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Breast Cancer Survivor Alleges Public Defender's Office Tried to Get Her to Quit

"When you're dealing with a public employee, it's sometimes necessary to really dig in to the Georgia constitution & statutes governing particular offices to understand who's really calling the shots," said plaintiffs attorney Andrew Tate Buckley Beal in Atlanta.

By **Cedra Mayfield** (https://www.law.com/dailyreportonline/author/profile/Cedra-Mayfield/) | May 28, 2021 at 12:45 PM

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Credit: Eliyahu Yosef Parypa/Shutterstock

A public defender's office and its county government must now defend their alleged actions against claims they illegally fired an employee undergoing breast cancer treatment.

And plaintiffs counsel said the case is a study in pinpointing the right defendant among multifaceted entities.

Atlanta-based Buckley Beal senior partner Rachel Berlin Benjamin and associate Andrew Tate filed suit in the U.S. District Court for the Southern District of Georgia on May 20. The duo are representing plaintiff Necia Hodge-Peets, a former employee

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of the Augusta Public Defender's Office.

"During the course of her cancer treatment, our client sought reasonable accommodations: to take two months of protected medical leave and time to attend doctor's appointments," Tate said. "But in response, she was demoted twice. ... The Augusta public defender was really trying to get Ms. Hodge-Peets to quit."

Andrew Tate, associate with Buckley Beal, Atlanta. (Courtesy photo)

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Thomas O'Connor, director of communications for the Georgia Public Defender Council declined to comment, citing in an email that the "the agency does not comment on pending litigation."

Meanwhile, plaintiffs council Tate called the case "cut and dry." However, he said, because of the employment arrangement between the public defender and Augusta-Richmond County, it required additional discovery to identify the parties to hold accountable: the public defender's office and county government.

"When you're dealing with a public employee, it's sometimes necessary to really dig in to the Georgia constitution and statutes governing particular offices to understand who's really calling the shots," Tate said. "In this case, one or both of these two entities is going to have to take responsibility for what was done to our client."

Mary Greaber of the Georgia Office of the Attorney General is handling the defense of the Augusta Judicial Circuit Office of the Public Defender, while Samuel Meller of the Augusta Law Department is defense counsel for the Augusta-Richmond County Consolidated Government. Neither attorney responded to request for comment.

Tate said he expected the defendants to submit their responses to pleadings in the next few weeks.

Attorneys for both defendants **[requested](https://www.pacermonitor.com/public/case/40343591/HodgePeets_v_AugustaRich)** **[https://www.pacermonitor.com/public/case/40343591/HodgePeets v AugustaRich](https://www.pacermonitor.com/public/case/40343591/HodgePeets_v_AugustaRich)** to respond to the complaint. The court granted both, requiring responses by June 10.

In the suit, the plaintiff said her initial demotion involved a new role that required her to drive to the jail to meet with inmates, despite being dizzy from treatments and having a compromised immune system. After submitting a doctor's request for further illness-related accommodations, she said the defendants demoted her again, this time to a front-desk receptionist.

Following the double demotion, the suit alleges the defendants disciplined the plaintiff for absences covered by approved intermittent Family and Medical Leave Act leave.

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"When she was briefly hospitalized for two days due to complications from her treatment, the public defender used that as an excuse to fire her," Tate said.

The plaintiff counsel are seeking injunctive and declaratory relief, back pay and lost benefits, as well as front pay or reinstatement to a full-time position with commensurate benefits, compensatory damages, liquidated damages and attorneys' fees and costs of litigation.

"Necia Hodge-Peets should have been able to count on her employer to have her back and, at the very least, follow the law," Tate said. "They didn't and, instead, kicked her to the curb and for that Ms. Hodge-Peets demands and deserves justice."

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CHARLES TOUTANT
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"Arbitration is a real scourge right now to working people and consumers. I'm hopeful that the tide is turning and we will get rid of it," said attorney Ravi Sattiraju.

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(<https://www.law.com/dailyreportonline/2021/06/01/1-billion-in-damages-sought-from-mlb-for-moving-all-star-game/>)

KATHERYN TUCKER
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"MLB robbed the small businesses of Atlanta—many of them minority-owned—of \$100 million, we want the game back where it belongs," said Alfredo Ortiz, president and CEO of Job Creators Network. "This was a knee-jerk, hypocritical and illegal reaction to misinformation about Georgia's new voting law."

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