

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE

KATERI LYNEE DAHL,]
]
 Plaintiff,]
]
 v.] No. 2:22-cv-00072-KAC-CRW
]
 CHIEF KARL TURNER, and]
 CITY OF JOHNSON CITY, TENNESSEE,]
]
 Defendants.]

**MOTION FOR SUMMARY JUDGMENT ON BEHALF OF
THE DEFENDANT, CITY OF JOHNSON CITY, TENNESSEE**

Comes the defendant, City of Johnson City, Tennessee (“Johnson City”), pursuant to Federal Rule of Civil Procedure 56, and moves for summary judgment as follows:

1. With respect to the state law claim under the Tennessee Public Protection Act (“TPPA”), Johnson City is entitled to summary dismissal as a matter of law on any one of the following grounds:

a. Kateri Dahl (“Dahl”) was not an employee of Johnson City, and therefore, the TPPA does not apply to Dahl.

b. Dahl was not “discharged or terminated,” and therefore, the TPPA does not apply to Dahl.

c. Dahl cannot prove that she refused to remain silent about “illegal activities” as that term is defined under the TPPA.

d. Dahl cannot prove that she refused to participate in “illegal activities” as that term is defined under the TPPA.

e. Dahl cannot prove that the City officials who were involved in the decision to not renew her contract knew that she had allegedly refused to remain silent about or participate in “illegal activities.”

f. Dahl cannot prove that the decision to not renew her contract was based “solely” on her alleged refusal to participate in or be silent about “illegal activities.”

g. Johnson City had a legitimate, non-retaliatory reason for not renewing her contract.

2. With respect to the federal law claim under the National Defense Authorization Act (“NDAA”), Johnson City is entitled to summary dismissal as a matter of law on any one of the following grounds:

a. Dahl was not an employee of Johnson City, and therefore, the NDAA does not apply to Dahl.

b. Dahl did not make her complaint to an “authorized official” as required by the NDAA.

c. Dahl cannot prove she was subjected to retaliation for making an alleged complaint protected by the NDAA.

d. Dahl does not have an objectively reasonable belief that her allegations fall within the protections provided by the NDAA.

3. In the alternative, her NDAA claim premised on the pole camera should be dismissed for failure to exhaust administrative remedies.

This Motion for Summary Judgment is supported by the following: (1) Memorandum Brief, (2) Declaration of Karl Turner, (3) Declaration of Sunny Sandos, (4) Declaration of Denis “Pete” Peterson, (5) Declaration of Erick Herrin, (6) Excerpts from the deposition of Kateri Dahl, (7) Excerpts from the deposition of Assistant United States Attorney Wayne Taylor, (8) Excerpts from the deposition of Kevin Peters, (9) Excerpts from the deposition of Denis “Pete” Peterson, (10) Excerpts from the deposition of Sunny Sandos, (11) Documents related to Ms. Dahl’s filing with the Department of Justice, Office of Inspector General (that are being filed under seal at the request of Ms. Dahl), (12) Transcript of December 8, 2020 meeting with Chief Turner, Captain Peters, and Ms. Dahl, (13) Recording of December 8, 2020 meeting (being manually filed with a request that it be filed under seal), (14) Transcript of May 19, 2021 meeting with Chief Turner,

Captain Peters, and Ms. Dahl, and (15) Recording of May 19, 2021 meeting (being manually filed with a request that it be filed under seal).

Respectfully submitted,

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