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## Judge delays decision in case against Clemson trustees

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COLUMBIA -- A decision on whether to dismiss claims against Clemson University officials by a former board executive secretary will be delayed until at least July 3, a federal judge decided Wednesday.

Clemson's lawyers had asked U.S. Senior District Judge Matthew Perry Jr. on Wednesday to stay any discovery motion by lawyers for Eugene Troutman until after he first rules on their motions to dismiss claims in the case. Troutman has claimed he was fired from his job last year in retaliation for his accusations of fiscal mismanagement.

Perry at first ruled that Troutman was entitled to discovery -- the process of allowing a party to seek records and information from the other side. Then later the judge said he was setting his order aside until after he ruled on Clemson's summary judgment motions next month.

After Joel Collins, one of Troutman's lawyers, complained about that decision, Perry agreed to read written arguments by Collins next week and could resume his discovery motion or not act on it until the July 3 hearing, lawyers said afterward.

Clemson's lawyers indicated Wednesday that if Perry were to allow discovery before taking up their summary judgment motions, they would appeal his decision to the U.S. 4th Circuit Court of Appeals.

Also on Wednesday, Collins told Perry he had a sworn statement from a former board secretary who alleged that what Troutman complained about was outside his job description. Such a statement could prove relevant because lawyers for Clemson have argued Troutman's complaints were all made as part of his job, which would mean his speech was unprotected.

Clemson's lawyers also argued Wednesday that the discovery wasn't needed because all of Troutman's speech is mentioned in his lawsuit and they were willing to concede, for the purposes of the motion only, that what he said caused his firing.

But Collins argued that the sworn statement from the former board secretary shows there is a "genuine issue of material fact" and discovery is needed.

Collins said if cost is a factor, Clemson could use millions of dollars in interest earned from the school's huge fund balance, an argument that drew protests from Clemson's lawyers.

The lawsuit by Troutman, who also was assistant to Clemson's president, alleges he lost his job, in part, after he spoke out about "excessive" salary increases given to some university administrators.

Troutman also alleged in his suit that increases in tuition and fees at Clemson weren't justified by cuts in state appropriations, and that trustees "hoarded" cash from tuition increases to build an unrestricted \$80 million fund.

The trustees and school officials have denied any wrongdoing. They said in court filings Troutman

improperly circumvented the trustees' policy manual by reorganizing the Internal Auditing Division and he failed to establish and maintain effective working relationships with members of the board, faculty representatives, and administration.

The school's chief spokeswoman issued a three-paragraph statement Wednesday repeating many of Clemson's previous responses to the lawsuit.

"These accusations are simply efforts to deflect attention from the fact that the lawsuit is baseless," said Clemson spokeswoman Cathy Sams.

In March, Perry denied a motion filed by Clemson trustees and officials to dismiss Troutman's suit.

Clemson's officials named in the suit have asserted a legal defense of "qualified immunity," meaning they can't be sued as individuals for their actions as board members unless Troutman can show their actions violated his constitutional rights.

Troutman's suit, filed against the trustees and school officials both as individuals and as college representatives, asserts he was improperly terminated because he exercised his First Amendment right to speak out on matters of public concern. The school claims Troutman's speech was entirely within the scope of his job and therefore not protected.

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