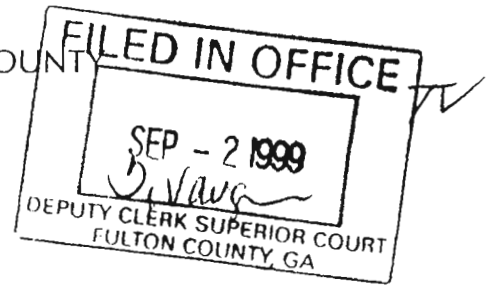


IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



THEODORE P. HILL,

Plaintiff,

v.

YANG WANG,

Defendant.

)
)
)
)
)
)
)
)
)
)

CIVIL ACTION FILE
NO. 1999CV12986

AMENDED COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

COMES NOW Theodore P. Hill and amends the Complaint for Damages and Injunctive Relief filed in the Clerk's office on August 25, 1999, against Yang Wang by restating the complaint in its entirety as follows:

1.

Plaintiff, Theodore P. Hill, is a legal resident of Fulton County and brings this lawsuit. He is a professor in the School of Mathematics at the Georgia Institute of Technology.

2.

Defendant, Yang Wang, is an associate professor in the School of Mathematics at the Georgia Institute of Technology and may be served at the Georgia Institute of Technology, 686 Cherry Street, Skiles Building, Office 212, Atlanta, Georgia 30332.

3.

Defendant, Yang Wang, is subject to the jurisdiction and venue of this Court.

4.

On or about Wednesday, August 26, 1998, Yang Wang, published an email to members of the faculty at the Georgia Institute of Technology which read as follows:

Dear Fellow Faculty Members:

It has been brought to my attention that Professor Hill has now filed several Open Record Act requests to examine certain travel documents pertaining to Professor Jack Hale. Professor Hill intends to dig out some dirt against one of our most respected faculty members.

It is outrageous and is an act of cowardice on the part of Professor Hill. As we all (including Professor Hill) know, Jack has just suffered a stroke that could have easily taken his life. He is still in a very precarious condition and is specifically instructed by his doctors not to be disturbed, or his condition could be life threatening. The act by Professor Hill should be condemned by any one who has a conscience, and in public loud and clear.

I thereby plead all my fellow faculty members to send PUBLICALLY (sic) your condemnations, and to show your support for Jack. It is time for all of us to stand up to intimidation and harassment, and it is time for us to show our compassion and decency.

Sincerely,

Yang

P.S. I have requested that Jack's name be removed from the faculty listing temporarily so he wouldn't be upset about what is going on in this place.

5.

Later that same date, Theodore Hill requested a retraction, as follows:

Yang – several of the things you say here are not true.

First, I did not know that Jack's condition was so serious—I had heard a rumor that he became dizzy while talking to Fred, that he was in the hospital several days for observation, that they think he might have had a mild stroke but went home a-okay. I am sad to hear that his health is so bad.

Second, I don't know what rumors you heard about my Open Records request, but records for people on "off-campus assignment" and CDSNS travel records are things I have been requesting to see for more than a year. (In my Open Records request of August 20, 1997—more than a year ago—if you want to see a copy of that, please let me know.)

Third, I specifically asked Mr. Wolovick (the lawyer that Dean Schuster Ordered me to go through regarding records requests) to not go through individuals unless it was absolutely necessary. With regards to the requests you may be referring to, Mr. Wolovick told me that Bonnie Griffin, CDSNS secretary, would be able to produce the records (but I guess that story has changed too).

Finally, as for "digging up dirt," I suggest that you read the Audit Report, to see what is said about the CDSNS there. Do you really think that Shui-Nee's resignation shortly after the completion of the Audit Report was coincidental? I am trying to correct what many of our colleagues feel are serious problems and iniquities in our department.

I would appreciate it if you would correct your statements to the faculty.

Thanks.

Ted.

6.

Defendant Wang never corrected or retracted his statement.

7.

On Tuesday, February 23, 1999, Defendant Wang sent an email to staff, faculty, visitors and graduate students in the School of Mathematics as well as undergraduates and faculty in other universities in the United States and other countries, researchers in industry and others who have active School of Mathematics email addresses. The email read as follows:

Disclaimer: if my comments appear to be inflammatory to some of my colleagues, that's because they are.

Question: What are the words spoken most frequently in the School of Mathematics of Georgia Institute of Technology, allegedly a rather prestigious math department in the country?

If you (sic) answer includes words like "derivative", "topology" and "Euclid", you are way off the mark.

The correct answer should be: Georgia Open Records Act.

As you all have heard, Professor Ted Hill has engineered, under the Open Records Act, a thorough search of Professor Shui-Nee Chow's office. We still don't know the full details, but the very thought that your office might be turned inside out just because a fellow professor dislikes you for whatever reason, be it a grudge, or a petty principle, or personal hatred, or a refusal to be on a hunting trip in Africa with him.

But you can cope with such a threat! According to the Legal Office of Georgia Tech, the Open Records Act does not mandate you to keep records in your office. This means you can bring whatever sensitive (sic) record home, and you have the perfect legal rights to do so. The only records you need to keep in the office are the following:

- (1) All exams from the past year.
- (2) Your workload assignment sheet.

Of course, as a mathematician we will have some of our professional documents such as research papers. If they are not top secret, I don't see reason why you should worry.

I suggest you keep only mathematics and scientific books in your office. You certainly should not keep "Mein Kampf" in your office, because the colleague who requests to search your office may steal it!

Yang Wang, Mad as Hell!

8.

The email contained false statements about a reasonable and limited search which turned up documents responsive to Open Records Act requests that Professor Hill had made over a year ago. It also falsely suggested that Mr. Hill was motivated by personal animosity and is a disciple of Adolph Hitler.

9.

Professor Hill by email to Provost Michael Thomas on February 18, 1999, complained that defendant Wang's email had caused significant damage to his professional reputation and more importantly to the reputation of the School of Mathematics.

10.

Professor Hill asked the Provost and/or President Clough to use the same medium (email, same recipients) to clarify the situation (e.g. stating that crucial parts of defendant Wang's message were false, that the "search" was done in a professional and focused manner, that such messages are defamatory, and that the locked files did in fact contain documents responsive to Professor Hill's Open Records Act requests dating back nearly two years.

11.

On Wednesday, February 24, 1999, Richard Duke, Interim Chair for the School of Mathematics, sent the following email to defendant Wang, copied to a limited number of faculty members:

Dear Yang,

I do not approve of email messages such as the one you sent to the faculty yesterday. I understand that you feel frustrated by what you consider to be unfair attacks on Shui-Nee and others, and that you may feel that you do not have all of the information you should have about such matters. Nonetheless, such outbursts are not helpful. I was particularly distressed to learn that your message went to visiting faculty members, and apparently was also sent to all of our graduate students.

There has been no "thorough search" of Shui-Nee's office, and no one's office has been or will be "turned inside out." To the extent that such

statements are incorrect, they might be considered libelous or slanderous. You should realize that Ted is quite capable of playing hardball with respect to such matters, while I view it as my responsibility to try to discourage the circulation of any inaccurate or inflammatory messages to our faculty.

12.

Defendant Wang never retracted his email.

13.

The emails sent by defendant Wang were calculated to make charges against Professor Hill in reference to his trade, office and profession, were calculated to injure him therein and did substantial injury to his reputation.

14.

The emails sent by defendant Wang were false and malicious defamation of Professor Hill tending to injure his reputation and expose him to public hatred, contempt and ridicule.

15.

The emails sent by defendant Wang constitute libel *per se*.

WHEREFORE, plaintiff prays:

- (a) That summons be issued;
- (b) That defendant Wang be served with summons and complaint;
- (c) That this Court award damages for defamation of Professor Hill's character by defendant Wang;
- (d) That this Court award damages for injury to the peace, happiness and feelings of Professor Hill;

(e) That this Court enter an order enjoining defendant Wang from further acts of defamation against Professor Hill.

Plaintiff demands a trial by jury.

Respectfully submitted,

GREENE, BUCKLEY JONES & McQUEEN

By: 

Edward D. Buckley, III
Georgia Bar No. 092750

Attorneys for Plaintiff

P.O. Box 56446
Atlanta, GA 30343
404/522-3541

03948100001lcw13560