

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Andre J. Williams)

Plaintiff(s))

vs.)

The City of Columbia, et al)

Defendant(s))

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2013-CP - 40-00278

Submitted By: J. Lewis Cromer
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NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.
NON-JURY TRIAL demanded in complaint.
This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts
Constructions (100)
Debt Collection (110)
Employment (120)
General (130)
Breach of Contract (140)
Other (199)

- Torts - Professional Malpractice
Dental Malpractice (200)
Legal Malpractice (210)
Medical Malpractice (220)
Previous Notice of Intent Case #
Notice/ File Med Mal (230)
Other (299)

- Torts - Personal Injury
Assault/Slander/Libel (300)
Conversion (310)
Motor Vehicle Accident (320)
Premises Liability (330)
Products Liability (340)
Personal Injury (350)
Wrongful Death (360)
Other (399)

- Real Property
Claim & Delivery (400)
Condemnation (410)
Foreclosure (420)
Mechanic's Lien (430)
Partition (440)
Possession (450)
Building Code Violation (460)
Other (499)

- Inmate Petitions
PCR (500)
Mandamus (520)
Habeas Corpus (530)
Other (599)

- Administrative Law/Relief
Reinstate Drv. License (800)
Judicial Review (810)
Relief (820)
Permanent Injunction (830)
Forfeiture-Petition (840)
Forfeiture-Consent Order (850)
Other (899)

- Judgments/Settlements
Death Settlement (700)
Foreign Judgment (710)
Magistrate's Judgment (720)
Minor Settlement (730)
Transcript Judgment (740)
Lis Pendens (750)
Transfer of Structured Settlement Payment Rights Application (760)

- Appeals
Arbitration (900)
Magistrate-Civil (910)
Magistrate-Criminal (920)
Municipal (930)
Probate Court (940)
SCDOT (950)
Worker's Comp (960)
Zoning Board (970)
Public Service Comm. (990)
Employment Security Comm (991)
Other (999)

- Special/Complex /Other
Environmental (600)
Automobile Arb. (610)
Medical (620)
Other (699)
Pharmaceuticals (630)
Unfair Trade Practices (640)
Out-of State Depositions (650)
Motion to Quash Subpoena in an Out-of-County Action (660)
Sexual Predator (510)

Submitting Party Signature:

J. Lewis Cromer

Date: January 15, 2013

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Andre J. Williams,)
)
Plaintiff,)
)
v.)
)
The City of Columbia, Randy Scott,)
Ruben Santiago, and Leslie Wisner,)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Case No. 2013-CP-40-

SUMMONS
(Jury Trial Demanded)

JEANETTE W. MORRIS
C.C.P. & G.S.

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TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

J. LEWIS CROMER & ASSOCIATES, LLC

BY: _____

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J. Lewis Cromer (#1470)
J. Paul Porter (#100723)
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Attorneys for Plaintiff

Columbia, South Carolina
January 15, 2012

STATE OF SOUTH CAROLINA)
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COUNTY OF RICHLAND)
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Andre J. Williams)
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Plaintiff,)
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The City of Columbia, Randy Scott,)
Ruben Santiago, and Leslie Wisner,)
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Defendants.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Case No. 2013-CP-40-

COMPLAINT
(Jury Trial Demanded)

EMPLOYMENT CASE

The plaintiff complaining of the defendants respectfully alleges as follows.

PARTIES & JURISDICTION

1. The plaintiff, Andre J. Williams ("plaintiff"), is a resident and citizen of Richland County, residing in Hopkins, South Carolina.
2. The defendant City of Columbia (the "City") is a municipal subdivision of the State of South Carolina with its principal offices located in Richland County, South Carolina.
3. The defendant Randy Scott was at all times relevant to this action the Chief of the City of Columbia Police Department, and upon information and belief, defendant Scott resides in Richland County, South Carolina.
4. The defendant Ruben Santiago, though presently serving as Interim Chief of Police, was at all times relevant to this action the Deputy Chief of the City of Columbia Police Department, and upon information and belief, defendant Santiago resides in Richland County, South Carolina.

JEANETTE W. HERBIDE
C.C.P. & G.
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5. The defendant Leslie Wiser was at all times relevant to this action the Assistant Chief of the City of Columbia Police Department, and upon information and belief, defendant Wiser resides in Richland County, South Carolina.

6. On August 17, 2011, plaintiff filed a lawsuit against defendant Scott and the City of Columbia in Federal District Court for the State of South Carolina (hereinafter "federal suit"); that the City was dismissed from that law suit without prejudice, and that while the occurrences and issues raised in that suit are related to those herein such issues and occurrences are distinct and separate.

7. The majority of events giving rise to this action occurred in Richland County, South Carolina; that each defendant and the plaintiff has substantial connections to Richland County; and that jurisdiction is proper.

ALLEGATIONS

8. Plaintiff has been a loyal servant of the City of Columbia for over two decades in various positions as an employee of the City of Columbia Police Department.

9. In March, 2011, defendant Scott met with plaintiff regarding an alleged anonymous tip that plaintiff had been "double dipping;" that is, it was alleged that plaintiff had been accepting on-the-clock city pay while performing side work for pay as a funeral escort for various funeral homes in the community.

10. That moonlighting as a paid funeral escort has been and is a common permissive practice for police officers in the City of Columbia.

11. Plaintiff vehemently denied any wrongdoing and continues to deny wrongdoing to this day and further was cleared of wrongdoing by an internal affairs investigation by the City of Columbia.

12. From the time he was accused of “double dipping” to the time he filed the federal suit against the defendant City and defendant Scott, the plaintiff was continually harassed by the defendants and others at defendants’ request. He was demoted, placed on disciplinary probation without revealing the specifics of the charges or the evidence against him. The terms and conditions of his employment have worsened in an escalating fashion.

13. The federal suit concerned the allegations raised in paragraphs 9 through 12 above; further, that while those instances are not re-litigated here they are relevant to the following allegations.

14. Plaintiff’s probation period ended in October 2011, but was arbitrarily and capriciously extended for three months by the defendants.

15. At this time plaintiff was denied a request to perform off-duty funeral work by defendant Santiago—when asked, by plaintiff, about this denial defendant Santiago stated that “It’s a privilege that I can arbitrarily give or take away and I don’t have to provide a reason” (paraphrased), thus indicating his personal hatred and enmity toward the plaintiff.

16. Defendant Santiago thereafter made a statement to two of plaintiff’s coworkers Captain Laney and Lieutenant D.K. Martin that he was denying plaintiff’s request because the plaintiff was an abuser of part time work and was “cheating on the city” or words to that effect.

17. The above statement and others were calculated to undermine plaintiff’s trustworthiness and credibility in his profession which he had established for two decades of police work in the eyes of his fellow officers.

18. Following plaintiff’s deposition in the federal suit, another investigation was initiated into plaintiff’s conduct.

19. Plaintiff’s disciplinary probation ended in January, 2012.

20. Plaintiff was then accused by the defendants of using tobacco products in his patrol car from yet another “anonymous” complainant; this allegation was factually inconsistent and not clear as to the date and time it occurred. (Many of the alleged dates were at times plaintiff was not even working).

21. Due to the allegation that plaintiff had used tobacco in his patrol car the defendants caused him to be interviewed for approximately five hours, his patrol car was searched twice, and he was required to take a polygraph test.

22. Over 10 police man hours were exhausted by the investigation into whether or not plaintiff had personally used chewing tobacco in his patrol car; the same, amounts to one instance of a continuing pattern of harassment of the plaintiff in retaliation for his federal suit as well as his activities described later herein in publicly opposing the consolidation of the Richland County Sheriff’s Department with the police department of the City of Columbia.

23. In Early 2012, the second investigation into plaintiff’s “double dipping” with funeral homes was resolved with a finding of no violation of policy; defendants Santiago, Wiser and others subsequently and successfully destroyed and/or hid the report which cleared the plaintiff of any wrongdoing.

24. Plaintiff’s wife, Shannon Williams (Mrs. Williams) is also a long time employee of the defendant City’s police department.

25. Following the destruction/concealing of the exculpatory report defendant Santiago met with Mrs. Williams and stated “it’s not a day that goes by, I don’t think of you and [plaintiff], my heart goes out to y’all, I can’t imagine what it’s like coming to work every day in this hostile environment” (paraphrased). Such statements were false and insincere because the defendant Santiago himself was involved in creating the hostile environment.

26. During the above meeting, defendant Santiago likewise informed Mrs. Williams that several anonymous photos and additional anonymous reports of plaintiff's activities had occurred but that he knew plaintiff to be an "honest" and "trustworthy" officer. Again such statements were insincere and false and part of a continuing effort to harass plaintiff and cause him to leave the Columbia Police Department although for two decades his record of service and performance did not justify such actions.

27. During the preliminary of the federal suit defendant Santiago was asked by plaintiff's counsel about the foregoing statements he had made to Mrs. Williams, which promptly resulted in her unwarranted suspension on a previous old complaint, which to her knowledge had been resolved in her favor, and the plaintiff himself was again questioned about the "anonymous" photos and reports referred to herein.

28. Plaintiff then, in February, 2012, once again requested from the defendants off duty work permission; once again plaintiff's requests were denied. This time no reason was given.

29. Later that month, plaintiff applied for a promotion; defendant Santiago, in response, met with Lt. Butzer and ordered him to double check plaintiff's eligibility because he "was certain [plaintiff] was not eligible" (paraphrased). Plaintiff was clearly eligible to apply for the same.

30. Defendant Santiago further instructed Lt. Butzer to notify plaintiff that he could not participate in the promotional process.

31. Plaintiff requested defendant Santiago's decision in writing, at which point he was informed that he was eligible for promotion; plaintiff then participated in the promotional

process, but was not promoted because the defendants and others were continuing their ruthless campaign of retaliation.

32. The harassment of plaintiff and treatment of the above stated nature has been continuous and is ongoing and it is doubtful that plaintiff's career at the Columbia Police Department can survive.

33. In December, 2012, the defendant City fired plaintiff's wife without just cause to further hurt and punish the plaintiff. The defendants continue to carry out their ruthless agenda.

FOR A FIRST AND SEPARATE CAUSE OF ACTION
AGAINST DEFENDANT CITY
(Defamation)

34. Plaintiff realleges paragraphs 1-33 where consistent herewith as if stated verbatim herein.

35. The direct charges, insinuations and actions that plaintiff was untrustworthy, guilty of time-theft, criminal behavior, and is unfit and unqualified in his twenty-plus year profession have been published and republished throughout the community at large by the defendants and other officials of the defendant City.

36. The defendant City has ratified these defamatory statements and insinuations by word and act.

37. The persons to whom such defamatory insinuations by defendants and other City officers were published are plaintiff's fellow officers and peers within the defendant City's police department, many of which communications were made for the sole purpose of harming the plaintiff and without any justification.

38. Furthermore, such defamatory insinuations have been published and republished to several funeral home businesses damaging his reputation among those persons and inhibiting plaintiff's ability to earn money in that field as well as damaging his reputation.

39. Such a portrayal promulgated by the defendants and others within the City about the plaintiff is false, known to be false, made with malicious intent to harm the plaintiff, in reckless disregard of the truth and is defamatory *per se* charging the plaintiff with unfitness for his profession; further, that the above constitutes defamation by actions as well as words and is actionable under the laws of the State of South Carolina.

40. As a direct and proximate result of the aforesaid defamation, plaintiff's professional and personal reputation has been damaged, plaintiff's ability to earn a living in the community has been hindered, plaintiff has missed a promotion and the benefits and earnings associated with the same, plaintiff has suffered emotional distress, mental anguish, humiliation and embarrassment and plaintiff has also suffered the loss of future earnings.

FOR A SECOND AND SEPARATE CAUSE OF ACTION
AGAINST THE DEFENDANT CITY
(Loss of Consortium)

41. Plaintiff realleges paragraphs 1-40 where consistent herewith as if stated verbatim herein.

42. The defendant knowingly and without justification harassed and terminated plaintiff's wife from her position as a police officer.

43. The same actions occurred as part of an intentional agenda by the defendant City to retaliate against the plaintiff for filing his federal suit.

44. As a direct and proximate result of the aforesaid intentional and targeted maltreatment and termination of the plaintiff's wife by the defendant City, plaintiff has suffered

loss to the quality of his marriage and companionship; as well as, emotional distress, pain and suffering, humiliation and mental anguish.

FOR A THIRD AND SEPARATE CAUSE OF ACTION
AGAINST DEFENDANT CITY AND THE INDIVIDUAL DEFENDANTS¹
IN THEIR OFFICIAL CAPACITIES
(Malicious Interference with Contractual Relations-Economic)

45. Plaintiff realleges paragraphs 1-44 where consistent herewith as if stated verbatim herein.

46. Defendants were aware of plaintiff's business relationships and contracts with persons in the funeral home business, his work as a funeral escort, plaintiff's past benefits and profits accrued from such, and plaintiff's potential for future benefits and profits associated with those contracts.

47. Without just cause or the right to do so, the individual defendants' wrongfully and maliciously set out to inhibit plaintiff's ability to earn a living as a funeral escort and used their positions within the defendant City to prohibit plaintiff from performing contracts as a funeral escort; the city ratified this conduct and is liable for the same.

48. As a direct and proximate result of the aforesaid malicious and willful actions of the defendants, the plaintiff has incurred lost earnings and profits, suffered emotional distress and outrage, and lost potential future earnings and profits.

FOR A FOURTH AND SEPARATE CAUSE OF ACTION
AGAINST DEFENDANT CITY AND THE INDIVIDUAL DEFENDANTS
IN THEIR OFFICIAL CAPACITIES
(Malicious Interference with Contractual Relations-Marital)

49. Plaintiff realleges paragraphs 1-48 where consistent herewith as if stated verbatim herein.

¹ Collectively "Individual Defendants" hereinafter refers to defendants Scott, Santiago and Wiser.

50. Marriage is a cognizable legal contract which has for centuries been recognized by the State of South Carolina and the United States.

51. The plaintiff is married to Mrs. Williams and has been married to her at all times relative to this lawsuit and for several years preceding the same.

52. That the defendants were aware of the plaintiff and Mrs. Williams' marriage.

53. With overt knowledge of plaintiff's marriage the defendants knowingly and recklessly set out maliciously to harass and eventually terminate Mrs. Williams, without cause, in an effort to punish and target plaintiff; his wife by association; and to interfere with the benefits of his marital contract with his wife.

54. Such actions have contributed and continue to contribute to undue stress in the marriage, and are inhibitive to the future enjoyment of plaintiff's marriage.

55. As a direct and proximate result of the aforesaid malicious and willfulness of the defendants, the plaintiff has suffered a loss of consortium and companionship, stress and anxiety, humiliation, mental anguish, emotional distress and outrage.

FOR A FIFTH AND SEPARATE CAUSE OF ACTION
AGAINST THE INDIVIDUAL DEFENDANTS IN THEIR INDIVIDUAL CAPACITIES
(Civil Conspiracy)

56. Plaintiff realleges paragraphs 1-55 where consistent herewith as if stated verbatim herein.

57. The individual defendants herein and others met, conspired and schemed to harm the plaintiff.

58. Those defendants acted outside of the scope of their employment and in abuse of their positions to harass the plaintiff on a day-to-day basis resulting in the denial of a promotion

and the destruction and/or concealment of exculpatory evidence tending to show that plaintiff was not guilty of “double dipping” as the City had charged.

59. The defendants harassed and continue to harass plaintiff on the basis of their own personal agendas, motivated in part to safeguard their own professional reputations from due criticism.

60. Prior to the defendant Scott becoming police chief for the City of Columbia he was a deputy sheriff for Richland County. The defendant Santiago was also employed by and a high ranking officer of the Richland County Sheriff's Department.

61. During the years before this occurred, there was a political movement to place the Columbia Police Department under the authority and jurisdiction of the Richland County Sheriff. There was heated debate on both sides of the issue but the final decision of the City of Columbia was to retain control of its police department through the Chief of Police.

62. That the former Police Chief and the plaintiff, as a long time officer and who headed up the City's K-9 unit, were outspoken opponents of the Sheriff's takeover.

63. Such overt and public action by the plaintiff upset and embittered the officers of the Sheriff's Department, including Scott and Santiago, who both subsequently left the Sheriff's Department and became Police Chief and Deputy Police Chief (now Interim Police Chief) of the City.

64. With their arrival in their City positions, a watershed was created regarding the plaintiff's prior treatment and subsequent treatment as a police officer which has escalated to the present day treatment of the plaintiff as set forth in this complaint.

65. That the preceding paragraphs to a great degree illustrate the hatred, ill will and personal agenda of the individual defendants acting outside the course and scope of their duties to inflict the special damages which have occurred and to cause the plaintiff harm.

66. Such actions have isolated plaintiff in his lifelong field of service and employment.

67. Further, as part of their combination to harm the plaintiff, the individual defendants used their positions within the defendant city to encourage lower-level police officers to unnecessarily monitor plaintiff in a hyper-vigilant manner for any perceived mistakes and missteps in his employment; such is entirely out of the day-to-day scope of these defendants duties and the City's policies.

68. The foregoing conduct amounts to an unlawful civil conspiracy to deprive the plaintiff of his rights and to specially harm the plaintiff for which the individual defendants, named herein, are liable.

69. Said civil conspiracy has directly and proximately caused the plaintiff to be ostracized, isolated and essentially black-listed in his profession; it has caused the plaintiff to suffer increased stress and anxiety, and forced him to incur the costs, fees and reasonable attorney's fees of prosecuting this action.

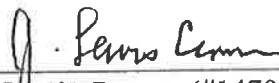
PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for judgment, as determined by a jury, against the defendant City of Columbia for defamation and loss of consortium with all lost earnings, benefits, reputational loss, damage done to the quality of plaintiff's marriage and all other losses associated with those actions.

FURTHERMORE, plaintiff prays for judgment, as determined by a jury, against the defendant City of Columbia and the individual defendants in their official capacities for all actual and other losses caused by the defendants' malicious interference with plaintiff's economic and marital contractual relationships including recovery for all lost earnings, future earnings and loss of consortium caused by the same.

Lastly, against defendants Scott, Santiago and Wisner in their individual capacities, plaintiff further prays for a separate and appropriate award, as determined by a jury, of all actual, special damages arising out of the individually named defendants unlawful civil conspiracy and for an additional award of punitive damages; as well as the costs of prosecuting this action.

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