

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
THIRD DIVISION
CASE NO. 08-CI-608

PEGGY PETRILLI

PLAINTIFF

VS.

**PLAINTIFF, PEGGY PETRILLI'S, ANSWERS TO
INTERROGATORIES AND RESPONSES TO
REQUESTS FOR PRODUCTION OF DOCUMENTS**

STU SILBERMAN, in his Individual Capacity, and in his
Official Capacity as the Superintendent of the Fayette
County Public Schools and/or Fayette County Board of Education;
CARMEN COLEMAN, in her Individual Capacity, and in her
Official Capacity as the Director of the Fayette County
Public Schools and/or Fayette County Board of Education; and
THE FAYETTE COUNTY BOARD OF EDUCATION,
FAYETTE COUNTY, KENTUCKY

DEFENDANTS

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Pursuant to Rules 33 and 34 of the Kentucky Rules of Civil Procedure, the Plaintiff, Peggy Petrilli, in response to Interrogatories and Requests for Production of Documents propounded by the Defendants, states as follows:

GENERAL OBJECTIONS

Plaintiff makes the following objections to Defendants' interrogatory requests:

Plaintiff's responses to the interrogatories of Defendants are made subject to, and without waiver of:

1. All questions as to the admissibility into evidence of the responses or the subject matter of the responses;
2. The right to object to other discovery directed to the subject matter of the interrogatories and request for production of documents that have already been provided;

EXHIBIT

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3. The right to make additional objections or seek protective orders in the event additional review of files and pre-trial preparation result in further documentation with respect to any of the interrogatories; and

4. The right to, at any time, revise, correct, add to or clarify any of the responses contained herein.

Plaintiff's additional general objections are as follows:

1. Plaintiff objects to the interrogatories to the extent they relate to issues other than those directly related to the subject of this action. As such, they are overly broad, unduly burdensome, and seek information which is neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence.

2. Plaintiff objects to the interrogatories insofar as they call for information which is neither admissible under the applicable rules of evidence nor reasonably calculated to lead to the discovery of admissible evidence.

3. Plaintiff objects to all interrogatories which seek information that is a matter of public record and, therefore, equally available to all parties.

4. Plaintiff objects to the interrogatories to the extent that they seek information concerning events and communications protected by the attorney-client privilege and/or work-product doctrine. Nothing contained in these responses is intended as, or shall in any way be deemed, a waiver of any privilege or doctrine.

The responses herein are subject to, and limited by, the foregoing general objections. Additional objections are also made to specific interrogatories. Objections to discovery made herein are asserted by the undersigned counsel on behalf of Plaintiff.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1: Please identify the name, address, telephone number, and relationship to the Plaintiff each and every individual who has assisted in answering these Interrogatories, and please state with specificity the Interrogatory which each person assisted in answering.

ANSWER: Peggy Petrilli; 2749 Ashbrooke Drive, Lexington, Kentucky 40513.

INTERROGATORY NO. 2: Please state your full name, address, and date of birth. Please state your social security number on a separate piece of paper which will not be filed with record.

ANSWER: See Answer to Interrogatory No. 1.

INTERROGATORY NO. 3: Please state your marital status, the full name and last known address of any and all of your present or former spouses, and state the inclusive dates for each marriage.

ANSWER: I am currently married to George Petrilli. We have been married since 1991. I was married before to Tommy Newsom; we were married for 17 years.

INTERROGATORY NO. 4: Please describe your education background, including the names and addresses of each school you attended or are currently attending, the dates of attendance for each, the diploma, degree, or certificate earned by you, and a general description of the course of study you pursued.

ANSWER: I graduated with my bachelor's degree in elementary education in 1971 from Western Kentucky University. I received my masters in educational

administration from Texas State University in 1997. Then I attended UK's doctoral program. I have finished all the coursework and am currently preparing for the qualifying exam for formal entrance into the dissertation program.

INTERROGATORY NO. 5: Please describe your employment history for the past ten (10) years, both before and after the incident which is the subject matter of this litigation, including all periods of self-employment. For each job held or period of self-employment, please state as follows:

- a. The name of your employer, or if self-employed, the name of your sole proprietorship, corporation or company;
- b. The name of your immediate supervisor;
- c. Your job title;
- d. A general description of your duties, including subjects taught;
- e. That starting and ending dates for each such period of employment;
- f. Your wage an hour or salary at the beginning and ending of each period of employment;
- g. Your tenure status; and
- h. Your reason for leaving.

ANSWER: Booker T. Washington Academy; 2005-2007; principal; constructively discharged.

Northern Elementary; 2000-2005; principal; requested for the principal position at Booker T. Washington Academy; also staff assistant at Northern from 1997-2000.

St. Francis Elementary; 1995-1997; 2nd grade teacher.

Manor Independent School District; Austin, Texas; 3rd grade teacher from 1988-1990; grant coordinator from 1990-1992.

Dawson Elementary; Austin Independent School District; Austin, Texas; 1972 to 1975.

St. Mary's Cathedral; 1971-1972; 3rd grade teacher.

INTERROGATORY NO. 6: Please describe your prior education administrator experience for the past ten (10) years, both before and after the incident which is the subject matter of this litigation, specifying the school, whether you were a principal or assistant principal, and the inclusive time period in each position.

ANSWER: See Answer to Interrogatory No. 5.

INTERROGATORY NO. 7: Please describe in detail each injury, whether physical, mental, or emotional, which you claim to have sustained as a result of the claims in your Complaint and Amended Complaint, and in answering this Interrogatory, please state the name, address, and telephone number of all healthcare providers or counselors you have seen for these complaints.

ANSWER: Due to my constructive discharge from Booker T. Washington Academy, I have sustained a great deal of mental anguish. Not only did I unjustly lose a job that I loved, my reputation became tarnished. Now a cloud of suspicion surrounds my name and, since the constructive discharge, I have been unable to find another job in an academic setting.

INTERROGATORY NO. 8: Please describe your complete medical history for the last fifteen years, including doctors' examinations, doctors' treatment, mental or

psychological evaluations, and hospitalizations before, during, and after the incidents which are the subject matter of this litigation. With regard to each such treatment, please state the name, address, and inclusive dates of each treatment, evaluation, or hospitalization; the name and address of any treating or examining physician, psychologist, or psychiatrist; the inclusive dates for same; and whether you attribute such treatment to any of the actions or omissions alleged in the complaint.

ANSWER: **OBJECTION.** Ms. Petrilli has not sought medical or psychological counseling for the mental anguish caused by the Defendants. Therefore, this Interrogatory is not relevant.

INTERROGATORY NO. 9: Please state each fact and every basis for the allegations contained in numerical paragraphs 4, 5, 6, and 8 of your Complaint. In answering this Interrogatory, please state the name, address, and telephone number of each person or persons who have specific knowledge of these facts, and summarize the content of their knowledge. And, pursuant to Civil Rule 34, please produce all documentation in your possession which supports these allegations.

ANSWER: In 2004, Booker T. Washington Elementary and The Academy were merged into one school and renamed Booker T. Washington Academy (BTWA). In late December 2004, Stu Silberman requested that I leave Northern Elementary, where the test scores had significantly increased under my supervision, to become the principal of BTWA.

After I agreed to be the principal at BTWA, Mr. Silberman told me that I would have to go through the application process prior to any announcement that I would be

the principal. Thereafter, I went through the formal interview process and was appointed principal of BTWA in February 2005.

During the time I was principal of BTWA, all of the statistical data that was presented to me, and which the Fayette County Board of Education has, shows that the test scores in these two merged schools significantly increased between 2005 and 2007. These increases coincide with the new curriculum that I implemented.

Shortly after I was hired, I became aware that there were racial problems at BTWA. When I was first introduced at an assembly to the parents, one of the parents of an African American student questioned Mr. Silberman as to why the parents were not permitted to have any input as to who would be the principal. They wanted a black principal. Mr. Silberman had promised them that they would have a say in selecting the new principal of BTWA.

Throughout the next months, I worked to try and build a trusting relationship with the parents of BTWA students. But I was aware that BTWA parents make racist remarks. Despite the racist sentiments, I met with Jessica Berry, the PTA president, to try and improve our working relationship and create trust with the black community. When we met, Ms. Berry told me that at times, when she had supported me, she was criticized by the community for not being loyal to the black parents.

In May 2007, I followed school policy by reporting that one of the black students at BTWA was out of area. This was normal procedure. The parents of that child are Buddy and Alva Clark. However, the Clarks became very mad at me for following the policy set forth by the Board of Education for students who do not live within BTWA's school district.

In early June 2007, Mr. Clark came to my office and demanded that I speak with him. He wanted me to withdraw the letter stating that his child was out of area. I could not withdraw it, since I had not written it. I tried to explain to Mr. Clark that their child could remain at BTWA by simply signing an out of area agreement. He indicated that he did not have to do this, that he would not do it, and that his child would stay at BTWA.

At that time, Mr. Clark let me know that my problems were just beginning. He told me that he fights for a living and that he's a great fighter. He also told me that he would be in touch with everyone over this, and that he has friends in high places. When he left my office he said that it was not over.

I felt threatened by his attempt to intimidate me, and immediately reported this matter. I called the director's office and spoke with Norma Welch to let her know that Mr. Clark was going to come to Central Office and that he was angry. I also notified Mr. Silberman about what happened during my meeting with Mr. Clark.

Thereafter, Mr. Clark met with Mr. Silberman and gave him several demands—not all of them were about the out-of-area situation. I never saw what those demands were because Mr. Silberman told me not to worry about it. I asked him what I should do, and he ordered me not to turn in Mr. Clark or his child for anything.

Before school started in August 2007, I met with Mr. and Ms. Clark again. Alice Weinberg was also present. The Clarks demanded to have the classroom painted, to have a better computer for the classroom, and to have a personal tutor for their child. The Clarks also stated that there were not enough black leaders at BTWA and that I needed to fix that situation. Mr. Clark told me that I had until October to satisfy his demands. Again, because I felt intimidated, I reported this matter to Carmen Coleman to inform her about what had happened during my meeting with the Clarks.

Around the same time as the Clarks met with me in August 2007, Ms. McDermott, who is a parent of BTWA students, received notice that her children were out of area and would not be permitted to stay at BTWA. Ms. McDermott came to the school and was angry. Despite this, Mr. Silberman instructed Ms. Coleman to order me to let Ms. McDermott's children return to BTWA.

At the same time, Ms. Coleman said that Mr. Silberman wanted to know what was going on at BTWA with the parents. I did not know or understand what she was talking about. Ms. Coleman alluded to an email, but did not elaborate.

On August 22, 2008, Stu Silberman attended a secret meeting with the parents of BTWA after the parents threatened him by stating that if he did not meet with them, they would contact the media and the OEA with their complaints. As a result, he met with them. I was not told anything about this meeting until the next day, despite the fact that the meeting was about me.

At that meeting, Mr. Silberman heard complaints about me and the job I was doing at BTWA. Mr. Silberman told me that there was another folder filled with complaints that the parents did not have time to address. Mr. Silberman said that this was the most hostile group of parents he had ever seen.

The following day, I was called into a meeting with Mr. Silberman and Carmen Coleman. At that time, I was told about the parents' complaints, and that, as a result of those complaints, I had to resign or retire. I was also told that I could not go back to BTWA and that I had to check into retirement immediately. I was completely shocked by this unexpected turn of events.

I asked Mr. Silberman if he would let me meet with the group of parents. He told me that he would not. He told me that he knew the accusations were false, but said that

it did not matter that they were false. I repeatedly asked him to reconsider his ultimatum that I must resign or retire.

The day after I was constructively discharged, Mr. Silberman met with my leadership team to let them know that I had decided I could not return to BTWA and that I had decided to retire or resign. He also told them that they should support my decision and that the school was broken beyond repair because of the racial friction.

For the next several days I was bombarded with numerous calls from Mr. Silberman and Ms. Coleman demanding to know my decision. In my conversations with Ms. Coleman, she continuously stated that Mr. Silberman wanted to help me. I took this to mean that if I did not do what he wanted, that he would try to ruin me.

At one point, I asked Mr. Silberman if I could assist with the opening of some of the new schools. He told me absolutely not. He said he talked to the entire cabinet and not a single one of them had a job for me. He also said that I was not well liked. I was shocked and stunned. Again, he told me that I must resign or retire.

Mr. Silberman and Ms. Coleman kept calling me throughout the weekend. I did not answer the phone. Then another school official, Fabio Zuluaga, came to my house. Ms. Coleman also came by my house the same day to get me to sign the resignation papers. I was not home at this time.

When I finally called Mr. Silberman on Sunday afternoon, he was furious that I had not answered his calls. He demanded that I have a resignation letter on his desk the first thing Monday morning. I asked him if he had grounds to fire me and he said absolutely not, but nevertheless, I could not return to BTWA.

At that time, he again told me that he knew the complaints from the BTWA parents were not true. He told me that the instructional program was outstanding, but

that this was all about perception. Mr. Silberman admitted to me that if I had not turned the Clarks in, none of this would have happened.

Prior to the point in which I was constructively discharged, I had never had a bad evaluation. No one in the Central Office or any other administrator had criticized me or issued any complaints about the job I was doing at BTWA. In fact, Mr. Silberman constantly praised the academic program at BTWA.

To my knowledge no investigation had been done concerning any of the allegations before I was told that I must resign or retire. In fact, between the time in which the secret meeting with the parents of BTWA occurred and the following day, when Mr. Silberman and Ms. Coleman met with me, there was no time to launch an investigation into, much less verify, any of the complaints that had been lodged against me. Instead of checking into any of the accusations, I was ordered to resign or retire. Only after I was gone, Mr. Silberman indicated that they would look into the issues that the parents raised.

Subsequently, I have attempted to get many other jobs, but have had no success to this point. Because of the cloud of suspicion that now surrounds my name I have gone from being named one of the most successful principals to totally unemployable.

INTERROGATORY NO. 10: Please state each fact and every basis for the allegations contained in numerical paragraph 9 of your Complaint. In answering this Interrogatory, please describe, with particularity, the factual and legal basis for your assertion that "Stu Silberman conducted a secret meeting with the Booker T. Washington Academy site based council and a group of parents. He knew that both groups had engaged in conduct that violated KRS 161.190. The meeting was held in

