

The Trellis Green Lawsuit: A Decade Later

It has been about 12 years since then-assistant professor of economics Trellis G. Green filed suit against the University of Southern Mississippi and the Mississippi IHL, and a decade since that suit was settled. Given the current state of affairs in USM's College of Business, it seems fitting that USMPRIDE.COM presents a series on the Green lawsuit. This is part 6 in that series.

The Fight to Depose Continues

The previous installment detailed Green's battle to depose CBA Dean Tyrone Black and EIB Chair George Carter. This issue continues with Green's fight to depose these two CBA administrators. The document below is a portion of the Re-Notice to Depose filed by Green's lawyer, Kim Chaze:

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

DR. TRELIS GREEN

PLAINTIFF;

V.

CASE NO.: 6-94-4284 ✓

THE UNIVERSITY OF SOUTHERN
MISSISSIPPI, ET AL.,

DEFENDANTS.

RE-NOTICE OF DEPOSITIONS

PLEASE TAKE NOTICE that Counsel for Plaintiff in the above-entitled action will take the depositions of **DR. TYRONE BLACK** and **DR. GEORGE CARTER**, on **October 26, 1995**, at **9 a.m.**, upon oral examination for all purposes to include use at trial, pursuant to the *Miss. R. Civ. P.* before a notary public, or before some other official authorized by law to administer oaths at the law offices of **KIM T. CHAZE, 912 West Pine Street, Hattiesburg, MS 39401.**

As the document indicates, Chaze scheduled a new deposition date with Black and Carter on 26 October 1995. We will return to the issue of the Black and Carter depositions in a future issue. For now, we move forward.

Green Petitions for Trial Date

On 16 April 1996 Green moved to have a trial date set. The document pertaining to this stage of the case is presented below:

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FILED
MAR 20 1996

DR. TRELIS GREEN,

PLAINTIFF ✓
CIRCUIT CLERK

V.

CASE NO.: 6-94-4284

THE UNIVERSITY OF SOUTHERN
MISSISSIPPI, ET AL.,

DEFENDANTS.

**NOTICE AND
MOTION FOR TRIAL SETTING**

NOTICE

PLEASE TAKE NOTICE that the Plaintiff will bring on to be heard his Motion For Trial Setting before the Honorable Richard W. McKenzie, on **April 16, 1996**, at **9:00 a.m.** in the **Forrest Co. Circuit Courthouse** located on **Main Street** in **Hattiesburg, Mississippi**.

You are invited to attend and take such part as you deem appropriate.

MOTION FOR TRIAL SETTING

COMES NOW, the Plaintiff, TRELIS GREEN, by and through counsel, and respectfully submits the following:

1. Time for discovery has run herein, therefore Plaintiff moves this Court for a trial setting.
2. We have provided counsel opposite trial dates, but to this point we have not been able to agree on a trial date. Consequently, we respectfully ask that this Honorable Court choose a trial date that is convenient to all concerned.

3. We respectfully ask that this matter be set for trial as soon as possible, as a First-Up so that justice may be done.

4. For other reasons to be shown at a hearing if a hearing is deemed necessary.

RESPECTFULLY SUBMITTED on this the ____ day of March, A. D. 1996.





KIM T. CHAZE
Attorney for Plaintiff
MSB #5974
912 West Pine Street
Hattiesburg, MS 39401
601/582-3947

The motion filed (see above) notes that Chaze and the defendants' counsel, Lee Gore (USM Attorney), had been unable to agree on a convenient trial date. Green asked Judge Richard McKenzie to have a convenient date set. However, Green's motion asked for a "First-Up" so that "justice may be done."

As the document below shows, Judge McKenzie set a discovery termination date of 7 February 1997, with trial set to begin on 17 March 1997.

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

DR. TRELIS GREEN		PLAINTIFF
V.		CASE NO. 6-94-4284 ✓
THE UNIVERSITY OF SOUTHERN MISSISSIPPI, ET AL.	 CIRCUIT CLERK	DEFENDANTS
	AGREED ORDER	

The parties appeared before this court upon motion for trial setting and upon motion ore tenus for an extension of discovery, and, having heard and considered both motions, it is hereby ordered:

1. All discovery in this matter shall be completed no later than February 7, 1997;

2. This matter is set for trial to begin on March 17, 1997, at 9:00 a.m.

IT IS SO ORDERED on this, the 20th day of May,

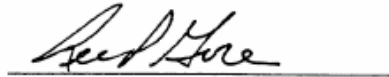
1996.


CIRCUIT COURT JUDGE

READ, APPROVED AND AGREED:



KIM T. CHAZE
Attorney for Plaintiff



LEE P. GORE
Attorney for Defendants

The document presented below shows that Gore wanted to depose Green in February of 1997:

FILED
IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI
DEC 26 1996
Lee Ellen Adams
CIRCUIT CLERK

DR. TRELIS G. GREEN
V.
THE UNIVERSITY OF SOUTHERN
MISSISSIPPI, ET AL.

PLAINTIFF
CASE NO. 6-94-4284 ✓
DEFENDANTS

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that Counsel for the Defendants in the above action will take the deposition of Dr. Trellis G. Green, upon oral examination, pursuant to the MRCP before a notary public, or before some other official authorized by law to administer oaths,

at the office of Kim T. Chaze, attorney for Plaintiff, at 912 West Pine Street, Hattiesburg, Mississippi. Said deposition will begin at 9:30 a.m. on Monday, February 24, 1997, or as soon thereafter as all counsel may be present, and will continue at 9:30 a.m. on Wednesday, February 26, 1997.

You are instructed to bring with you all documents requested in the Defendants' first request for production of documents.

You are invited to attend and take such part in said examination as you deem proper.

Respectfully submitted on this, the 20th day of December, 1996.

The University of Southern Mississippi

By: Mike Moore, Attorney General

Robert G. Jenkins
Special Assistant Attorney General

The requested date of Green's deposition fell after McKenzie's termination date for discovery of 7 February. However, Gore filed a request to discovery, which was so ordered by McKenzie.

The Motion to Compel presented below indicates that the defendants were having difficulties obtaining relevant information from the plaintiff, Green.

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

DR. TRELIS G. GREEN

V.

THE UNIVERSITY OF SOUTHERN
MISSISSIPPI, ET AL.

FILED
FEB 10 1997

PLAINTIFF

CASE NO. 6-94-4284

For Callie Williams
CIRCUIT CLERK

DEFENDANTS

MOTION TO COMPEL

COME NOW, The University of Southern Mississippi, Dr. Aubrey K. Lucas, Dr.

G. David Huffman, Dr. Tyrone Black, Dr. George Carter, and the Board of Trustees of State Institutions of Higher Learning (hereinafter "Defendants"), by and through counsel, and file this, their motion to compel cooperation in discovery, and in support thereof would show unto the Court the following:

1. On or about December 11, 1996, Defendants filed their first set of interrogatories propounded to Plaintiff (Attachment A).
2. On or about December 11, 1996, Defendants filed their first request for production of documents propounded to Plaintiff (Attachment B).
3. Pursuant to the MRCP, Plaintiff's responses to both sets of discovery were due to counsel for Defendants on or before January 17, 1997.
4. As of January 20, 1997, counsel for Defendants had not received said responses.
5. By letter of January 21, 1997, counsel for Defendants requested that counsel for Plaintiff advise him as to when the responses may be forthcoming (Attachment C).
6. As of the filing of this motion, counsel for Plaintiff had not provided said discovery responses, and had not responded to Defendants' counsel's letter of January 21, 1997 (Attachment C).
7. The deadline for discovery in this matter is February 28, 1997.
8. This matter is set for trial on March 17, 1997.

The insert below contains the Defendants' Interrogatories to Plaintiff:

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

DR. TRELIS G. GREEN

PLAINTIFF

VS

CAUSE NO. 6-94-4284

THE UNIVERSITY OF SOUTHERN
MISSISSIPPI, ET AL.

DEFENDANT

DEFENDANTS' INTERROGATORIES TO PLAINTIFF

COME NOW, Defendants, by and through counsel, and propound the following interrogatories to be answered separately and fully by Plaintiff, in accordance with law and in conformity with the MRCP.

The interrogatories are to be continuing in nature, and Plaintiff is requested to supplement his response to include any information which might be acquired after his response to said interrogatories. Said requested supplementation shall include, but is not limited to, (a) the duty to supplement his response with respect to the identity and location of persons having knowledge of discoverable matters, and (b) the identity of each person expected to be called as an expert witness at the trial, the subject matter on which he or she is expected to testify and the substance of his or her testimony. Plaintiff is specifically further requested to seasonably amend a prior response if he obtains information upon the basis of which he knows that the said previous responses to discovery were correct when made but are no longer true in the circumstances or such that a failure to amend the response is in substance a knowing concealment.

ATTACHMENT A

DEFINITIONS

As used throughout these interrogatories, the following terms have the following meanings as set forth herein:

(1) "Date" shall mean the exact day, month and year, if ascertainable, or if not, the best approximation (including relationship to other events).

(2) "Identify" when referring to a document or other written communication means to state the general nature of the document (for example, letter, telegram, memorandum, diary, blueprint, photograph, diagram, etc.), the date, the author, the addressee, and the location and custodian of the document.

(3) "Identify" when referring to a meeting or conversation means, for each such meeting or conversation, to state: (a) the date and hour when held; (b) the address where held; (c) the identity of each person who represented you at each meeting or conference; (d) the identity of any other person present; (e) each action taken, decision made, or agreement reached at the meeting or conference; and (f) in summary, the substance of all discussion taking place at the meeting.

(4) "Identify" when referring to an oral communication means to state: (a) the date of each and every such oral communication; (b) the name, address and job title of each person by whom and to whom said communication was made (c) the name, address and job title of the person who witnessed or who was in a position to witness said communication; and (d) in summary, the substance of such oral communication.

(5) "Identify" when referring to a corporation or other business entity means to state: (a) its name; (b) its last known business address and telephone number; and (c) your relationship with it, if any.

(6) "Identify" when referring to a person means to state: (a) his/her full name; (b) his/her present residence address; (c) his/her present business address; (d) his/her telephone number; (e) if his/her present residence or business address is unknown, state his/her last known address and residence telephone number, his/her last known business affiliation and business address and telephone number, along with any information you have that might reasonably lead to the discovery of his/her present whereabouts; (f) his/her relationship, if any, to you; (g) his/her present job title; and (h) each date he/she performed the activity referred to in the interrogatory.

(7) "Person" shall mean any individual, corporation, proprietorship, partnership, association or any other entity.

(8) The information required herein is intended to embrace and include all information obtained by or within the knowledge of the Plaintiff herein, and all persons acting on behalf of the Plaintiff, including all past and present employees, servants, officers, agents, attorneys, representatives, investigators, consultants, advisors, and independent contractors, and any other person or organization acting in such a consulting or advisory capacity, who obtained information on your behalf.

Plaintiff is requested to respond to the following interrogatories:

INTERROGATORIES:

1. State with particularity what you contend each Defendant did or failed to do which entitles you to obtain the relief you seek in this action.
2. Identify, by name, address and telephone number, each person whom you expect to call as an expert witness at the trial of this case, and, as to each expert so identified, state the following:
 - (a) The subject matter on which he/she is expected to testify;
 - (b) The substance of the facts and opinions to which he/she is expected to testify; and
 - (c) A summary of the grounds for each opinion.
3. If any of the alleged actions of any of the Defendants have caused you to seek medical, psychological or other health care services, describe such health care services, including the name, address and telephone number of each provider along with a description of the treatment sought, the treatment obtained, the diagnosis made, any prognosis made, and cost of same.
4. State your educational history from graduation from high school through the present, including the name and address of each school, college and university attended, the dates of attendance, the courses of study followed, names and addresses of major professors, and degrees received.
5. State the name, address and telephone number of each employer and direct supervisor for each job you have held since your graduation from high school to the

present. Describe the duties of each position and state the earnings for each job and the reasons for leaving each job.

6. List the name, address and telephone number of all persons you believe to have any knowledge of any of the facts involved in this case and state why you believe such person or persons to have such knowledge.

7. If your employment with any employer has ever been suspended, terminated, non-renewed or abandoned, please give the date, reason and employer for each such occurrence.

8. Please give an account, itemized as fully and as carefully as you can, of all losses, expenses, damages and injuries which you claim were incurred by you or on your behalf as a result of the alleged actions of the Defendant, including, but not limited to, those losses or expenses which are attributable to lost wages and benefits, loss of seniority, legal expense and court costs.

9. Please state in detail each alleged action of the Defendants that violated Plaintiff's Constitutional Rights, property and liberty interests.

10. In Paragraph 15 of your Complaint you state "... the acts of the individual Defendants, along with the remaining Defendants in their official capacity, were undertaken intentionally, malevolently, and knowingly with the specific intent to deprive DR. GREEN of his Constitutional Rights and with the specific intent to harm him." Please describe in detail each and every act you are referring to therein.

11. Describe in detail all laws, acts having the force and effect of handbooks, policies, practices, standards and customs or usages, which you contend are applicable to this action.

12. Identify and describe each and every policy, practice, statement, promise, assertion, inducement or other action or speech of any Defendant upon which you claim to have relied to your detriment.

This the 11th day of December, 1996.

Respectfully submitted,

The University of Southern Mississippi

Mike Moore, Attorney General
State of Mississippi

By:



Lee P. Gore
Special Assistant Attorney General
The University of Southern Mississippi
Southern Station Box 10051
Hattiesburg, MS 39406-0051
(601) 266-5725
Miss. Bar No. 4915

The Defendants' Request for Production of Documents follows:

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

DR. TRELIS G. GREEN

PLAINTIFF

VS

CAUSE NO. 6-94-4284

THE UNIVERSITY OF SOUTHERN
MISSISSIPPI, ET AL.

DEFENDANT

DEFENDANTS' FIRST REQUESTS FOR
PRODUCTION OF DOCUMENTS

Defendants, by and through counsel, serve the following Request for Production of Documents upon Plaintiff to be responded to, pursuant to MRCP 34, within thirty (30) days after the date of service.

INSTRUCTIONS FOR ANSWERING

1. Production may be accomplished by mailing the documents within the rule time to the undersigned attorney.
2. The documents requested for production include those in the possession, custody, or control of Plaintiff, his agents, representatives, and attorneys.
3. Unless otherwise indicated, these requests refer to the time, place and circumstances of the occurrences described in the Complaint.
4. The term "document(s)" refers to all writings of any kind, including the originals and all nonidentical copies, whether different from the original by reason of any notation made on such copies or otherwise, including without limitation correspondence; memoranda; notes; diaries; statistics; letters; materials; invoices; orders; directives;

ATTACHMENT B

1

interviews; telegrams; minutes; reports; studies; statements; transcripts; summaries; pamphlets; books; interoffice and intraoffice communications; notations of any sort of conversation, telephone calls, meetings or other communications; bulletins; printed matter; teletype; telefax; worksheets; and all drafts, alterations, modifications, changes, and amendments of any of the foregoing; graphic or aural recordings or representations of any kind, including without limitations, photographs, charts, graphs, microfiche,

microfilm, videotape, records, motion pictures; and electronic, mechanical, or electrical recordings or representations of any kind, including without limitation, tapes, cassettes, cartridges, discs, chips, and records.

5. Copies, if authenticated, of the original documents may be supplied in response.

6. Each request should be responded to separately; however, a document which is the response to more than one request may, if the relevant portion is so marked or indexed, be produced and referred to in later responses.

7. Each request refers to all documents that are either known by Plaintiff to exist or that can be located or discovered by reasonably diligent efforts by Plaintiff.

8. Please note that Plaintiff is under a continuing duty, pursuant to MRCP 26(f), to supplement seasonably this production with any documents obtained subsequent to preparation and filing of a response to each Request.

REQUESTS:

1. All documents containing any actions or procedures described in Plaintiff's Complaint.

2. Receipts for all costs Plaintiff has paid to bring and maintain this litigation.

3. Every document supporting Plaintiff's claim for damages.
 4. A complete copy of Plaintiff's state and federal income tax returns, including all supporting or supplemental schedules for the tax years 1988 through the trial of this matter.
 5. All documents you may use as evidence in the trial of this matter.
 6. Documents reflecting Plaintiff's net worth, and describing with specificity assets and liabilities.
 7. All documents containing any procedures, terms, and/or conditions of employment with Defendant.
 8. All documents reflecting Plaintiff's job assignments, job performance, and pay rates while employed by Defendant.
 9. All documents created, maintained, or contributed to by Plaintiff regarding in any way, directly or indirectly, the events, circumstances, and/or conversations which suggest to Plaintiff that any action in retaliation to his employment by the University was arbitrary, capricious or malevolent.
- 3
10. All documents referred to or consulted by Plaintiff in answering the interrogatories propounded by Defendant.
 11. Any statement taken by Plaintiff regarding any of his allegations contained in his Complaint.
 12. Documents reflecting all medicine, whether prescribed or over-the-counter, taken by Plaintiff from 1988 through present.
 13. A copy of Plaintiff's most current curriculum vita or resume.

This the 11th day of December, 1996.

Chaze's response is presented below:

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

DR. TRELIS GREEN,

PLAINTIFF;

V.

CASE NO. : 6-94-4284

THE UNIVERSITY OF SOUTHERN
MISSISSIPPI, ET AL.,

FILED
FEB 21 1997

DEFENDANTS.

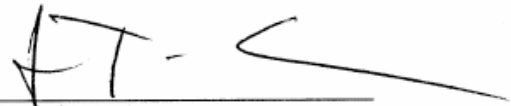
For Allie Williams
**NOTICE OF SERVICE OF DISCOVERY
OR RESPONSES THERETO**

TO: Lee P. Gore, Esq., University Legal Counsel, UNIVERSITY OF
SOUTHERN MISSISSIPPI, S. S. Box 10051, Hattiesburg, MS 39406-0051.

NOTICE is hereby given, that KIM T. CHAZE, did on February 19th, 1997,
serve in the above-entitled action PLAINTIFF'S RESPONSE TO INTERROGATORIES .

The undersigned retains the original of said papers as custodian thereof.

RESPECTFULLY SUBMITTED on this the 19th day of February, A.D. 1997.


KIM T. CHAZE
Attorney for Plaintiff
MSB #5974
912 West Pine Street
Hattiesburg, MS 39401
601/582-3947

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

DR. TRELIS GREEN,

PLAINTIFF;

V.

CASE NO.: 6-94-4284

THE UNIVERSITY OF SOUTHERN
MISSISSIPPI, ET AL.,

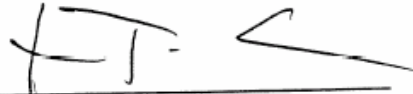
DEFENDANTS.

NOTICE OF SERVICE OF DISCOVERY
OR RESPONSES THERETO

TO: Lee P. Gore, Esq, UNIVERSITY LEGAL COUNSEL , S. S. Box 10051,
Hattiesburg, MS 39406-0051.

NOTICE is hereby given, that KIM T. CHAZE, did on January 16, 1997, serve in
the above-entitled action REQUEST FOR PRODUCTION OF DOCUMENTS TO
DEFENDANTS. The undersigned retains the original of said papers as custodian thereof.

RESPECTFULLY SUBMITTED on this the 16th day of January, A.D. 1997.



KIM T. CHAZE
Attorney for Plaintiff
MSB #5974
912 West Pine Street
Hattiesburg, MS 39401
601/582-3947

FILED
JAN 21 1997

Lee Ellen Adams
CIRCUIT CLERK

This issue concludes with an interesting request filed by Green's attorney, Kim Chaze, in January of 1997:

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

DR. TRELIS GREEN,

PLAINTIFF;

V.

CASE NO.: 6-94-4284

THE UNIVERSITY OF SOUTHERN
MISSISSIPPI, ET AL.,

DEFENDANTS.

**REQUEST FOR PRODUCTION OF DOCUMENTS
PROPOUNDED TO DEFENDANTS**

COMES NOW, the Plaintiff and propounds the following Request for Production of Documents to the Defendants pursuant to the Miss. Rules of Civil Procedure as follows, to-wit:

1. Please produce the Vitae, Personnel File, and Dossier of all persons who have been awarded Tenure and Promotion in the Department of Economics and International Business over the past eight (8) years.

2. Please produce all documents which were in fact reviewed by UNIVERSITY representatives when deciding which individuals would be awarded Tenure or Promotion in the Department of of Economics and International Business over the past eight (8) years.


3. Please produce the vitae, personnel file, and dossier of the following persons:

- A. James S. (Scott) McGruder;
- B. Chauncey M. (Mark) Depree;

- C. Ernest W. (Ernie) King;
- D. Farhang Niroomand;
- E. Charles W. Sawyer;
- F. Mark Klinedinst;
- G. George H. Carter III;
- H. Eddie Miley Lewis;
- I. Colleen O. Cameron;
- J. Frank C. Whitesell;
- K. Bille Morgan Allen;
- L. Forrest Durwood Ruegger;
- M. Gus Gordon;
- N. Lee P. Gore;
- O. James R. Henderson;
- P. Jerry G. King;
- Q. Davud Duhon;
- R. James L. Davis; and
- S. William Sirmon.

[For reference purposes, the foregoing persons, have been promoted or granted tenure in the College of Business Administration.]

RESPECTFULLY SUBMITTED on this the 16 day of January, A.D. 1997.


KIM T. CHAZE
Attorney for Plaintiff
MSB No. 5974
912 West Pine Street
Hattiesburg, MS 39401
601/582-3947