A lawsuit that was filed last year against Macon County and County Mayor Shelvy Linville on behalf of Jennifer Donoho was dismissed on June 23 by United States District Judge Todd J. Campbell.

The suit, which was filed in U.S. District Court in Nashville on August 8, 2007, claimed that Mayor Shelvy Linville had terminated Donoho's employment as administrative assistant because Linville "engaged in unlawful retaliation and discrimination" and breached the duty of due process rights as to cause, notice, and a formal hearing by terminating Donoho's employment without just cause.

It further asked that Donoho be paid "monetary damages in the form of back pay compensation and other financial benefits of employments, including pre-judgment and post-judgment interest, as well as unspecified compensatory and punitive damages."

Prior to the election, Jennifer Donoho was employed as administrative assistant for the last three years of her father's four-year term as county mayor. Glen Harold Donoho, who served as county mayor from 2002-2006, chose not to run for reelection in the 2006 race for the office.

When Linville took office, he terminated Donoho's employment and chose Tammy Russell to serve as his administrative assistant.
"Employment in Macon County, and in the state of Tennessee, is considered "at will"," said Linville. "That means that I can hire and fire at will."

An elected official taking office, Linville further explained, has the right and authority to chose his or her office personnel; especially a position that works as closely with the official as administrative assistant.

"You know, an administrative assistant handles all kinds confidential matters, and is kind of like an extension of the County Mayor," Linville said. "Telling me I had to keep Donoho would be kind of like telling Obama, if he's elected, that he has to keep Dick Cheney as his Vice President."

The lawsuit was, as Linville promised county commissioners after being served, vigorously defended.

Depositions were taken in early in June. Attorneys for the defendant then met with attorneys for the county Robyn Beale Williams and Guy Holliman.

“Perhaps the defendant’s attorneys realized, after they heard the depositions, that they didn’t really have a case,” said Linville.
“We felt all along that there was no basis for the lawsuit,” said County Attorney Guy Holliman, “because federal law gives elected officials some discretion in choosing their personnel.”

After meeting and hearing the depositions, Williams and Holliman gave the defendant’s attorneys the option of either dropping the suit, or becoming responsible for all attorney fees incurred by the county.

The suit, which was dropped, was scheduled for a jury trial on December 16 of this year. Both the jury trial and the pretrial conference that was set for December 8 were cancelled in the order signed by Judge Campbell.

“Certainly, I’m very pleased with the outcome,” said Holliman.

“Call it dropped, call it dismissed, call it whatever you want – it’s over,” said Linville on Monday; adding that he is most definitely happy to have Tammy Russell as his administrative assistant.