

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

Shannon Williams)

CIVIL ACTION COVERSHEET

Plaintiff(s))

2013-CP - 40- 01731

vs.)

The City of Columbia, Randy Scott, Ruben Santiago, and Leslie Wisner, Glenn Gates and Benjamin Arrowood.)

Defendant(s))

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: Employment (120)
Torts - Professional Malpractice: Medical Malpractice (220)
Torts - Personal Injury: Assault/Slander/Libel (300)
Real Property: Claim & Delivery (400)
Inmate Petitions: Habeas Corpus (530)
Administrative Law/Relief: Reinstatement License (800)
Judgments/Settlements: Confession of Judgment (770)
Appeals: Arbitration (900)
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 (660), Sexual Predator (510)

Submitting Party Signature: J. Lewis Cromer

Date: 03-20-2013

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, 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)
)
Shannon Williams)
)
Plaintiff,)
)
v.)
)
The City of Columbia, Randy Scott,)
Ruben Santiago, and Leslie Wisner,)
Glenn Gates and Benjamin)
Arrowood.)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Case No. 2013-CP-40-

COMPLAINT
(Jury Trial Demanded)

2013 MAR 20 PM 3:44
FILED
C.C.P. & G.S.

EMPLOYMENT CASE

The plaintiff complaining of the defendants respectfully alleges as follows:

PARTIES & JURISDICTION

1. The Plaintiff, Shannon 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 most times relevant to this action the Chief of the City of Columbia, Police Department; upon information and belief, defendant Scott resides in Richland County, South Carolina.
4. The Defendant Ruben Santiago was at most times relevant to this action the Deputy Chief of the City of Columbia, Police Department; upon information and belief, defendant Santiago resides in Richland County, South Carolina.

5. The Defendant Leslie Wiser was at all times relevant to this action the Assistant Chief of the City of Columbia, Police Department; upon information and belief, defendant Wiser resides in Richland County, South Carolina.

6. The Defendant Glenn Gates was at all times relevant to this action a Lieutenant for the City of Columbia, Police Department; upon information and belief defendant Gates resides in Richland County, South Carolina.

7. The Defendant Benjamin Arrowood was at all times relevant to this action an Officer for the City of Columbia, Police Department; upon information and belief defendant Arrowood resides in Richland County.

8. The plaintiff has exhausted her administrative remedies; plaintiff has brought necessary claims before the relevant state and federal agencies, received right to sue letters and this action is timely.

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

ALLEGATIONS

10. 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, most recently as a Sergeant.

11. The plaintiff was terminated from her position with the Columbia Police Department for alleged dishonesty on December 12, 2012. That termination was grieved, the grievance committee recommended that the termination be overturned, and the City Manager

agreed with their recommendation and overturned the termination on March 14, 2013. Plaintiff is currently awaiting reappointment and the restoration of all back wages and benefits.

12. Plaintiff's husband, Andre J. Williams ("Mr. Williams"), is also employed by the City of Columbia; he was at one time a sergeant and presently serves as a master patrolman.

13. In March, 2011, Defendant Scott met with Mr. Williams regarding an alleged anonymous tip he had been "double dipping;" that is, it was alleged that he 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. Moonlighting as a paid funeral escort has been and is a common permissive practice for police officers in the City of Columbia.

14. Mr. Williams 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.

15. Mr. Williams was demoted and placed on disciplinary probation; all the while, the City did not reveal the specifics of the charges or the evidence against him.

16. Mr. Williams filed a federal lawsuit against the City and Defendant Scott alleging that he was demoted and otherwise discriminated against on the basis of free speech. Prior to Defendant Scott becoming Chief of the Columbia Police Department there was a movement to consolidate the Richland County Sheriff's Office and the City Police Department and plaintiff publically spoke out against the same.

17. Mr. Williams continued to suffer further unfair and unwarranted treatment after filing that lawsuit and filed a lawsuit regarding such treatment on January 15, 2013.

18. Meanwhile over the last two years, plaintiff has likewise been targeted, harassed and discriminated by the City and other Defendants named herein; resulting in multiple transfers, denied promotions, arbitrary disciplinary action, termination and other unfair treatment.

19. At one time Defendant Santiago even stated to plaintiff "it's not a day that goes by, I don't think of you and [Mr. Williams], 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). His statement to plaintiff was insincere because the Defendant Santiago himself was involved in creating that hostile environment.

20. By way of her 2011 Evaluation, plaintiff was regarded as "Highly Promotable" to the Rank of Lieutenant and scored the third highest score on the Lieutenant's exam making her the highest scoring woman.

21. In June, 2011, plaintiff was denied a promotion; however several lesser qualified men were promoted in two rounds of promotions to the rank of Lieutenant. The number of men promoted to Lieutenant in the 2011 promotions exceeded three even though plaintiff had the third highest score on the Lieutenant's exam and was not promoted.

22. From August to October, 2011, plaintiff received disciplinary action, was counseled and placed on multiple days of suspension; the allegations against her were baseless. Plaintiff grieved the same, and the disciplinary action was in part overturned and in part sent back to the City for further investigation.

23. In February, 2012, the allegations that had been sent back for investigation were once again sustained at the direction of the Defendants Scott, Wisner and Santiago.

24. Plaintiff filed charges in February 2012 with the South Carolina Human affairs Commission alleging that these incidents were indicative of continuing gender discrimination, retaliation and other discrimination against her.

25. After filing her first charge of gender discrimination and retaliation plaintiff was written up for her handling of a use of force incident.

26. During the investigation of that incident two subordinate officers were interviewed by plaintiff about their involvement in the same. One of the officers requested to amend his statement, Plaintiff permitted him to do so; however, she did notify the other officer Defendant Arrowood of his right to do the same. Defendant Arrowood stated that he would not, and that he was going to get an attorney.

27. Plaintiff also checked the video of the patrol car present during the use of force incident and in so doing she discovered that the audio had been captured from the still-frame video; and from the audio it was apparent that further investigation was necessary into the officers' conduct.

28. Plaintiff reported the incident to her superior Defendant Gates; who told her he would handle the investigation.

29. Instead of investigating the officers' conduct, Defendant Gates and the other individual Defendants had plaintiff investigated.

30. As a result of that investigation, plaintiff was written up on several baseless grounds including alleged insubordination and dishonesty. The grounds for such were widely published throughout the Defendant City's police department and to the public at large by the defendants.

31. Plaintiff was terminated on the basis of those write-ups on December 12, 2012.

Plaintiff grieved her termination and it was overturned.

FOR A FIRST AND SEPARATE CAUSE OF ACTION
AGAINST DEFENDANTS SCOTT, SANTIAGO AND WISER
(Defamation)

32. Plaintiff realleges paragraphs 1-31 where consistent herewith as if stated verbatim herein.

33. The direct charges, insinuations and actions that plaintiff was untrustworthy, unfit in her career at the department, misconduct in office and potentially guilty of criminal misconduct in her twenty-plus year profession have been published and republished throughout the community at large by the defendants and other officials of the defendant City.

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

35. 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 to whom many of which communications were made for the sole purpose of harming the plaintiff and without any justification or privilege.

36. Furthermore, such defamatory insinuations have been published and republished to members of the community by Defendant Scott and others; Defendant Scott informed one prominent community leader that plaintiff was fired because "She did not do things right like her husband" (paraphrased).

37. 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

her profession and potential criminal activity; further, that the above constitutes defamation by actions as well as words and is actionable under the laws of the State of South Carolina.

38. 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, been terminated and lost the benefits and earnings associated with the same, plaintiff has also suffered emotional distress, mental anguish, humiliation, reputational loss and embarrassment and plaintiff has also suffered the loss of future earnings.

FOR A SECOND AND SEPARATE CAUSE OF ACTION
AGAINST THE DEFENDANT CITY
(Violation of First Amendment Freedom of Association)

39. Plaintiff realleges paragraphs 1-38 where consistent herewith as if stated verbatim herein.

40. Plaintiff received adverse employment action and was otherwise discriminated against on the basis of her constitutionally protected association with her husband.

41. This is demonstrated by Defendant Scott's statement that plaintiff was fired because "She did not do things right like her husband" and the proximity between plaintiff's termination and other disparate treatment and her husband's his vocal opposition to the merger of the City and County law enforcement divisions, his grievance regarding his demotion, and his lawsuit based on the same.

42. The actions taken against the plaintiff violate her civil rights under the First Amendment to the United States Constitution, as well as 42 U.S.C. Section 1983 and further impair the plaintiff's rights to freedom of association which are constitutionally guaranteed to her.

43. As a direct and proximate result of the violation of the plaintiff's rights as set forth herein, the plaintiff lost her position with City and been denied a promotion and her earning capacity has been impaired. Such damages are in addition to her economic losses, including back pay, front pay, and benefits, as well as a loss of retirement benefits and other benefits associated with employment. The plaintiff further has sustained great reputational loss, mental and emotional suffering and pain and suffering, which will continue into the future.

FOR A THIRD AND SEPARATE CAUSE OF ACTION
AGAINST DEFENDANT THE DEFENDANT CITY
(Gender Discrimination)

44. Plaintiff realleges paragraphs 1-43 where consistent herewith as if stated verbatim herein.

45. The Defendant denied plaintiff a promotion to Lieutenant in 2011 on the basis of her gender and in favor of other lesser qualified males. Plaintiff has since been subjected to other disparate terms and conditions in her employment to which similarly situated males have not been subjected to including undue disciplinary write-ups, a hostile work environment and eventual termination.

46. The hostile work environment to which the plaintiff was subjected was severe and pervasive and created an objectively hostile and abusive work environment which plaintiff likewise perceived as abusive and hostile.

47. The above amounts to unlawful gender discrimination and a hostile work environment in violation of Title VII of the Civil Rights Act (42 U.S.C. § 2000e, et seq.) for which the defendants are liable to the plaintiff.

48. As a direct and proximate result of the gender discrimination and hostile work environment fostered by the same, the plaintiff has suffered damages including a loss of

earnings, back pay, front pay, loss of benefits and prospective benefits, embarrassment, humiliation, and mental anguish for which the plaintiff is entitled to actual damages and the reasonable attorney's fees and costs associated with this action.

FOR A FOURTH AND SEPARATE CAUSE OF ACTION
AGAINST THE DEFENDANT CITY
(Retaliation in Violation of Title VII)

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

50. Plaintiff formally complained about gender discrimination, retaliation, race and disability discrimination toward her to the South Carolina Human Affairs Commission in February, 2012. Plaintiff had also complained informally upon prior instances including appeals to the City grievance committee and to the Defendant City's human affairs department.

51. After she complained the discriminatory treatment did not stop, but instead intensified.

52. The Deputy Chief of the City of Columbia Police Department, Defendant Santiago, has openly voiced that he disapproves of grievances and complaints of the sort brought by plaintiff stating in the Summer of 2011 at a staff meeting "I am tired of these frivolous grievances, we have long memories"(paraphrased).

53. Defendant Santiago's admonition is consistent with treatment of plaintiff's treatment and demonstrative of retaliatory intent on the part of the Defendant City's second in command police officer.

54. The actions of the Defendant City taken against the plaintiff and described herein are the result of a planned effort of the City to retaliate against the plaintiff for her formal and informal complaints about unlawful discrimination and retaliation.

55. The defendant City is liable to plaintiff for its willful and wrongful retaliation against the plaintiff for protected acts she took against unfair, egregious and perceived gender and other discrimination.

56. The retaliation of the plaintiff is unlawful and violates Title VII of the Civil Rights Act (42 U.S.C. § 2000e, et seq.).

57. As a direct and proximate result of the defendants' actions, plaintiff has suffered and the defendants are liable for the plaintiff's loss of earnings, back pay, front pay, loss of benefits and prospective benefits, embarrassment, humiliation, and mental anguish for which the plaintiff is entitled to actual damages and the reasonable attorney's fees and costs associated with this action.

FOR A FIFTH AND SEPARATE CAUSE OF ACTION
AGAINST THE INDIVIDUAL DEFENDANTS IN THEIR INDIVIDUAL CAPACITIES¹
(Civil Conspiracy)

58. Plaintiff realleges paragraphs 1-57 where consistent herewith as if stated verbatim herein.

59. The Individual Defendants herein and others met, conspired and schemed to harm the plaintiff.

60. Those Individual 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, being transferred multiple times at work and essentially afforded the Siberia treatment, terminated on baseless grounds, and being made to feel targeted and insecure in her well-being and profession.

¹ Individual Defendants refers to defendants Scott, Santiago, Wisner, Gates and Arrowood.

61. The Individual Defendants harassed and continue to harass plaintiff on a regular basis in combination with the intention to harm her motivated by their own personal agendas in part to safeguard their own professional reputations from due criticism.

62. The Individual Defendants, upon learning that plaintiff's termination was overturned have acted to inhibit and remove her credentials from the South Carolina Criminal Justice Academy; if successful they will remove her ability to earn a living in her profession and undermine the City's grievance process.

63. Such actions of the Individual Defendants have isolated and damaged the plaintiff in her lifelong field of service and employment and are outside the course and scope of the Individual Defendants' employment with the Defendant City and inflicted special damages upon her in so doing.

64. The foregoing conduct amounts to an unlawful civil conspiracy to deprive the plaintiff of her rights and to specially harm the plaintiff for which the Individual Defendants, named herein, are liable.

65. Said civil conspiracy has directly and proximately caused the plaintiff to be ostracized, isolated and essentially black-listed in her profession; it has caused the plaintiff to suffer increased stress and anxiety, and forced her to incur the costs and reasonable attorney's fees of prosecuting this action. Further the plaintiff is entitled to an award of punitive damages for the malicious, intentional and mean-spirited actions of the individual defendants.

PRAYER FOR RELIEF

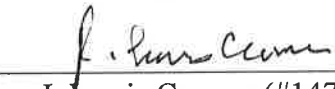
WHEREFORE, plaintiff prays for judgment, as determined by a jury, against the defendant City of Columbia for Violation of her First Amendment Right to Associate and for Title VII Gender Discrimination and Retaliation with all lost earnings, benefits, reputational loss,

damage done to the quality of plaintiff's life and all other losses caused thereby. Plaintiff also prays for the reasonable attorney fees and costs associated with her Title VII claims.

FURTHERMORE, plaintiff prays for judgment, as determined by a jury, against defendants Scott, Santiago and Wiser in their official capacities for all actual and other losses caused by the defendants' Defamation of her character including a recovery of all reputational loss, actual damages and other damages caused by the same.

LASTLY, against defendants Scott, Santiago, Wiser, Gates and Arrowood 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.

J. LEWIS CROMER & ASSOCIATES, LLC

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Columbia, South Carolina
March 20, 2012

STATE OF SOUTH CAROLINA)
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Shannon Williams)
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IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Case No. 2013-CP-40-

SUMMONS

2013 MAR 20 PM 3:44
JAMES E. W. BRIDGE
C.O.P. & G.S.
FILED

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 (thirty five (35) days if served by United States Mail) after service hereof, exclusive of the date 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, L.L.C.

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March 20, 2013