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Attorney for Defendant Thomas

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

TWO DOT DIVISION

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| |  |  | | --- | --- | | EDWARD S. REYNOLDS, JR.,  Plaintiff,  vs.  ANDREW THOMAS and NONOM COUNTY,  Defendants. |  | | CV 13-796-TD-XYZ  DEFENDANT THOMAS’S STATEMENT OF DISPUTED FACTS |

**Verbatim Response to Plaintiff’s Statement of Undisputed Facts:**

1. Plaintiff Edward Reynolds is employed by Nonom County, Montana, in its Housing and Community Development Department. Reynolds Dep. at 3:2.

*Undisputed.*

2. Reynolds performed the functions associated with his formal job description of Community Development Specialist, and he took on additional supervisory responsibilities, at his superiors’ request, “for a number of years with his duties continually expanding each year.” Reynolds Dep. at 53:17-59:6; Stewart Dep. at 8:12-10:14.

*Disputed as to Reynolds’ taking on additional supervisory responsibilities “at his superiors’ request.” At times he took on unnecessary tasks on his own initiative, Johnson Dep. at 48:16-25, Johnson-Smith Dep. at 13:10-23, and there is no evidence his duties continually expanded each year. Otherwise undisputed.*

3. On April 6, 2007, and again on September 21, 2007, Reynolds’ supervisors, Camilla Johnson-Moore and Joseph A. Johnson, Jr., respectively, asked Defendant Thomas to reclassify Reynolds’ job or increase his pay to reflect the duties he was performing. Johnson Dep. at 5:3-7:8; Johnson-Moore Dep. at 6:2-24; Reynolds Dep. at 48:10-16, 54:18-56:22; County Personnel Policy 200.210.478.

*Disputed*. Thomas Dep. at 23:21-25; Simpson Dep. at 9:24-10:18.

4. Thomas failed to respond to their requests.

*Undisputed, as they did not make any requests.*

**Defendant’s Additional Facts in Opposition to Plaintiff’s Motion:**

5. In light of a growing number of oral requests for job reclassification, Thomas instructed all supervisors to put requests for job reclassification in writing. Thomas Dep. at 23:16-19; Staff Meeting Minutes, Jan. 31, 2007.

DATED [date] .

/s/ James Doe

Attorney for Defendant Thomas