff is seeking \$10,000,000 for Compensatory and Punitive damages. Plaintiff is seeking \$5,000,000 for violation of his First Amendment Rights and \$5,000,000 for violation of his Fourteenth Amendment Rights. Plaintiff contends that the malicious acts perpetrated by the Defendant were intentional and motivated by ill will where conduct exceeded acceptable norms. Plaintiff's reputation suffered a loss due to purposeful communication of false information by the Defendant.

**Computation by categories:**

**Emotional Anguish - \$4,000,000**

- Labeling the Plaintiff as a pedophile as he is the founder of a youth organization that serves AISS students
- Prohibited from having any communication whatsoever with any employee or representative of the ABOE or AISS for the duration of a suspension.
- Prohibition on communication included, but was not limited to, verbal, written, electronic, or in-person communication.
- Manhandling Plaintiff out of meetings and constantly threatening him with arrest which supports the Defendant's negative narrative that caused a loss of respect, regard or confidence
- Interfering with Plaintiff's run for APS School Board in 2017 by emailing North Atlanta High School that he was not allowed on APS property and therefore he was uninvited



- Removed from his seat by force in front of parents and children for no apparent reason at a neighborhood school town hall meeting
- Unwarranted Criminal Trespass Warnings limited Plaintiff's voice in the community and his ability to support parent's requests for advocacy at their children's school.
- Accused Plaintiff of fighting a child at school and was falsely arrested during the Chief Sands era
- Reprimanded by former Chief Sands-Hall for raising his hand to ask a question at a school meeting and threatened with arrest.

**Reputation - \$3,000,000**

- Labeling the Plaintiff as a pedophile as he is the founder of a youth organization that serves AISS students
- Prohibited from having any communication whatsoever with any employee or representative of the ABOE or AISS for the duration of a suspension.
- Prohibition on communication included, but was not limited to, verbal, written, electronic, or in-person communication.
- Claiming that the Plaintiff would call the very children he is advocating for a term like "Sambos"
- Manhandling Plaintiff out of meetings and constantly threatening him with arrest which supports the Defendant's negative narrative that caused a loss of respect, regard or confidence



- Interfering with Plaintiff's run for APS School Board in 2017 by emailing North Atlanta High School that he was not allowed on APS property and therefore he was uninvited
- Removed from his seat by force in front of parents and children for no apparent reason at a neighborhood school town hall meeting
- Unwarranted Criminal Trespass Warnings limited Plaintiff's voice in the community and his ability to support parent's requests for advocacy at their children's school.
- Accused Plaintiff of fighting a child at school and was falsely arrested during the Chief Sands era

**Humiliation - \$3,000,000**

- Labeling the Plaintiff as a pedophile as he is the founder of a youth organization that serves AISS students
- Prohibited from having any communication whatsoever with any employee or representative of the ABOE or AISS for the duration of a suspension.
- Prohibition on communication included, but was not limited to, verbal, written, electronic, or in-person communication.
- Manhandling Plaintiff out of meetings and constantly threatening him with arrest which supports the Defendant's negative narrative that caused a loss of respect, regard or confidence



- Interfering with Plaintiff's run for APS School Board in 2017 by emailing North Atlanta High School that he was not allowed on APS property and therefore he was uninvited
- Removed from his seat by force in front of parents and children for no apparent reason at a neighborhood school town hall meeting
- Unwarranted Criminal Trespass Warnings limited Plaintiff's voice in the community and his ability to support parent's requests for advocacy at their children's school.
- Accused Plaintiff of fighting a child at school and was falsely arrested during the Chief Sands era





**APPENDIX A**

A1

October 27, 2006

Kennedy Middle School

Boy Scouts of America Registration  
and Roster for 31 Scouts(Page 1 and 3)

Nathaniel B. Dyer, Scoutmaster

A2

February 10, 2006

Kennedy Middle School

Valentine Dance Announcement (Email)

Nathaniel B. Dyer, PTSA Vice-President

A3

February 28, 2006

Kennedy Middle School

Receipt for 31 PTSA Members \$85.25

Nathaniel B. Dyer, PTSA Vice-President

