IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

LORIE POTTER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**CIVIL ACTION NO. 5:14-CV-315(MTT)**
	)	
DOOLY COUNTY, *et al.*,	)	
	)	
Defendants.	)	
	)	

ORDER

After substantial discovery had been conducted, the Defendants moved for judgment on the pleadings. (Docs. 21-22). Shortly thereafter, the Defendants moved for summary judgment. (Doc. 37). Based on the summary judgment record, it is apparent that some of the allegations of the Plaintiff's amended complaint regarding her First Amendment claim are no longer, well, operative. For example, the Plaintiff alleged in the amended complaint that Don Williford told her she was "banned from the LEC as a result of the support she and her husband gave to [Lucius Van] Peavy's challenger" and thus would not receive a fulltime position. (Doc. 35, ¶ 29). According to the summary judgment record, the Plaintiff no longer contends that Williford made this precise statement. Further, at her deposition, Defendants' counsel directly asked the Plaintiff on "what evidence" she based her conclusion that Van Peavy banned her out of spite for her supporting his challenger. (Doc. 37-17 at 83:9-14). The Plaintiff simply responded that "[t]here was no other reason to ban me from the LEC" and that "[i]t was the particular time, series of events to get to that point, talking to [Williford]." (*Id.* at 83:15-18). But again, the summary judgment record does not support the Plaintiff's

allegation that Williford ever said that Van Peavy banned her as a result of her political support for his challenger.

It is not clear why the Defendants waited until they did to move for judgment on the pleadings, but it makes little sense to rule on those motions when the summary judgment record suggests that the facts have changed, to the Plaintiff's detriment. Accordingly, the Defendants' motions for judgment on the pleadings are **DENIED as moot.**

SO ORDERED, this 30th day of March, 2016.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT