

FILED
OCT 31 2006
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UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

CHRISTOPHER A. ROLLER,)
)
 Plaintiff,)
)
 Vs.)
)
 GE MEDICAL SYSTEMS INFORMATION)
 TECHNOLOGIES, INC.,)
)
 Defendant.)

Civ. 06-04098

**AFFIDAVIT OF RICHARD ADCOCK
IN SUPPORT OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

State of South Dakota)
) ss
Minnehaha County)

Richard Adcock, being first duly sworn under oath, states as follows:

1. I am an adult resident of South Dakota. I base this affidavit on my personal knowledge and my review of business records maintained in the files of defendant GE Medical Services Information Technologies, Inc. ("GEMS IT"). These records are kept in the course of regularly conducted business activity of GEMS IT, were prepared at or near the time of the activities recorded in the records or from information transmitted by a person with first hand knowledge. It was the regular practice of GEMS IT's business activity to make and maintain the records.

2. I was a co-owner and Vice President of Research and Development for Micro Medical Systems in Sioux Falls, South Dakota. I joined Micro Medical Systems in 1993. After Micro Medical Systems was acquired by GEMS IT, I became a GEMS IT employee. I continued to work in Sioux Falls, South Dakota. During my employment with GEMS IT, I held the position of Director of Engineering for product lines built by GEMS IT's Sioux Falls facility. I

ended my employment with GEMS IT in March of 2004. I am currently employed by Sioux Valley Hospital and Health Systems as the Vice President of Sioux Valley Clinic. I continue to work in Sioux Falls, South Dakota.

3. I knew the Plaintiff, Christopher Roller, during his employment with Micro Medical Systems and GEMS IT. I hired Mr. Roller, and I also made decisions regarding Mr. Roller's leave of absence and separation from employment.

4. I located Mr. Roller through a recruiter in Minnesota. He was highly regarded as a programmer and quite capable. I hired Mr. Roller to help raise the level of the company. For this reason, Mr. Roller was paid more than others in his position.

5. In 1999, shortly after Mr. Roller began his employment with Micro Medical, I learned from employees that Mr. Roller was telling other Micro Medical employees that he was "the chosen one" and that he was "gifted." According to these employees, his comments made them uncomfortable.

6. Kelly Drake, Micro Medical's Vice President of Administration and Human Resources, and I sat down with Mr. Roller to talk about the concerns raised by Mr. Roller's co-workers concerning his comments.

7. During our meeting with Mr. Roller, he told us that he believed the CIA was after him because of his superior intelligence and his DNA. He also told us his wife and mother had made him go to treatment. A true and correct copy of the notes from my meeting with Ms. Drake and Mr. Roller is attached hereto as Exhibit A.

8. After this meeting, Mr. Roller voluntarily signed medical releases so we could obtain his treatment information. When we received Mr. Roller's treatment records, we learned Mr. Roller had been diagnosed with bipolar disorder. However, because Mr. Roller had not been

disruptive, violent or insubordinate at work, Ms. Drake and I did not believe that Mr. Roller's condition affected his ability to perform his job duties. Thus, Mr. Roller continued to work for Micro Medical and was still employed at it when GEMS IT acquired the company in September 2000. I had no other conversations with Mr. Roller about his bipolar disorder. I also had no conversations with Mr. Roller about his medications.

9. I spoke with Mr. Roller on several occasions regarding inappropriate workplace behavior. In particular, Jen DeJong, a female employee, complained in 1999 that she was uncomfortable with several comments Mr. Roller made to her. Ms. DeJong also complained that Mr. Roller asked her out on dates, and she was not comfortable with these requests.

10. Ms. Drake and I met with Mr. Roller following the complaint from Ms. DeJong. At that time, Mr. Roller stated he would keep future remarks in line with our professional environment. Mr. Roller was placed on indefinite probation following this complaint. We warned Mr. Roller that future incidents would could result in termination. I gave Mr. Roller a written warning at that time. A true and correct copy of this warning is attached hereto as Exhibit B and a true and correct copy of notes from my meeting with Ms. Drake and Mr. Roller is attached hereto as Exhibit C.

11. Following this meeting, Mr. Roller continued to engage in what I considered to be unacceptable behavior. For instance, Mr. Roller placed fake feces in the men's bathroom on two occasions. On one occasion, I received a complaint from a contractor regarding the fake feces. I reprimanded Mr. Roller for this behavior.

12. At the same meeting where I discussed the fake feces with Mr. Roller, we also addressed an inappropriate e-mail that Mr. Roller had sent to a "Bob Moore". I told Mr. Roller that he was to discontinue fake farting, placing fake bowel movement and fake vomit around the

workplace and sending e-mails that are against GEMS IT policy. Mr. Roller was aware that any further violations would be grounds for immediate dismissal. A true and correct copy of notes from this meeting is attached hereto as Exhibit D.

13. In addition to these behavioral problems, Mr. Roller had performance issues. In particular, when GEMS IT acquired Micro Medical, the entire staff went through an adjustment process. Most individuals settled in to the new company. However, Mr. Roller's performance and productivity fell off after the acquisition.

14. Mr. Roller was no longer producing the same amount of work he had in the past, and he was making many errors. I received reports that other members of Mr. Roller's design team became frustrated with Mr. Roller because he was not coming through with his portions of the software programs.

15. Near the end of Mr. Roller's employment, Mr. Roller also became violent. He was aggressive with other members of his team, including Jason Hopkins and Kevin Impehoven. Mr. Impehoven was one of GEMS IT's best programmers. Mr. Roller became aggressive with him one evening in February 2002. Shortly after Mr. Roller's altercation with Mr. Impehoven, Mr. Impehoven reported that Mr. Roller tried to run him off the road while the two were driving to work. Mr. Roller was placed on a leave of absence following the incidents with Mr. Impehoven.

16. In April 2002, after consulting with Human Resources, we decided to offer Mr. Roller a Separation Agreement & Release. I met with Mr. Roller in April 2002 and gave him the Separation Agreement & Release. Mr. Roller had three days to review the Agreement, and he voluntarily signed the Agreement at the end of the three day period. I did tell Mr. Roller that if he did not sign the Agreement, he would be terminated. However, I did not force Mr. Roller to

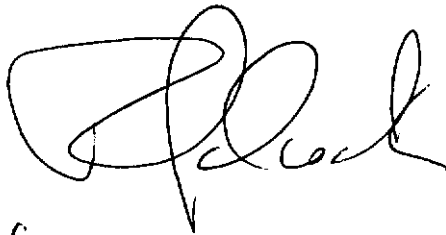
sign the Agreement. Pursuant to the terms of the Separation Agreement and Release, Mr. Roller resigned his employment effective July 26, 2002.

17. Mr. Roller's bipolar disorder played no part in my decision to terminate his employment. Mr. Roller was terminated because he was no longer performing up to GEMS IT standards and because he had engaged in serious misconduct at work by threatening his co-workers.

18. I am not aware of any statements made by Bob Moore referencing the possibility of Mr. Roller bringing a shotgun to work.

19. I am not aware of any other employees at Micro Medical or GEMS IT who had an employment history similar to Mr. Roller's employment history and were not discharged.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Notary Public: Cathryn C. Snow
Commission Expires: 9/12/2011