

FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

OCT 24 2019

By: JAMES N. HATTEN, Clerk  
Deputy Clerk

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

ATLANTA DIVISION

NATHANIEL BORRELL DYER, :

Plaintiff, :

: CIVIL ACTION FILE

v. : NO. 1:18-CV-03284-CAP

:

ATLANTA INDEPENDENT :

SCHOOL SYSTEM, :

Defendant. :

\_\_\_\_\_ :

**PLAINTIFF'S STATEMENT OF UNDISPUTED MATERIAL FACTS**  
**IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Plaintiff Pro Se, Nathaniel Borrell Dyer, provides the following Statement Of Undisputed Material Facts pursuant to Federal Rule 56 and Local Rules 7.1 and 56.1 in support of its opposition and cross-motion for summary judgment showing the Court the following:

1. AISS claims that Dyer's claims are barred by a two year statute of limitations. (Court Order at 8)
2. AISS Board Policy states:  
Board members will also refrain from making statements in public meetings that have the direct and intended effect of impugning another person's motives or intelligence, attacking others on a purely personal basis, or disparaging anyone's racial, sexual, social, or religious background. (Exhibit 15: Board Policy at ¶ 9)
3. Former Board Chair Courtney English and Board Chair Jason Esteves interrupted Mr. Dyer as he was making public comments. (Exhibit 6, Exhibit 7)
4. Former Board Chair Courtney English and Board Chair Jason Esteves made statements addressing Mr. Dyer's comments. (Exhibit 6, Exhibit 7)
5. Former Board Chair Courtney English and Board Chair Jason Esteves violated Board Policy by making statements in a public meeting directed at Mr. Dyer. (Exhibit 15: Board Policy Manual at ¶ 9)
6. Former Board Chair Courtney English and Superintendent Meria Carstarphen addressed Mr. Dyer's comments. (Exhibit 11)
7. Former Board Chair Courtney English and Superintendent Meria Carstarphen violated Board policy by making statements in a public meeting directed at Mr. Dyer. (Exhibit 15: Board Policy Manual at ¶ 9)
8. At a Carver High School community meeting, Mr. Dyer raised his hand and said "I have a question". (Exhibit 9, Exhibit 10)

9. Mr. Dyer was questioned inside the meeting by Chief Sands-Hall for 10 minutes or more in a packed house of audience. (Exhibit 10)
10. Mr. Dyer and his former Boy Scout walked into a community meeting held at Grove Park Elementary. As he took a seat, he was immediately surrounded by three AISS resource officers. He was forcefully removed from his seat and escorted out of the meeting in front of parents and children in attendance. (Exhibit 9)
11. In the parking lot of Grove Park Elementary, former Chief Hall-Sands accused Mr. Dyer of being disruptive at the town hall meeting led by Dr. Carstarphen's senior staff. (Exhibit 9).
12. Former Chief Hall-Sands revisited the conversation about Mr. Dyer raising his hand to ask a question at Carver High School. She told Mr. Dyer "You could raise your hand all day long. I'm not gonna put you out. You can't speak out. You kept your hand up and they ignored you and you had a problem with that." (Exhibit 9)
13. Former Chief Sands-Hall told Mr. Dyer that on top of not being allowed to speak at meetings for six months that she was added a criminal trespass warning in conjunction. (Exhibit 4, Exhibit 5, Exhibit 9)
14. On October 11, 2016, AISS issued a second "Suspension from Public Comment at Atlanta Board of Education Meetings" letter. This suspension was from October 10, 2016 until December 31, 2017. (Exhibit 2)

15. Courtney English, former AISS Board Chairman, claimed that Mr. Dyer referred to APS children as “sambos” during the public comment portion of the meeting. Mr. Dyer was asked to leave the podium. (Exhibit 6)
16. In the Defendant’s Motion for Summary Judgment, there is no accusation of Mr. Dyer referring to APS children as “sambos.” (Def. MSJ Mem of Law at 6)
17. The Defendant’s Motion for Summary Judgment states that he used the word “sambo.” (Def. MSJ Mem of Law at 6)
18. Mr. Dyer was escorted once again to the hall by three AISS resource officers accompanied by Chief Ronald Applin. (Exhibit 6)
19. As Mr. Dyer was being led out of the meeting, Mr. English stated that no one will refer to children as “sambos” under his watch. (Exhibit 6)
20. Mr. Dyer asked Chief Ronald Applin which law was broken for him to be removed. (Exhibit 6)
21. Several witnesses in attendance explained to the Chief that they did not hear Mr. Dyer refer to the children as “sambos.” (Exhibit 6)
22. Mr. Dyer pointed out that he was continuously being targeted for harassment when he exercises his First Amendment Rights to Free Speech. (Exhibit 6)
23. On February 8, 2018, AISS issued a third “Suspension from Public Comment at Atlanta Board of Education Meetings” letter. (Exhibit 3)
24. AISS referenced Mr. Dyer’s comments “were offensive to the Board.” (Exhibit 3)
25. The On February 8, 2018 letter accused Mr. Dyer of introducing racist and hate-filled epithets at an ABOE meeting. They refer to a flier that was passed out to

- audience members with the phrase “unnigged coming soon” and that contained a picture of Superintendent Carstarphen wearing a photoshopped football jersey with the name “FALCOONS” on it. (Exhibit 3, Exhibit 13, Exhibit 14)
26. AISS General Counsel D. Glenn Brock, Partner of Nelson-Mullins Riley & Scarborough, advised Board Chairman Jason Esteves to shut Mr. Dyer’s mic off during his public comment. (Exhibit 7)
  27. Mr. Dyer did not use any language that could be considered a racial epithet during his public comment. (Exhibit 7)
  28. AISS General Counsel D. Glenn Brock stated, “The brochure that he is holding is inappropriate for this setting and it contains racially charged information.” He recommended that Mr. Dyer not be allowed to continue because he had been warned of this before. (Exhibit 7)
  29. Mr. Dyer explained to Board Chair Esteves that the flyer was satire. (Exhibit 7)
  30. Board Chairman Jason Esteves told Mr. Dyer that it was not satire. (Exhibit 7)
  31. The Defendant circled the words “FALCOONS” and “unnigged” located on the back of the flyer. (Exhibit 13)
  32. The February 8, 2018 suspension letter instructs Mr. Dyer not to set foot on Atlanta Public Schools property for one year. It states that Mr. Dyer is not to have any communication whatsoever with any employee or representative of the ABOE or AISS for the duration of the suspension. This prohibition on communication includes, but is not limited to, verbal, written, electronic, or in-person communication. (Exhibit 3)

33. Exhibit 12 submitted by AISS was dated February 6, 2018. (Exhibit 12)

34 The February 6, 2018 letter was documented as being sent Via Personal Delivery.

35 The February 6, 2018 suspension letter omits the following language:

It states that Mr. Dyer is not to have any communication whatsoever with any employee or representative of the ABOE or AISS for the duration of the suspension. This prohibition on communication includes, but is not limited to, verbal, written, electronic, or in-person communication. (Exhibit 12)

36. Mr. Dyer submitted the February 8, 2018 suspension letter which states in part:

It states that Mr. Dyer is not to have any communication whatsoever with any employee or representative of the ABOE or AISS for the duration of the suspension. This prohibition on communication includes, but is not limited to, verbal, written, electronic, or in-person communication. (Exhibit 3)

Respectfully submitted this 23rd day of October, 2019.

Nathaniel Borrell Dyer

*Plaintiff Pro Se*

**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 23rd day of October, 2019.

Nathaniel Borrell Dyer

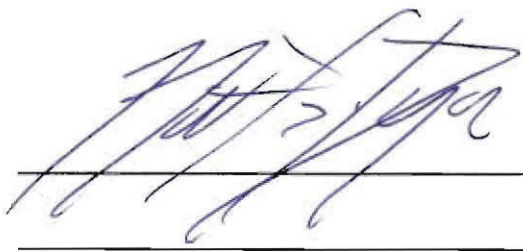
*Plaintiff Pro Se*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of October, 2019, a copy of the document entitled **PLAINTIFF'S STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** 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



---

---