

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
NOV 30 2006

*[Signature]*  
CLERK

CHRISTOPHER A. ROLLER,

Plaintiff,

Vs.

GE MEDICAL SYSTEMS INFORMATION  
TECHNOLOGIES, INC.,

Defendant.

Civ. 06-04098

**DEFENDANT'S RESPONSES TO  
ROLLER'S STATEMENT OF  
UNDISPUTED MATERIAL FACTS**

Defendant GE Medical Systems Information Technologies, Inc. ("GEMS IT") responds as follows to Plaintiff Christopher Roller's ("Roller") Statement of Undisputed Material Facts:

1. When I got to GE (Micro-Medical initially) in July 1999, I had just been through an unbelievable experience the previous three months. It's explained on [www.mytrumanshow.com](http://www.mytrumanshow.com). (Roller Aff. ¶1)

**Defendant's Response: Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as events occurring before Roller began working for GEMS IT are not relevant to any essential element of Roller's disability discrimination claim.**

2. In the first few months while working at GE, I told some co-workers my story from 1999 - [www.mytrumanshow.com](http://www.mytrumanshow.com). My story ([www.mytrumanshow.com](http://www.mytrumanshow.com)) started making some people nervous - Exh. GEIR\_KellyDrakeRichAdcockJuly 23 and Exh. GEIR\_KellyDrakeNuttys (Roller Aff. ¶2).

**Defendant's Response: Defendant objects to this proposed fact as Paragraph 2 of the Roller affidavit lacks foundation and should be disregarded. In particular, Roller cannot testify as to how his story made people feel. Moreover, this proposed fact is not material to**

either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him years later because of his alleged disability. Subject to these objections, GEMS IT admits Roller told some co-workers his "story" early on in his employment.

3. Kristi Hensley (and others perhaps via gossip) found this interesting until she found out I had been seeing a psychiatrist and had been diagnosed mentally ill (Roller Aff. ¶3).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 3 of the Roller affidavit lacks foundation and should be disregarded. In particular, Roller cannot testify as to Kristi Hensley's mental state. Moreover, this proposed fact is not material to Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him years later because of his alleged disability.**

4. I also told Exh. GEIR\_KristiHensley that I was also the second coming (RollerDep pg 66). Jennifer Kinstad even wanted me fired the same day I told her my story Exh. GEIR\_JenniferKinstad. She was in fear for her life and the life of her owners at Micro Medical. Kelly Drake and Rich Adcock inquired about my psyche. I gave them my psychiatrist contact information from New Ulm (Exh. GEIR\_KellyDrakeRichAdcockJuly23). My story started freaking people out, so Rich, in mid-October, with my pending house closing, gave an ultimatum - "stop talking about your story, or we may have to let you go" (Roller Aff. ¶4).

**Defendant's Response: Defendant objects to the proposed fact because it is not based on admissible evidence. Paragraph 4 of the Roller affidavit is without foundation and should be disregarded. In particular, Roller cannot testify as to what Kinstad or others wanted, felt or thought as this testimony is not based on his personal knowledge. Subject to that objection, GEMS IT admits that Adcock asked Roller to stop talking about his story and that Adcock and Drake met with Roller and sought information regarding his**

psychiatric treatment after Roller reported being in psychiatric care. (Roller Dep. pp. 68-69; Adcock Aff. ¶¶ 7-8, Ex. A.) Defendant has no information concerning the remainder of this proposed fact, which is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him years later because of his alleged disability.

5. So I kept quiet about my story for the next two years except for a few close friends, Noah Allard, Troy Wollman, and Nate Kruse, and very briefly with Kevin Impehoven, who I initially perceived as a friend. I told Kevin I had killed people with my mind in 1999 as described in [www.mytrumanshow.com](http://www.mytrumanshow.com). (RollerDep pg 138) (Roller Aff. ¶5).

**Defendant's Response: Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion.**

6. Then in August of 2000, I suspected some co-workers poisoned some food (RollerDep pg 82, 83), after vomiting horribly that night and taken ill for 3 or so days (Roller Aff. ¶6).

**Defendant's Response: Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him years later because of his alleged disability.**

7. On the 2nd day, with the good advice from Noah Allard, I went to Sioux Valley Hospital to get my blood tested as part of a private investigation to prove myself wrong (Roller Aff. ¶7) (RollerDep pg 83).

**Defendant's Response: Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for**

summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him years later because of his alleged disability.

8. But Sioux Valley did something as stupid (and inhumane) as it gets. They took my private investigation, made it public, and admitted me to Sioux Valley Mental Hospital while not testing my blood. I was trying to do something smart, and Sioux Valley did everything stupid. I was in the mental hospital for about three days (Roller Aff. ¶8).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 8 of the Roller affidavit lacks foundation and should be disregarded. Further, Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. Accordingly, the unsupported statements within this proposed fact should be disregarded. In any event, Defendant has no information concerning this proposed fact and, therefore, does not dispute those portions of it which are supported by admissible evidence for purposes of this motion. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim of disability discrimination.**

9. Bob Moore visited me (Roller Aff. ¶9).

**Defendant's Response: The proposed fact is vague. However, if Roller is alleging Moore visited him during his hospitalization at Sioux Valley Mental Hospital, GEMS IT disputes this fact. Moore testified that he did not visit Roller at Sioux Valley. (Moore Dep. pp. 3-4.) This fact is also immaterial, as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him years later because of his alleged disability.**

10. Upon exiting, Noah Allard couldn't believe it - he felt guilty about what happened. I was simply shocked that my private investigation went public, announcing to all my coworkers that I just been to a mental hospital (Roller Aff. ¶10).

**Defendant's Response:** Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 10 of the Roller affidavit lacks foundation and should be disregarded. In particular, Roller cannot testify as to Noah Allard's mental state. Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him because of an alleged disability.

11. That event would lead to two straight years of 20 mg of a drug called Zyprexa, which is like a tranquilizer - major side effects are grogginess in the morning, and loss of thinking and creativity on the job (Roller Aff. ¶11).

**Defendant's Response:** Defendant objects to this proposed fact as not supported by admissible evidence. Paragraph 11 of the Roller affidavit lacks foundation and should be disregarded. In particular, Roller is not competent to testify as to the side effects of certain medication. The fact is also immaterial as it has no relevancy to an essential element of Roller's sole claim of disability discrimination; the proposed fact addresses side effects of a drug in general and does not relate to any claims regarding the specific effects of Zyprexa on Roller.

12. Once or twice in the months following this, Bob Moore mentioned (at least once publicly among the cubicles), at work, the possibility that I might bring a shotgun to work (and unload it), to notify him with phone call so he can stay home (Roller Aff. ¶12) (docket #56 ¶19).

**Defendant's Response:** Admits Moore made one such statement. (Moore Supp. Aff. ¶ 4.)

13. We all joke around at work (Roller Aff. ¶54), but this was an odd event and very misplaced, but I could only laugh it off because I currently have a good job and not homeless. That would soon change.

**Defendant's Response:** Defendant objects to this proposed fact as unsupported by admissible evidence. Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. Accordingly, the unsupported statements within this proposed fact should be disregarded. Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim of disability discrimination. Subject to these objections, GEMS IT admits that employees at GEMS IT sometimes joked around.

14. As time (years) would pass people started gossiping about my Jesus story. They would get really freaked out when they found out that 9/11 occurred the same day as my hair transplants. They thought I was a false prophet - the devil in disguise, to maybe hurt them, maybe kill them (Roller Aff. ¶13).

**Defendant's Response:** Defendant objects to this proposed fact as unsupported by admissible evidence. Paragraph 13 of the Roller affidavit lacks foundation and should be disregarded. In particular, Roller presents no personal knowledge of people gossiping and cannot testify as to how others felt or thought. Additionally, Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment because what others said or thought about Roller's story is not relevant to an essential element of Roller's sole claim that Adcock terminated him because of an alleged disability.

15. In January 2002, shortly before dismissal on February 18th, Bob Moore had a talk with me about my lack of punctuality in the morning. I told him the drugs were making me drowsy - he responded with little consideration (Roller Aff. ¶14).

**Defendant's Response:** Admits that Moore spoke to Roller regarding his punctuality problems and that Roller did not feel Moore was sympathetic. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim of disability discrimination. In particular, Roller was not terminated by Moore and Adcock did not consider his lack of punctuality when he decided to end Roller's employment.

(Adcock Aff. ¶¶ 16-17.)

16. On Feb 18, 2002, I was dismissed over an argument I had with Kevin Impehoven at work seven days earlier (Roller Aff. ¶15).

**Defendant's Response:** Denies. Roller was placed on leave on or about February 18, 2002 because of his ongoing performance problems and inappropriate workplace behavior. (Roller Dep. p. 127; Adcock Aff. ¶ 15; Moore Aff. ¶ 26.) Roller remained on leave until April 17, 2002, when Adcock offered Roller a Separation Agreement & Release. (Roller Dep. pp. 128-30, Ex. 13; Adcock Aff. ¶ 16.) Adcock decided to end Roller's employment because of Roller's declining performance and Roller's inappropriate conduct, which culminated in his argument with Impehoven and his subsequent attempt to physically harm Impehoven by running him off of the road. (Adcock Aff. ¶¶ 16-17.)

17. Arguments aren't rare anywhere, but when you're diagnosed with mental illness, there could be possibility that I may harm or kill somebody over an argument, despite having no proof of such a claim (Roller Aff. ¶16).

**Defendant's Response:** Defendant objects to this proposed fact as unsupported by admissible evidence. Paragraph 16 of the Roller affidavit lacks foundation and contains conclusory statements. Accordingly, it should be disregarded. This fact is also not material, as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.

18. Recent documents from the elusive defense indicates that the problem was actually Kevin Impecoven, scared that I might run him off the road with my car - during a traffic merging (RollerDep pg. 132) Exh. ChrisRollerKevinImpecovenMerging.

**Defendant's Response: Defendant objects to this proposed fact because no admissible evidence supports Roller's statement that the defense is "elusive." Moreover, the cited deposition testimony does not support Roller's statements alleging that the defense is elusive and that recent documents indicate the problem was the Impecoven traffic incident. Rather, the cited testimony proves that Roller had been told he was terminated because of incidents with Impecoven and that he admitted the incidents with Impecoven occurred. (Roller Dep. p. 132.) Subject to this objection, GEMS IT admits Impecoven reported that Roller tried to run him off the road while the two were driving to work.**

19. I was asked to see a psychologist for two months (Exh. LutheranSocialServices). During the process, I would try to figure out and explain what may have happened at GE, since GE wasn't talking to me. Turns out I was right about the traffic merging. GE was not talking to me nor my psychiatrist (Roller Aff. ¶17).

**Defendant's Response: Admits that Roller was referred to psychological services through GEMS IT's Employee Assistance Program and that his termination was related to the driving incident with Impecoven. Defendant has no information concerning the remaining allegations in this proposed fact and, therefore, does not dispute them for purposes of this motion. However, this fact is not material, as it does not establish an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.**

20. Instead they asked me to sign a release of rights to feed my family or I would be fired (Roller Aff. ¶18).

**Defendant's Response: Denies that Roller was forced to sign the release. (Adcock Aff. ¶ 16.) GEMS IT admits that Adcock offered Roller a Separation Agreement &**

Release on April 17, 2002 and that Adcock told Roller that if he did not sign the Agreement, he would be terminated. (Id.) After receiving the Agreement, Roller spoke with at least one lawyer regarding potential litigation against GEMS IT based on termination of his employment. (Roller Dep. pp. 149-50.) Roller ultimately executed the Agreement on April 24, 2002. (Roller Dep. Ex. 13.)

21. GE knew I was disabled from week one and they admit it (ADA - Exh.

GEIR\_KellyDrakeRichAdcockNewUImRecords. They did nothing to accommodate me and my needs - they did not talk to me about any problems I was having (Roller Aff. ¶19).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 19 of the Roller affidavit contains conclusory statements and should be disregarded. In particular, Roller provides no evidence that GEMS IT knew he was disabled. Instead, the cited evidence relates to GEMS IT's recognition that Roller might be covered by the ADA. In any event, GEMS IT denies that it did not talk to Roller about the problems he was having at work. To the contrary, Roller testified that he was reprimanded following Jen DeJong's sexual harassment complaint. (Roller Dep. pp. 76-78, Ex. 7; Adcock Aff. ¶¶ 9-10, Exs. B & C.) Adcock also reprimanded Roller for leaving feces on a urinal in early 2001. (Roller Dep. pp. 117-18, 134; Adcock Aff. ¶ 11; Moore Aff. ¶ 18.) Roller was also reprimanded after he sent the kiddieporn e-mail to Moore. (Roller Dep. p. 57.) Defendant admits that it knew Roller had been diagnosed with bipolar disorder. However, GEMS IT did not believe Roller's bipolar disorder prevented him from performing the essential functions of his job. (Adcock Aff. ¶ 8, Ex. A.) In fact, Roller continued to work for GEMS IT. (Roller Dep. p. 247.) Roller also testified that his present claim is based only on his termination from employment, which he claims was discriminatory. (Roller Dep. p. 231.) Further, Roller never requested an accommodation**

from GEMS IT. (Roller Dep. pp. 101, 125-26.) Indeed, Roller admits that other than one conversation Roller had with Moore regarding some drowsiness caused by his medication, Roller never had any conversations with managers at Micro Medical or GEMS IT that related to medication. (Roller Dep. pp. 51, 125; Adcock Aff. ¶ 8; Moore Aff. ¶ 27.) Roller also testified that other than his conversation with Drake and Adcock early in his employment, he never had any other conversation with Adcock or anyone else at Micro Medical or GEMS IT about his bipolar condition. (Roller Dep. p. 70; Adcock Aff. ¶ 8; Moore Aff. ¶ 27.)

22. Instead they made the decision to throw me out into the streets to die with my wife and two kids (Roller Aff. ¶20).

**Defendant's Response:** Defendant objects to this proposed fact because it is unsupported by admissible evidence. Paragraph 20 of the Roller affidavit contains a conclusory statement and should be disregarded. In particular, Roller has no personal knowledge of the decision made by GEMS IT. Defendant denies that it made a decision to throw Roller out into the street; rather Adcock decided to end Roller's employment with GEMS IT because of his conduct and performance issues. (Adcock Aff. ¶¶ 16-17.) In any event, this fact is also immaterial, as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.

23. Both my mom and I knew the reason for the dismissal, but with little proof, it was our word against theirs (Roller Aff. ¶21).

**Defendant's Response:** Defendant objects to this proposed fact because it is unsupported by admissible evidence. Paragraph 21 of the Roller affidavit contains a conclusory statement and should be disregarded. This fact is also immaterial, as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.

24. Months after dismissal, I begged Rich and Bob for my job back via email (docket #56 ¶27). With no response, I was forced to sell the house at a huge loss and move back home near my parents (Roller Aff. ¶22).

**Defendant's Response: Admits that Roller e-mailed Adcock and Moore after his termination. Defendant has no information concerning the remainder of this proposed fact and, therefore, does not dispute it for purposes of this motion. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment because post-termination events are not relevant to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.**

25. In the process of all this, I was now facing a bad economy with no jobs and having to support two children and one wife, and facing my own self-respect and identity crisis. I went through about six months of suicidal thoughts, including a committed plan (Roller Aff. ¶23).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 23 of the Roller affidavit lacks foundation and should be disregarded. In particular, Roller is not competent to testify regarding his own mental state, specifically, whether he was suffering from crisis of self-respect and identity and whether or not his plan for suicide was a "committed plan." Further, Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. In any event, Defendant notes that this proposed fact supports its assertion that Roller's mental state did not prevent him from filing a claim of disability discrimination throughout the entire time period between his discharge and the filing of his complaint in Minnesota state court.**

26. I would ultimately get divorced (Exh. MariaRollerStatement) from my wife and be separated from my kids (Roller Aff. ¶24).

**Defendant's Response: Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment because post-termination events are not relevant to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.**

27. Then on October 28th, 2004, I told my story ([www.mytrumanshow.com](http://www.mytrumanshow.com)) of 1999, like I did to Kristie and others in my first months at GE. Despite trying to put some common sense into the doctor, he caged me up like an animal, for fear that "something could happen at any time unpredictably in the future" - that I could harm or kill somebody, which is probably the actual reason for dismissal at GE (Roller Aff. ¶25).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 25 of the Roller affidavit contains conclusory statements and hearsay. Accordingly, it should be disregarded. Local Rule 56.1(b) also requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Defendant further notes that Roller was only hospitalized for 72 hours. (Roller Dep. p. 220.)**

CHRIS ROLLER IS A TELEPATHIC GOD

28. I am indeed the special entity I talk about in [www.mytrumanshow.com](http://www.mytrumanshow.com) (Roller Aff. ¶26).

**Defendant's Response: Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as whether or not Roller is a special entity is not relevant to whether Adcock terminated Roller because of his alleged disability.**

29. Aff. God&Plan&Heaven and TelepathicConnection proves why I am a telepathic godly entity (Roller Aff. ¶27).

**Defendant's Response: Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as whether or not Roller is a telepathic godly entity is not relevant to whether Adcock terminated Roller because of his alleged disability.**

30. I took David Copperfield to court and Exh.

DavidCopperfieldAdmittingGodlyPowersExist says that godly powers exist on the planet and people are using them - most apparent are magicians. Exh. TelepathicConnection came from an MSN group called Telepathic Connection, where I am the only invited guest, and was the only member for 8 months while I communicated almost entirely one way. I wrote to the group, and then got messages back telepathically which helped me write the next message to the group. I am saying, under oath, under penalty of perjury, that I am a telepathic godly entity. It is via this telepathy proof that I know that I was poisoned via the story in this email (Exh. PoisoningStoryToRichAdcock) (Roller Aff. ¶28).

**Defendant's Response: Defendant objects to this proposed fact because it is based on inadmissible evidence. Paragraph 28 of the Roller affidavit contains hearsay and should be disregarded. Further, Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Moreover, this proposed fact is not material to Roller's motion for summary judgment as it has nothing to do with any decision made by Adcock, or anyone else at GEMS IT, regarding Roller's employment status. Further, there is no evidence that GEMS IT was aware of either Roller's suit against David Copperfield or of the MSN Telepathic Connection group described in this proposed fact at the time it made the decision to terminate Roller.**

31. Sioux Valley did me a huge discourtesy by tossing me into their cage (mental hospital), but I know that I was poisoned by the group mentioned in Exh. PoisoningStoryToRichAdcock (Roller Aff. ¶29).

**Defendant's Response: Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has nothing to do with any decision made by Adcock, or anyone else at GEMS IT, regarding Roller's employment status.**

32. I want to discuss how the one-way communication emails persists throughout my show. Notice Exh. FromToBrianStack (Roller Aff. ¶30).

**Defendant's Response: Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has nothing to do with any decision made by Adcock or anyone else at GEMS IT, regarding Roller's employment status. Further, there is no evidence that GEMS IT was aware of Roller's one-way communication e-mails at the time it made the decision to terminate Roller.**

33. It's basically a one email communication of emails. Brian Stack responds occasionally in his case. Similar correspondence occurred between Kwesi Taylor and Nathan Leeman in 1999, where I sent thousands of messages to them, but both have no recollection of the emails (Roller Aff. ¶31).

**Defendant's Response: Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has nothing to do with any decision made by Adcock or anyone else at**

**GEMS IT, regarding Roller's employment status. Further, there is no evidence that GEMS IT was aware of Roller's e-mail communications with Brian Stack, Kwesi Taylor and/or Nathan Leeman at the time it made the decision to terminate Roller.**

34. Similar correspondence occurred with Dan Kauppi, whom I sent messages about the ladies at GE being my wives while knowing that a group of people at GE were snooping my emails (Exh. "PoisoningStoryToRichAdcock"), which provoked the email snoopers to poison me (Roller Aff. ¶32).

**Defendant's Response: Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has nothing to do with any decision made by Adcock or anyone else at GEMS IT, regarding Roller's employment status. Further, other than Roller's own conclusory statement, there is no evidence that anyone at GEMS IT was "snooping" Roller's e-mails or that GEMS IT was aware of Roller's e-mails to Dan Kauppi at the time it made the decision to terminate Roller.**

35. Correspondence to Brian Stack (Exh. FromToBrianStack) backed off the email snoopers from poisoning me again and spooked them into believing my show is real (which it is) (Roller Aff. ¶33).

**Defendant's Response: Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has as it has nothing to do with any decision made by Adcock, or anyone else at GEMS IT, regarding Roller's employment status. Further, other than Roller's own conclusory statement, there is no evidence that anyone at GEMS IT was "snooping" Roller's e-mails or that GEMS IT was aware of Roller's e-mail correspondence with Brian Stack at the time it made the decision to terminate Roller.**

36. In 2002, after GE firing, I sent over 2000 messages to CIA site and 500 to the FBI site.

This is how I know my show is real. I sent over 8000 messages to TelepathicConnection; 27 unanswered emails to FBI Minneapolis office since 2004. This one-way communication email is almost crazy, but it definitely confirms the existence of show because of who I sent them to (like the CIA and FBI) (Roller Aff. ¶34).

**Defendant's Response: Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment because post-termination conduct is not relevant to GEMS IT's decision to end Roller's employment. Similarly, whether or not Roller's show is real is immaterial, as the existence of the show has nothing to do with any decision made by Adcock, or anyone else at GEMS IT, regarding Roller's employment status.**

37. No one from the Truman Show has called me to confirm I am the True man in the Truman Show, but it's true. No one has officially called me god, but it's true via the eventual proof I would culminate over the years in Aff. God&Plan&Heaven (Roller Aff. ¶35).

**Defendant's Response: Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as whether or not Roller is the True Man or God has nothing to do with any decision made by Adcock, or anyone else at GEMS IT, regarding Roller's employment status.**

38. It would also help when Bill Gates would send me Exh. FromBillGates in what I call "leak-through" - giving me messages/signals that indicate my show is for real (Roller Aff. ¶36).

**Defendant's Response:** Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as whether or not Roller's show is real has nothing to do with any decision made by Adcock, or anyone else at GEMS IT, regarding Roller's employment status.

39. Also, Celine Dion nor Bill Gates nor any of the other celebrities I mentioned on [www.mytrumanshow.com](http://www.mytrumanshow.com) have complained about stating them on my site - my show is real (Roller Aff. ¶37).

**Defendant's Response:** Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as whether or not Roller's show is real has nothing to do with any decision made by Adcock, or anyone else at GEMS IT, regarding Roller's employment status.

40. I am telepathic (Roller Aff. ¶27)

**Defendant's Response:** Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as whether or not Roller is telepathic has nothing to do with any decision made by Adcock, or anyone else at GEMS IT, regarding Roller's employment status.

DEFENSE DOCUMENTS QUESTIONABLE AT BEST

41. The defense is making up (forging) disciplinary documents against me and back-dating them. Notice Exh. FakePoopGagBefore9Nov2000. This email indicates that the fake poop gag occurred before 9 Nov 2000. Yet, Exh. GEIR\_RichAdcockPoopGag indicates

that GE claims the incident occurred on 2Feb2001. My email came straight from Outlook. Exh. GEIR\_HollyJacobsonKiddiePorn is also misdated (1 Feb.) since the poop gag was my last gag I played (before 9Nov2000). This is proof that disciplinary documents submitted by the defense are questionable to say the least and should be thrown out or questioned for it's validity (Roller Aff. ¶38).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 38 of the Roller affidavit contains conclusory statements which should be disregarded. In particular, Roller has no evidence showing the documents in question are misdated and/or that GEMS IT is forging disciplinary documents. In any event, Defendant denies that it has forged disciplinary documents. Roller misrepresents the cited exhibits. Roller has no evidence – other than his own conclusory statements – to support his claim that Holly Jacobson's February 1, 2001 file note is misdated. To the contrary, the overwhelming evidence, including a February 2001 statement signed by Adcock, Moore's testimony and Roller's own testimony regarding the timing of the kiddieporn e-mail incident, strongly indicate that the kiddieporn incident took place in February 2001. (Roller Dep. pp. 57, 113-18, 134; Adcock Aff. Ex. D; Moore Aff. ¶ 22.) Roller testified that the fake poop incident and the kiddieporn e-mail took place within one week of each other. (Roller Dep. p. 57.) Moreover, the timing of these events is immaterial, as it is undisputed that Roller placed fake poop in the men's bathroom at GEMS IT during his employment. (Roller Dep. pp. 57, 117-18, 133-34.)**

42. Also, notice Exh. GEIR\_BobMoorePoisoning says that the argument with Rod Kindt occurred the day of the poisoning, when in fact, it occurred the day exiting of the mental hospital (28 Aug 2000) (Roller Aff. ¶39) (RollerDep pg 93).

**Defendant's Response: Defendant objects to this proposed fact because it is immaterial. It is undisputed that Roller argued with Kindt. (Roller Dep. pp. 93-95, 134;**

Moore Aff. ¶ 23.) **The exact date of the argument is immaterial as the date the argument occurred does not impact an essential element of Roller's claim.**

43. Notice he mentions I am his friend. I was friends with Bob Moore and Rich Adcock for most of my employment, but 9/11 seemed to change things (Roller Aff. ¶40).

**Defendant's Response: Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Subject to this objection, GEMS IT admits that Moore and Adcock were friends with Roller for most of his employment.**

44. Exh. GEIR\_MicheleBock states that I backed Rodney Kindt into a wall during an argument. That would've been grounds for dismissal I figure, but then Exh. GEIR\_BobMoorePoisoning doesn't state anything about backing into a wall. Defense documents are filled with bogus stuff (Roller Aff. ¶41).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 41 of the Roller affidavit contains statements regarding GEMS IT's documentation and possible grounds for termination that are both conclusory and speculative and should be disregarded. Additionally, Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Subject to these objections, GEMS IT admits that Michele Bock reported that Roller backed Kindt into a wall.**

45. Bob didn't ask me to back off - Rich Adcock asked me to take the day off to relax a bit (28 Aug 2000 - day of getting out of Sioux Valley cage - Exh. GEIR\_RichAdcockAfterPoisoning) (Roller Aff. ¶42).

**Defendant's Response: Admits Roller was asked to leave the Sioux Falls facility following his altercation with Kindt in the summer of 2001. (Roller Dep. pp. 93-95, 134.)**

HUMOR

46. I like to experiment with humor, sometimes pushing the limits of what is acceptable in order to see what is acceptable - never intending to harm anyone in the process (Roller Aff. ¶43). (RollerDep #3)

**Defendant's Response: Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion.**

47. Notice the joking experiment I did with Troy Wollman concerning the board game Clue (WollmanDep pgs 1, 9).

**Defendant's Response: The proposed fact does correctly cite a reference Roller made to Clue during the Wollman deposition. However, Defendant objects to the proposed fact because it is not material; it does not establish an essential element of Roller's sole claim of disability discrimination.**

48. The fake poop gag was the last antic I played while at GE (Roller Aff. ¶44).

**Defendant's Response: Denies. It is undisputed that Roller also sent an e-mail to Bob Moore, Vice President of Marketing for Cardiology, stating, "Bob, thanks for the great links – try this one – [www.kiddieporn.com](http://www.kiddieporn.com)." in early 2001. (Roller Dep. pp. 57, 113-17; Moore Aff. ¶ 22.) Roller claimed he misaddressed the e-mail and that the e-mail was actually intended for Bob Moore, his supervisor at the Sioux Falls facility. (Roller Dep. Ex. 11, Moore Aff. ¶ 22.) Roller knew sending the kiddieporn e-mail was inappropriate at the time he sent it. (Roller Dep. p. 115.)**

49. If you look at my Exh. GEIR\_PerformanceEvalsEMS2000, all my antics were done prior to 2000 performance evaluation submission, 19Jan2001. No disciplinary comments are noted in the evaluation, and my performance code of 2, above average (1 best and 4 worst). This is because most everybody loved my personality at GE, and I did a good job (Roller Aff. ¶45).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 45 of the Roller affidavit lacks foundation and**

should be disregarded. In particular, Roller cannot testify as to whether others loved his personality. Subject to that objection, GEMS IT admits Roller received a performance code of 2 in his 2000 evaluation. However, Roller's "antics" continued into early 2001; the Bob Moore kiddieporn e-mail incident took place in early 2001 as did one of the fake feces incidents. (Roller Dep. pp. 57, 106-08, 113-17, Ex. 9; Moore Aff. ¶ 22.) In any event, the timing of these incidents is immaterial as timing alone has no relevancy to an essential element of Roller's sole claim of disability discrimination, and it is undisputed that Roller engaged in the behaviors described above.

50. I had 2 raises - starting from \$70,000 in 1999, Exh. GEIR\_EmploymentProposal, a 6% raise in July 2000 to \$74,200. Another ~5% raise in July 2001 to ~\$77,800. I was getting raises despite my being a "misfit" as they now call it. GE is lying. Here's my W-2s from Exh. 1999 Roller C Tax Return Full, Exh. 2000 Roller C Tax Return Full, Exh. 2001 Roller C Tax Return Full, and Exh. 2002 Roller C Tax Return Full (Roller Aff. ¶46).

**Defendant's Response: Defendant denies that it is lying or that GEMS IT now calls Roller a "misfit." Defendant admits Roller received raises.**

51. I only need to be told once for corrective action to occur (Roller Aff. ¶47).

**Defendant's Response: Denies. Roller had to be corrected for inappropriate workplace behavior on several occasions. Specifically, Roller admits he sent out several inappropriate e-mails during his employment. (Roller Dep. pp. 57, 106-08, 113-17, Ex. 8-9.) And, Roller was counseled on multiple occasions for engaging in inappropriate behavior in the workplace. (Roller Dep. pp. 57, 74-78, 113-18, 133-34, Adcock Aff. ¶¶ 9-12, Exs. B – D; Moore Aff. ¶¶ 16-25.) In any event, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as the number of times Roller may or may not need to be counseled is not relevant to Roller's sole claim that Adcock terminated him because of his alleged disability.**

52. After Exh. GEIR\_JenDeJongSexHarassment, there wasn't ever a problem after I was warned - Exh. GEIR\_JenDeJongOK - everything is ok. When Rich Adcock told me to shut up about my Jesus story end of October 1999, I shut up , and then only told a few close friends for the next 2.4 years (Roller Aff. ¶48).

**Defendant's Response: Denies. Roller engaged in inappropriate behavior after he was counseled for the DeJong incident. (Roller Aff. 57, 113-18, 133-34, Adcock Aff. ¶¶9-12, Exs. B – D; Moore Aff. ¶¶ 16-25.) Defendant also denies that Roller “shut up” after Adcock asked him to stop talking about his Jesus story. By his own admission in the proposed fact, Roller did not stop talking about his Jesus story; rather, he told a few close friends about the story.**

53. Troy Wollman, my close friend, is a manager at GE. He said he's never felt threatened by me (WollmanDep pg 6) the time we knew each other, and I told him nearly everything on [www.mytrumanshow.com](http://www.mytrumanshow.com) (Roller Aff. ¶49).

**Defendant's Response: Admits Wollman was a manager at GEMS IT and that Wollman testified he never felt threatened by Roller. However, the proposed fact is immaterial because Wollman was not Roller's manager. (Moore Supp. Aff. ¶ 2.) Bob Moore supervised Roller during his employment with GEMS IT. (Roller Dep. p. 38; Moore Aff. ¶¶ 3, 9.) Defendant has no information regarding what Roller told Wollman and, therefore, does not dispute the remaining statements in this proposed fact.**

54. Troy as a manager, should have some knowledge about any of my problems I was creating at GE, but he had no knowledge (probably because there were no problems to be relayed). He could have given me some warning, but there was none to be given (WollmanDep pg 6) (Roller Aff. ¶50).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 50 of the Roller affidavit lacks foundation and contains conclusory statements. In particular, Roller has no foundation for his statements regarding what knowledge a supervisor (who is not his immediate supervisor) should have**

or for whether Wollman could have disclosed any knowledge he may have had by virtue of his supervisory role in a manner consistent with GEMS IT's policies. In any event, Defendant denies there was no warning to be given to Roller. Roller was spoken to regarding his inappropriate behavior on several occasions. (Roller Dep. pp. 57, 74-78, 113-18, 133-34, Adcock Aff. ¶¶9-12, Exs. B – D; Moore Aff. ¶¶ 16-25.) The proposed fact is also immaterial because Wollman was not Roller's supervisor during Roller's employment with GEMS IT. (Roller Dep. p. 38; Moore Supp. Aff. ¶ 2.)

55. Exh. GEIR\_JenDeJongSexHarassment is the only signature you'll see on any of the "disciplinary documents" the defense has submitted (Roller Aff. ¶51).

**Defendant's Response: Denies. Other documents containing signatures include:** notes from a meeting between Roller, Drake & Adcock, attached as Exhibit A to Adcock's affidavit, signed by Drake and Adcock; September 28, 1999 notes from a meeting between Adcock, Drake & Roller, attached as Exhibit C to Adcock's affidavit, signed by Drake and Adcock; an August 2000 memorandum from Moore to Adcock regarding Roller's ivote.com survey, attached as Exhibit C to Moore's affidavit, signed by Moore; and February 2, 2001 notes from Adcock regarding a meeting between Adcock and Roller, attached as Exhibit D to Adcock's affidavit.

56. Now notice the email to Brian Stack (Exh. CRFunnyToMMSEveryone). It states (from other employees) that I'm so funny, I could create my own show like the Conan O'Brien show (Roller Aff. ¶52).

**Defendant's Response: Defendant objects to the proposed fact because it is not based on admissible evidence. Paragraph 52 of the Roller affidavit contains hearsay and should be disregarded. Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it is not relevant to Roller's sole claim that Adcock terminated him because of his alleged disability.**

57. The environment was very friendly and funny at Micro-medical and early time at GE. There is a pool table and foosball table for everyone to enjoy (Roller Aff. ¶53).

**Defendant's Response: Admits employees had access to a pool table and foosball table, but states that the proposed fact is immaterial as it is not relevant to Roller's sole claim that Adcock terminated him because of his alleged disability.**

58. Bob Moore even played an email joke on me (Exh. ConanO'BrienJokeByBobMoore) pretending he was Conan O'Brien (Roller Aff. ¶54).

**Defendant's Response: Denies. There is no evidence that the Conan O'Brien e-mail was a joke played by Moore. (Moore Supp. Aff. ¶ 5). Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it is not relevant to Roller's sole claim that Adcock terminated him because of his alleged disability.**

59. Joking around was a norm at GE, and most people were enjoying my antics, and definitely not telling me they didn't like it (Roller Aff. ¶55).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 55 of the Roller affidavit lacks foundation and should be disregarded. In particular, Roller cannot testify regarding how other people felt about his "antics" at GEMS IT. In any event, Defendant denies that Roller was not told others did not like his behavior. To the contrary, Roller was counseled for inappropriate behavior on several occasions. (Roller Dep. pp. 57, 74-78, 113-18, 133-34, Adcock Aff. ¶¶9-12, Exs. B – D; Moore Aff. ¶¶ 16-25.)**

60. The only time I was scolded (wasn't a written scolding) was when the fake poop gag backfired. And that's the last gag I played, and when I realized the fun was over (Roller Aff. ¶56).

**Defendant's Response: Denies. Roller was reprimanded following Jen DeJong's sexual harassment complaint. (Adcock Aff.¶¶ 9-10, Exs. B & C.) Adcock reprimanded**

**Roller for leaving feces on a urinal in February 2001. (Roller Dep. pp. 117-18, 134; Adcock Aff. ¶ 11; Moore Aff. ¶ 18.) Roller was also reprimanded after he sent the kiddieporn e-mail to Moore. (Roller Dep. p. 57.)**

61. But when the fun Chris Roller goes away, all that remains is the Jesus-guy-false-prophet-mentally-ill-the-devil Chris Roller, and that's all people would gossip about (Roller Aff., ¶57).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 57 of the Roller affidavit lacks foundation and contains conclusory statements. In particular, Roller has no personal knowledge of conversations regarding what people thought of him or what people gossiped about. Accordingly, these statements should be disregarded. Further, Roller testified his only alleged disability was his bipolar disorder. (Roller Dep. pp. 170-71.)**

62. They heard that my 9/11 scar (hair transplant scar - <http://www.objectforce.com/php/ChrisRoller/Images/911Scars.wmv>) occurred the morning of 9/11 (people were reading my email to Brian Stack - Exh. 911HairTransplants) and figured I really was the false prophet, causing 9/11. And they wanted me gone and dead if possible (like suicide). Mike Willeson and his band of attempted murderers poisoned me in Aug 2000, and now they and an expanding group of gossipers wanted me dead for causing 9/11 (Roller Aff. ¶58).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 58 of the Roller affidavit lacks foundation and contains conclusory statements. In particular, Roller has no personal knowledge of what other people thought about him or what other people wanted. Accordingly, these statements should be disregarded. Additionally, Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS**

**IT's motion for summary judgment as it is not relevant to Roller's sole claim that Adcock terminated him because of his alleged disability.**

63. In [www.mytrumanshow.com](http://www.mytrumanshow.com), I'm not just watched by the CIA, but also by evil people, like the job. I believe they were using magic in despicable fashion and trying me for its use, making me look like a false prophet at GE (Roller Aff. ¶59).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 59 of the Roller affidavit lacks foundation and should be disregarded. In particular, Roller has no personal knowledge regarding what other people thought about him or how other people were trying to make him look. Additionally, Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment because Roller's beliefs regarding what others thought are not relevant to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.**

64. If you notice the email Exh. CRFunnyToMMSEveryone, people are using MMS as an address to respond to general emails. It was common use to use MMS to communicate to everyone at the time. Also notice the email comments on my funny nature - "But I really believe you could be your own full- fledged comedy show." (Roller Aff. ¶60)

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 60 of the Roller affidavit lacks foundation and contains hearsay. In particular, Roller has no basis for his statement that use of the MMS address was a common form of communication. Accordingly, these statements should be disregarded. Additionally, Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Moreover, this proposed fact is not material to**

either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.

65. People at GE enjoyed my humorous ways, but now that I'm suing GE, they are trying to make me look like a villain (Roller Aff. ¶61).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 61 of the Roller affidavit lacks foundation and contains conclusory statements. In particular, Roller has no personal knowledge regarding whether others enjoyed his "humorous ways." Accordingly, it should be disregarded. In any event, Defendant denies that others enjoyed Roller's humor. To the contrary, Roller was counseled for inappropriate behavior on several occasions. (Roller Dep. pp. 57, 74-78, 113-18, 133-34, Adcock Aff. ¶¶9-12, Exs. B – D; Moore Aff. ¶¶ 16-25.) Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.**

66. Bob Moore set up his GE account where he named himself "Sheriff Bob Moore" in Outlook, setup by the GE's system administrator. This or his email suffix in Exh. GEIR\_BobMooreConvict could be construed as unprofessional, but no one cared because the environment was friendly and funny (Roller Aff. ¶62).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 62 of the Roller affidavit lacks foundation and should be disregarded. In any event, Defendant admits Moore's GEMS IT e-mail account reads "Sheriff Bob Moore." Moore chose this e-mail address after the kiddieporn e-mail incident to avoid further confusion between his e-mail address and the e-mail address of GEMS IT Vice President Bob Moore. (Moore Supp. Aff. ¶ 3.) Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion**

for summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.

67. Heck, Russ Knoepfel and Jen DeJong are reading x-rated jokes aloud off the internet in my first few months of working there (Roller Aff. ¶63).

**Defendant's Response: Admits Roller testified at his deposition that he heard Knoepfel and DeJong reading x-rated jokes off the internet. (Roller Dep. p. 74.) However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.**

68. My story scares people at GE. Noah Allard doesn't want to talk to me anymore. I've lost he and Troy Wollman as friends because of my web site (Roller Aff. ¶64).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 64 of the Roller affidavit lacks foundation and contains conclusory statements. In particular, Roller has no knowledge of how other people felt about his story and/or whether or not his story scared other people. Roller also has no personal knowledge regarding why Wollman and Allard are no longer his friends. Accordingly, these statements should be disregarded. Additionally, Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.**

69. In Oct 2004, I was caged for saying I'm god (Roller Aff. ¶65).

**Defendant's Response: Admits Roller was hospitalized on a 72-hour hold in October 2004. (Roller Dep. p. 220.) Defendant has no further information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion.**

70. I've been banned from a bowling alley in Burnsville, MN because my story scared the employees there (Roller Aff. ¶66).

**Defendant's Response: Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion.**

71. Google banned my site, and I'm trying to heal people on [www.wishmission.com](http://www.wishmission.com). I was caged by Sioux Valley for saying I've been poisoned - Exh. SiouxValleyPoisoningCaging (Roller Aff. ¶67).

**Defendant's Response: Defendant has no information concerning this proposed fact and, therefore, does not dispute it for purposes of this motion.**

72. Bob Moore even joked on at least one occasion about me bringing in a shotgun to work, to warn him so he could stay home. He's saying this to a guy playing practical jokes on regular basis (Roller Aff. ¶68).

**Defendant's Response: Admits Moore made one such statement. (Moore Supp. Aff. ¶ 4.)**

73. When Chris funny went away, all that was left was mentally ill Jesus guy. I can't even threaten to sue Bob Moore without he trying to file a restraining order against me because he's afraid Exh. GEIR\_BobMooreConvict. Bob even brings a security guard to his deposition and states "you have the potential to be dangerous because you seem to be not lucid at times.." (MooreDep pg 15) (Roller Aff. ¶69)

**Defendant's Response: Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Defendant admits Roller accurately cited Moore's deposition testimony, that a security guard was present at Moore's deposition and that Moore filed a restraining order against Roller. Defendant has no information**

**concerning the remaining statements found in this proposed fact. In any event, the proposed fact is immaterial because post-termination events are not relevant to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability**

**ELUSIVE DEFENSE**

74. Defense keeps changing their story, finally matching what my psychic (telepathic) senses told me - that my merging into traffic scared Kevin Impecoven, and that's why I was dismissed (Roller Aff. ¶70).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 70 of Roller's affidavit lacks foundation and should be disregarded. In particular, Roller has no personal knowledge regarding whether GEMS IT has changed its story. Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability. Subject to these objections, GEMS IT admits that Roller was terminated because Impecoven reported Roller tried to run him off the road while the two were driving to work.**

75. My performance was decreasing because of my drugs; agreed, but I was still doing a decent job, maybe not a great job (Roller Aff. ¶71).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 71 of Roller's affidavit lacks foundation and should be disregarded. In particular, Roller is not qualified to testify as to whether his medication was causing a decrease in his performance. Defendant admits Roller's performance was decreasing. GEMS IT denies that Roller was doing a great job. (Adcock Aff. ¶¶ 13-14; Moore Aff. ¶¶12-15, Ex. A.) Roller also never stated his performance was decreasing because of his medication; Roller had only one conversation with anyone at**

**GEMS IT (Moore) about his medication, and that conversation related to his punctuality problems, not to performance issues. (Roller Dep. pp. 125-26.) Roller admits he did not hear any further concerns regarding his punctuality following this conversation with Moore. (Roller Dep. p. 126.)**

76. GE did nothing to convey to my doctor nor myself about my performance issues (Roller Aff. ¶72).

**Defendant's Response: Defendant objects to the proposed fact because it is not based on admissible evidence. Paragraph 72 of the Roller affidavit contains conclusory statements and should be disregarded. In particular, Roller cannot testify regarding the appropriateness of GEMS IT's response to his behavior and performance problems. In any event, Defendant denies that GEMS IT did not talk to Roller regarding his inappropriate behavior and his performance issues. GEMS IT discussed these issues with Roller on several occasions. (Roller Dep. pp. 57, 74-78, 113-18, 125-26, 133-34, Adcock Aff. ¶¶9-12, Exs. B – D; Moore Aff. ¶¶ 16-25.)**

77. Bob Moore complained about my performance issues and punctuality problems in mid/late Jan 2002 (first complaint), but had no sympathy when I told him it was the drugs I was on (Roller Aff. ¶14).

**Defendant's Response: Admits Moore talked to Roller about his punctuality problems in early 2002 and that Roller did not feel Moore was sympathetic. Roller admits that after this conversation with Moore, his punctuality was never again an issue. (Roller Dep. p. 126.)**

78. Rich Adcock knew I was seeing a doctor and on meds Exh. GEIR\_RichAdcockPoisoning (Roller Aff. ¶73).

**Defendant's Response: Admits.**

79. They could've taken a look at the doctors notes from Great Plains - Exh. GreatPlainsPsychologicalServices, but never inquired (Roller Aff. ¶74).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 74 of the Roller affidavit lacks foundation and contains conclusory statements. Accordingly, it should be disregarded. Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.**

80. As for my practical jokes, there was no correspondence with my doctor about any problems there (Roller Aff. ¶75).

**Defendant's Response: Admits. However, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim of disability discrimination.**

81. Bi-polar is manic/depression. If I'm playing too many jokes, the management should step in, talk to me and/or my doctor about the issue, but that wasn't done (Roller Aff. ¶76).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 76 of the Roller affidavit contains conclusory statements and should be disregarded. Additionally, Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. This fact is also immaterial as it does not establish an essential element of Roller's claim that Adcock terminated him because of his alleged disability.**

82. My meds may have an unusual effect on my personality and GE did nothing to remedy the situation by consulting my doctor and perhaps placing me on a different drug, one that doesn't make me groggy in the mornings. I had been complaining to my doctor about Zyprexa's effects (grogginess and lack of creativity/thinking), but he wasn't doing anything about it except increasing the dosage. GE could have remedied my whole situation at GE by consulting my doctor, but they chose not to consult me nor my doctor

about anything; instead, talking behind my back and ultimately firing me (Roller Aff. ¶77).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 77 of the Roller affidavit lacks foundation and contains both hearsay and conclusory statements. In particular, statements Roller made to his doctor and his doctor's responses are inadmissible hearsay. Moreover, Roller is not competent to testify regarding the effect of medication on his personality or whether or not the situation could have been remedied by talking to Roller's doctor. Accordingly, these statements should be disregarded. Additionally, Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. This proposed fact is also not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.**

83. According to the ADA, accommodations are supposed to be made for the disabled. One accommodation could've been to first tell me there was a problem before dismissing me. Second would've been to move me away from Kevin Impecoven since I was scaring him. We sat to each other. Third could've been to change works schedules so Kevin Impecoven and I would avoid driving schedules (that was normally the case - 18Feb2002 was a special meeting at 7:30 or 7 a.m.) (Roller Aff. ¶78).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 78 of the Roller affidavit contains conclusory statements and should be disregarded. Additionally, Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS**

**IT's motion for summary judgment as Roller mentioned these accommodations for the first time in his response to GEMS IT's motion for summary judgment.**

84. If there were any misconducts, there would be documentation with my signature on it stating so. Other than Exh. GEIR\_JenDeJongSexHarassment, there was none (Roller Aff. ¶79).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 79 of the Roller affidavit lacks foundation and contains conclusory statements. In particular, Roller has no personal knowledge of GEMS IT's practices regarding documentation, employee discipline and/or termination. Accordingly, these statements should be disregarded. Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.**

85. On 18 Feb, 2006 [sic], the morning of the traffic merging with Kevin Impecoven, I was dismissed and placed on administrative leave pending evaluation with Lutheran Social Services - Exh. LutheranSocialServices (Roller Aff. ¶80).

**Defendant's Response: Denies. Roller was placed on administrative leave on February 18, 2002. (Roller Dep. p. 127; Adcock Aff. ¶ 15; Moore Aff. ¶ 26.) He remained on administrative leave until April 17, 2002 when Adcock offered him the Agreement. (Roller Dep. pp. 128-30, Ex. 13; Adcock Aff. ¶ 16.)**

86. If work misconduct was the issue, they could have simply fired me years ago for that reason (Roller Aff. ¶81).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 81 of the Roller affidavit lacks foundation and contains conclusory statements. In particular, Roller has no personal knowledge regarding GEMS IT's practices related to employee discipline and/or termination. Accordingly, these**

statements should be disregarded. Moreover, this proposed fact is not material to either Roller's motion for summary judgment or GEMS IT's motion for summary judgment as it has no relevancy to an essential element of Roller's sole claim that Adcock terminated him because of his alleged disability.

87. My last comedic antic (now they call it "incident") was over 15 months earlier (performance evaluation of 2 and one raise since then - Exh. GEIR\_PerformanceEvalsEMS2000) (Roller Aff. ¶82).

**Defendant's Response: Denies. Roller sent the kiddieporn e-mail to Moore in February 2001. (Roller Dep. pp. 57, 113-17; Moore Aff. ¶ 22, Ex. D.)**

88. Instead they evaluated me with Lutheran Social Services for anger management for the traffic merging, even though, at the time, they insisted it was the argument. The argument with Impecoven was 7 days earlier, and nobody talked to me about it - because it wasn't a problem. Noah Allard stated so (Roller Aff. ¶83).

**Defendant's Response: Defendant objects to this proposed fact because it is not based on admissible evidence. Paragraph 83 of the Roller affidavit lacks foundation and contains hearsay. In particular, Roller has no personal knowledge regarding the timing of Impecoven's reports to GEMS IT about Roller's inappropriate behavior or about how GEMS IT generally handles such reports. Accordingly, these statements should be disregarded. Additionally, Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Further, Roller acknowledges he engaged in the inappropriate behavior with Impecoven (both the argument and the traffic incident) that led to his termination. (Roller Dep. pp. 127, 130, 132.)**

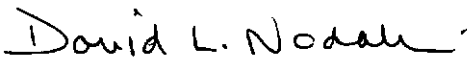
89. The traffic merging, though, was the problem, and only my psychic hunch knew this was a fact until the recent admission by the defense about the traffic merging. Look at GE's notes of my dismissal - Exh. GEIR\_CompPsych. No where does it mention the traffic merging. This is how questionable the defense's documents are (Roller Aff. ¶84).

**Defendant's Response: Local Rule 56.1(b) requires that each material fact presented be supported by an appropriate citation to the record. The unsupported statements within this proposed fact should be disregarded. Defendant admits Roller was terminated in part because of the traffic incident involving Impecoven, but denies that GEMS IT's documents are questionable or that GEMS IT's reasons for terminating Roller have changed over time. GEMS IT has continually stated that it made the decision to end Roller's employment because of his declining performance and inappropriate behavior. (Adcock Aff. ¶¶ 16-17.)**

90. This perceived threat was no doubt a result of being a mentally ill Jesus false prophet guy (Roller Aff. ¶85).

**Defendant's Response: Defendant objects to this proposed fact because it is conclusory and is not based on admissible evidence. In addition to containing conclusory statements, Paragraph 85 of the Roller affidavit lacks foundation. In particular, Roller has no personal knowledge regarding what Impecoven believed about him. Accordingly, these statements should be disregarded. In any event, Impecoven reported concerns after his argument with Roller and after Roller tried to run him off the road. (Adcock Aff. ¶ 15; Moore Aff. ¶¶ 25-26; Moore Dep. pp. 4-5.)**

Respectfully submitted this 30th day of November, 2006.



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