

nothing to remedy the harm they caused Plaintiffs, Defendants' Motion must be denied.

Background

Admitted Facts

Defendants admit that MARTA police officers stopped Plaintiff Raissi and, in the course of their encounter, the officers asked Raissi for his social security number ("SSN"). Defendants' Statement of Material Facts, ¶ 5. Defendants' further admit that the officers did not advise Raissi 1) whether disclosure was optional or mandatory, 2) by what statutory or other authority his SSN was requested, and 3) what uses would be made of his SSN. *Id.*, ¶ 6.

Additional Facts

In previous litigation, MARTA represented to the Court of Appeals of Georgia that:

MARTA is an agency of local governments which performs an essential governmental function.

Certified Copy of MARTA's "Brief of Appellee," [Doc. 30-2, p. 2]. MARTA stated in the same brief:

[MARTA] is plainly a public agency, and an agency of local government, just as the General Assembly has said.

Id., pp. 3-4.

In response to Plaintiffs' First Discovery Requests, Defendants MARTA, Dorsey and Dunham provided Plaintiffs with several documents bearing Raissi's social security number, including 1) a hand-written report by Defendant Nicholas entitled "MARTA Police Department Incident Report;" 2) a type-written report by Defendant Nicholas entitled "Incident Report;" 3) Dispatcher "remarks" on the incident; and 4) an audio recording of the radio traffic of the incident (in which the officers broadcast Raissi's SSN over the public airwaves). June 11, 2009 Letter from Defense Counsel to Plaintiffs' Counsel, with produced documents [Doc. 16-2, pp. 5, 12, and 13; Doc. 31-2, p. 3].¹

Argument

Defendants' Brief [Doc. 21-2] in the instant Motion is nearly identical to Defendants' Response [Doc. 19] to Plaintiffs' Motion for Partial Summary Judgment [Doc. 17]. Rather than burden the Court with duplicate material, therefore, Plaintiffs incorporate by reference their arguments contained in their Reply in Support of Their Motion for Summary Judgment [Doc. 30-1].

¹ The audio recording cannot be cited at this writing. Plaintiffs requested on July 29, 2009 that Defendants file the audio recording [Doc. 22]. As of this writing, Defendants have not complied with this request.

