"EXHIBIT B"

BACKGROUND

The complainant was the plaintiff in a federal lawsuit filed in the Northern District of Florida, Pensacola Division, against Pensacola Junior College. Central to complainant's allegations of judicial misconduct based on personal and/or political interests is the inseparable relationship that existed between the college, the community (from which presiding judges came), and, most importantly, the college's general counsel. The college reputedly was one of Florida's most powerful and politically connected state institutions. In addition, it, along with its powerful foundation, had been the cornerstone of the Pensacola establishment for many years. At the heart of its existence was its powerful, longtime, legal counsel—attorney M. J. Menge. Mr. Menge reputedly was the most powerful man in Northwest Florida and reportedly wielded tremendous influence not only in Florida but also in Washington as well. He served on virtually every major board or committee in Northwest Florida, including Florida's powerful federal Judicial Nominating Commission which nominated judges to be appointed to the federal bench and on which he was considered the most influential individual (was the only local member of the Northern District panel). In addition, he had very strong ties to the military establishment. But his name was synonymous with Pensacola Junior College, and his actions suggested that he considered an allegation against the college to be an allegation against him.

Notwithstanding the college's legal counsel, it appeared that the institution operated without the restraint of law. The governing body, the board of trustees, appeared to be abjectly subservient to its subordinate president, and the appropriate state agency with jurisdiction appeared to exercise little, if any, oversight. It appeared further that the restraints that applied to the faculty did not similarly apply to the top management team. Moreover, it appeared that with the board of trustees' obvious acquiescence, the administration did whatever it wanted to do, regardless of the consequences. If, for example, the administration had no reason to fire a person, it would invent one. If it had no evidence to support the firing, it would fabricate it. In addition, taxpayers' money allegedly was used to reward those who would bear false witness against those who dared to complain. It appeared that there was no refuge for an honest person to seek when confronted with the choice of perjuring himself or losing his job. In addition to being faced with the choice of dishonor or dismissal, it appeared that any employee who dared to bring to the attention of his superior a matter which suggested administrative culpability was summarily dismissed. However, with Mr. Menge as its powerful legal counsel, along with his ability to retain the top labor law firm in the state, the college had invariably been successful in defending itself against

any and all charges of discrimination filed against it with the Equal Employment Opportunity Commission (EEOC) or any other federal agency with jurisdiction, regardless of the evidence supporting the charges.

In the face of the threatening atmosphere delineated above, complainant complained of sexual harassment and retaliation against her supervisor/department head. Accordingly, she was terminated from her position as instructor at the college on or about June 16, 1987. Prior to and immediately after the termination, complainant filed three separate charges of discrimination with the EEOC (sexual harassment, race discrimination, and retaliation). Given the institution's record in successfully defending itself against such charges, however, complainant feared that she would not prevail before the EEOC.

Thus, following her termination, from about September of 1987 and continuing thereafter up to and including June of 1991, complainant undertook and carried out an arduous and thorough investigation of the college's activities in order to document and support her allegations of discrimination against the institution. She was motivated not by personal vendetta, even though she had been the victim of violence in this matter, but by her long-held belief that no one is above the law. While documenting and supporting her allegations of discrimination, however, complainant inadvertently uncovered additional and unrelated wrongdoing on the part of college officials and other prominent individuals in the Pensacola community. As per the advice of a law enforcement friend, she thereafter provided the information to the appropriate state and federal authorities, including the Criminal Investigation Division of the Internal Revenue Service. At the time, the agency was investigating a high profile criminal case which involved alleged criminal activity on the part of Pensacola-based Gulf Power Company (reputedly another cornerstone of the Pensacola establishment), the Southern Company in Atlanta (Gulf's parent company), and prominent individuals in the Pensacola area. In providing the information to this agency, she later discovered that individuals who were under scrutiny in the high-profile federal probe were inextricably intertwined with individuals connected to the college. As a consequence and out of concern for her safety, complainant established and maintained ongoing relationships with individuals in law enforcement.

From about May of 1988 and continuing thereafter up to and including October of 1988, the EEOC issued its long-awaited findings regarding complainant's charges of discrimination against the college. She received three separate reasonable cause findings (sexual harassment/race discrimination/retaliation) from the EEOC under the chairmanship of Clarence Thomas during the Reagan Administration. However, the college showed no contrition. It refused to conciliate the case and vehemently claimed that it had not committed any error.

From about October of 1988 and continuing thereafter up to and including July of 1990, the results of complainant's inquiry into the activities of the college were made public. The reaction of Mr. Menge and other powerful community leaders to the ensuing negative publicity was one of anger and hostility toward the complainant. It was at this juncture that she began to incur the wrath of Mr. Menge—wrath, which complainant would later discover, served as a prelude to what lay in wait for her at the federal judiciary.

Complainant found herself embroiled in a protracted and extremely acrimonious battle with Mr. Menge as a result of the following: In the fall of 1988, the Milton, Florida Press-Gazette, at the behest of a sitting college board member, to whom complainant had shown evidence of alleged wrongdoing, printed a long series of articles detailing the college's alleged wrongdoing and complainant's role in uncovering it. Also during this time, the major television stations and the city's major talk radio station, WCOA, provided coverage, including editorials condemning the college's inaction with respect to complainant's three reasonable cause findings from the EEOC. On February 21, 1989, Florida's Office of the Auditor General released a scathing audit of the college based on information provided by the complainant which revealed, among other things, that the college allegedly padded student enrollment for state funding, including the enrollment of dead students. On March 5, 1989, the St. Petersburg Times printed on its Sunday front page the article "Audit asks: Did college enroll dead students." According to the article, "Investigators heard from Alberta Davison, a former secondary education instructor who was fired two years ago. A tireless investigator herself, Davison filed three equal opportunity complaints against the school and won all three." Within days of the newspaper article, the St. Petersburg Times printed a scathing editorial on the college entitled "Students in name only." In addition, the story was picked up by The Miami Herald, The Tampa Tribune, and USA TODAY. Thereafter on or about April 18, 1989, complainant appeared on the nationally syndicated television newsmagazine "Inside Edition."

On or about March 21, 1989, in the face of the negative publicity which ensued, the college's first response was given by Mr. Menge at a board meeting. The board minutes read as follows:

> Mr. Menge discussed the editorial that was published in the St. Petersburg Times, and stated he felt the article did contain defamatory statements against the college, the Board, and the leading administrators of this institution. He stated he had discussed sending a letter to the St. Petersburg Times on behalf

> of the College with Dr. Hartsell to let them know that the Board considered the article to be defamatory and ask for a retraction. Mr. Timmons moved that the Board write a letter to the St. Petersburg Times and ask for a retraction in the article they published.

On or about April 18, 1989, the college's second response was given by Mr. Menge at a board meeting . It was given as a status report relative to complainant's EEOC findings. The board minutes read as follows:

> Mr. Menge brought a status report on the three separate complaints filed by Ms. Alberta Davison which had gone through conciliation with PJC's attorney, Reynolds Allen, and the EEOC. No conciliation was reached, and as a matter of course EEOC will now either give Ms. Davison a "right to sue" letter, or they will forward the complaint to their district office in Miami to see if they wish to pursue the matter. . Mr. Menge stated that he had been advised that the College has never been informed of the specifics of the allegations; Ms. Davison did not choose to file a formal complaint with the College. An investigator for EEOC indicated it had reason to believe that two other women who had been on the College campus had been sexually harassed by the individual Ms. Davison had accused of sexual harassment. These two women have been located and specifically deny that they were ever subjected to any sexual harassment by the individual accused by Ms. Davison. One of them has had her statement taped by Mr. Allen, and arrangements have been made to tape the statement of the other individual.

On or about April 26, 1989, in the face of mounting negative publicity, Mr. Menge and other powerful community leaders sought to discredit complainant by carrying their case to the court of public opinion. They held a press conference whereby Mr. Menge vilified the complainant. He expressed great disdain for her and vowed to put an end to her allegations against the college. In disparaging remarks, which were later repeatedly broadcasted on WCOA, the leading talk radio station in Pensacola, Mr. Menge could be heard hour after hour for a day and a half attacking the complainant's character and even derogatorily asserting, among other things, that his mother would not call complainant a "lady." He said, instead, his mother would call her a "WOMAN." In addition, the following morning after the news conference, the Pensacola News-Journal printed a very unflattering article regarding complainant. In the article, Mr. Menge impugned complainant's character and accused her of trying to

ruin the college's reputation. The article suggested that the complainant was either emotionally disturbed or a liar.

On or about May 16, 1989, in the face of persisting negative publicity, college officials and community leaders intensified their actions through Mr. Menge to alleviate the problem. The board minutes read as follows:

> Mr. Menge asked that Mr. Bob Gowing, corporate secretary of the PJC Foundation, Inc., and Mr. Larry Barrow, president of the PJC Alumni association, Inc. be recognized. Mr. Gowing stated that the Foundation had been very concerned over the past few months about the negative publicity both in newspaper, locally and on a statewide basis, and as a result of the "Inside Edition" program. In a meeting with the Alumni Association and the Foundation, the Board of Governors of the Foundation offered their services to the College to develop a speakers' bureau to present the true facts to the community. They also asked that Mr. Menge explore with counsel having expertise in the area of libel and slander to determine if it is feasible for the Foundation to pursue legal action on behalf of the College and Dr. Hartsell [the president of the college] personally for the defamatory reports that had been publicized by the media. Mr. Gowin felt that the College could possibly be damaged economically in terms of current and future enrollment, activities of the Foundation, the Future Fund development, and the favorable reputation that PJC has previously had. Mr. Menge will be reporting back to the executive committee of the Foundation on what avenues they may be able to take.

The conditions that sparked such reaction would continue in the months that followed. On or about June 26, 1989, the program "Inside Edition" re-aired throughout the United States.

Thereafter in August of 1989, the criminal division of the Internal Revenue Service seized the financial records of the Pensacola Junior College Foundation in conjunction with its investigation of Gulf Power Company and individuals. The records were delivered to the federal grand jury in Atlanta which had been investigating numerous tax-fraud allegations against Gulf Power. Then on October 31, 1989, Gulf Power admitted "that it violated tax laws by instructing vendors to make political contributions and then to bill back the utility with inflated invoices." The government's complaint listed "83 schemes through which the utility made

hidden, corporate contributions to community events and organizations, including the Pensacola Open golf tournament and the Pensacola Junior College Foundation." The investigation of individuals continued. Later, on or about July 27, 1990, the then Office of Thrift Supervision in Atlanta seized the Citizens and Builders Federal Savings Bank in Pensacola at the behest of the Senate Banking Committee in Washington, D. C., which had been provided information by complainant regarding Mr. Menge and college activities in connection with the bank, reportedly resulting in Mr. Menge (who was one of the founders of the bank, a member of the board of directors, as well as the bank's legal counsel) losing a tremendous amount of money.

By December of 1989, the unintended consequence of trying to document and support her allegations of discrimination against the college was the elevation of the college's actions against complainant via its powerful defense counsel and other prominent community leaders. It was in this political climate that complainant filed her case in federal court on December 19, 1989. The lawsuit engendered more negative publicity for the institution. However, in spite of the hostility she was afforded by Mr. Menge and other community leaders, she had no reservations regarding filing her case in federal court in Pensacola, for she fervently believed the federal judiciary to be beyond reproach as well as the guardians of individual rights under due process of law. She had every confidence that the federal jurist presiding over her case in Pensacola would adhere to the constitutional requirement of "rule of law" and the Code of Judicial Conduct, particularly with respect to the following: "A judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned" and "It is the obligation of a judge to disclose all facts that might be grounds for disqualification."

Complainant alleges, however, that, much to her consternation and contrary to her belief, from about December of 1990 and continuing thereafter up to and including October of 1996, she was deprived of her constitutional right to have her case adjudicated in a fair and impartial forum due to the judges' undisclosed biases based on personal and/or political interests.

Four different federal judges presided over complainant's case at the district court level. Judge Roger Vinson, the first presiding judge, treated complainant as though she had no right to pursue her legal challenge against the defendant. On or about October 19, 1990, attorney David Moye, a formal federal prosecutor who was also a reserve in the U. S. Marine Corps, filed a notice of appearance in complainant's case. At this time, it appeared that virtually everyone in Pensacola was talking about the war in the Persian Gulf, for Pensacola has a very close relationship with the military. Thus, prior to taking complainant's case, counsel did as much as he could to determine the likelihood of his being recalled to active duty and was told that it was

not likely that he would be recalled. Thereafter on or about October 30, 1990, he appeared formidably with the complainant at her deposition wherein she disclosed publicly for the first time that she had an association with federal authorities then conducting the probe of individuals connected with Gulf Power Company. In less than a month after new counsel appeared at deposition, he was recalled to active duty and given "less than two days notice." In the immediate aftermath of her counsel's departure, the judge showed complainant no consideration, even though her counsel, through no fault of his own or hers, was abruptly taken off of her case and sent to Saudi Arabia to serve his country. In addition, pressure was brought to bear on her counsel's law firm to withdraw from complainant's case. Meanwhile, the counsel for the defendant filed a motion to compel complainant to disclose further information regarding her relationship with federal authorities. Complainant thereafter submitted In Camera information to the Court in response to the defense counsel's motion to compel. The information revealed complainant's involvement with the Gulf Power probe in connection with the college's foundation. Although the judge denied the defendant's motion to compel, she was still afforded disparate treatment by the judge. On or about January 10, 1991, complainant counsel's law firm withdrew from the case. She had already experienced great difficulty in retaining honest, competent, local counsel and managed to retain Mr. Moye only because he had just moved to the area. However, the judge then ordered the complainant to "have substitute counsel appear or notify the Court that she is representing herself pro se, within 14 days from this date." It was later brought to complainant's attention that there existed a conflict of interests between the judge and complainant's case in that the judge had served as chief counsel for Gulf Power Company prior to being appointed to the federal bench. He had previously recused himself from cases with a Gulf Power connection. Complainant thereafter filed a motion for the judge's recusal. On or about February 28, 1991, Judge Vinson recused himself from the case, stating that "I am totally unaware of any possible conflict between my prior representation of Gulf Power Company and any issues that may arise in this case. Further, my recusal from any case in which Gulf Power Company may be a party is on the basis of a small stock investment which requires recusal under Title 28, United States Code, Section 455 (b)(4)." Nevertheless, I hereby recuse myself from further proceedings in this case."

On or about March 4, 1991, complainant was advised that her case had been assigned to Chief Judge William Stafford in Tallahassee, Florida. Counsel for the defendant expressed outrage that the case had been transferred to Judge Stafford. Even after it had been transferred, co-counsel for the defendant, D. Lloyd Monroe, IV, implored complainant to agree to have it returned to Pensacola to be presided over by the federal magistrate, who, complainant would later discover, was a friend of his. However, the case remained with Judge Stafford in Tallahassee. Thereafter on May

6, 1991, she retained attorneys Edward S. Stafman and Paula S. Saunders in Tallahassee as her new counsel of record.

Judge Stafford appeared to preside over the case in a fair and impartial manner. On or about July 19, 1991, he called an emergency hearing in Tallahassee in which complainant's new counsel was dismissed from the case after complainant provided the Court allegations of unethical conduct on the part of her counsel in conjunction with the co-counsel for the defendant. In a conference call hearing on September 13, 1991, Judge Stafford strongly urged Mr. Monroe to advise the defendant to mediate complainant's case. However, in a strange and totally unexpected twist in the case, complainant was approached by her confidante and secretary, who had previously advised the complainant that college foundation officials had been trying to get in touch with her, demanded that complainant sign a written contract with her for 10% of any damages she might receive in the event the case was settled. When complainant failed to taint her case in this manner, the individual submitted a letter to the Court stating that complainant had promised her 10% of the case. The letter was filed in the court record. Thereafter in October of 1991, Mr. Monroe advised Judge Stafford that the defendant was not going to mediate the case.

Meanwhile, unbeknownst to complainant, attorney M.J. Menge, the defendant's powerful general counsel, was in Pensacola putting the finishing touches on having his very close friend and protégé placed on the federal bench. Mr. Menge served on Florida's powerful Federal Nominating Commission and was the most influential member on the panel. Mr. Menge, a registered democrat, and U. S. Senator Connie Mack, R-Fla., recommended Circuit Court Judge Lacey A. Collier, a registered democrat, to be appointed to the federal bench by Republican President George Bush. Mr. Menge's role did not end with his getting the judge appointed to the bench, he played the prominent role in the judge's investiture at the Saenger Theater in Pensacola. The judge was sworn in on November 20, 1991.

On or about December 23, 1991, in a little over a month after Judge Collier was sworn in, complainant was advised that "as of this date the above referenced case has been transferred to Judge Lacey Collier, U. S. District Court, Pensacola, Florida,. . ." Judge Stafford transferred the case back to Pensacola to be presided over by Judge Collier without providing any explanation whatsoever. Complainant feared the worst.

On or about March 20, 1992, the counsel for the defendant began to take unethical, if not illegal, action to eliminate complainant's case from the court. Pending before the court was complainant's Title VII claim and a Section 1981 claim. Counsel for the defendant's first move was to discredit the EEOC findings and thereby discredit

complainant's Title VII claim. To do this, counsel for the defendant attempted to accuse the complainant of forging a signature on a key witness's statement that had been submitted to the EEOC. This effort failed when complainant requested the EEOC to conduct an investigation into the matter. Thereafter, on or about June 3, 1992, counsel for the defendant's second move was to eliminate complainant's Section 1981 claim from the court—the claim which afforded her a jury. Toward this end, counsel for the defendant perpetrated a fraud on the court by knowingly and intentionally attaching a false, unsworn statement as an affidavit (which the affiant would later acknowledge to be false while testifying under oath at trial before Judge Wilbur D. Owens, Jr.) in support of defendant's motion for partial summary judgment. The motion was granted based solely on the unsworn statement, and complainant was thereby denied her right to have the case heard by a jury. Judge Collier took substantive action with respect to these matters. Even if the action he took could somehow be explained as merit-related in the face of overwhelming evidence to the contrary, the fact remains that the judge took substantive action on complainant's case without ever disclosing the disqualifying facts which were disclosed in the newspaper article on November 7, 1999. (See newspaper article attached hereto as Exhibit A.)