

STATE OF SOUTH CAROLINA

COUNTY OF CHESTERFIELD

Dana Orrin Wallace

Plaintiff(s)

vs.

Rob Lee, individually and in his official capacity as
Chesterfield County under Sheriff, Chesterfield County
Sheriff's Office and John Doe

Defendant(s)

Submitted By: M.W. COCKRELL, III

Address: 159 MAIN STREET
CHESTERFIELD, SC 29709

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

mwc@cockrelllawfirm.com

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*

X **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.

X 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) General (130) Breach of Contract (140) Fraud/Bad Faith (150) Failure to Deliver/ Warranty (160) Employment Discrim (170) Employment (180) Other (199) _____	Torts - Professional Malpractice Dental Malpractice (200) Legal Malpractice (210) Medical Malpractice (220) Previous Notice of Intent Case # 20 ____ -NI- ____ - Notice/ File Med Mal (230) Other (299) _____	Torts - Personal Injury Conversion (310) Motor Vehicle Accident (320) Premises Liability (330) Products Liability (340) Personal Injury (350) Wrongful Death (360) Assault/Battery (370) <u>Slander/Libel (380)</u> 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) ((800) (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)
Special/Complex /Other Environmental (600) Pharmaceuticals (630)	Confession of Judgment (770) Petition for Workers Compensation Settlement		

Automobile Arb. (610)	Unfair Trade Practices (640)	Compensation Settlement Approval (780)	Other (999)
Medical (620)	Out-of State Depositions (650)	Other (799)	
Other (699)	Motion to Quash Subpoena in an Out-of-County Action (660)		
Sexual Predator (510)	Pre-Suit Discovery (670)		
Permanent Restraining Order (680)			

Submitting Party Signature: _____

Date: _____

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

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

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

Pursuant to the ADR Rules, 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.
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.

COUNTY OF CHESTERFIELD

Dana Orrin Wallace
Plaintiff,

V.

Rob Lee, individually and in his official capacity as Chesterfield County Sheriff; Chesterfield County Sheriff's Office and John Doe,
Defendant.

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT
CASE NUMBER 2016-DR-13-*293*

SUMMONS

TO: THE DEFENDANT HEREIN:

YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint in this action of which a copy is herewith served upon you, and to serve a copy of your Answer to the said Amended Complaint on the subscriber at his offices at the **BARRISTER BUILDING** in OLDE TOWNE CENTRE, 159 Main Street, Chesterfield, South Carolina, within thirty (30) days after the service hereof; exclusive of the day of such service; and if you fail to answer the Amended Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Amended Complaint.

COCKRELL LAW FIRM, PC

M. W. Cockrell, III
Sarah C. Campbell
ATTORNEYS FOR PLAINTIFF
159 Main Street
Chesterfield, SC 29709
Phone: (843) 623-5911
Facsimile: (843) 623-5700

Chesterfield, South Carolina
April 19, 2016

STATE OF SOUTH CAROLINA)
COUNTY OF CHESTERFIELD)
_____)

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT
CIVIL ACTION NO: 2016-CP-13- 293

Dana Orrin Wallace,)
Plaintiff,)

vs.)

Rob Lee, individually and in his)
official capacity as Chesterfield)
County underSheriff; Chesterfield)
County Sheriff's Office and John)
Doe,)

Defendants.)
_____)
)

COMPLAINT

(JURY TRIAL DEMANDED)

2017 APR 20 PM 4 38
FILED
CLERK OF COURT
CHESTERFIELD COUNTY, SOUTH CAROLINA

To: ALL ABOVE NAMED DEFENDANTS:

COMES NOW the Plaintiff Dana Orrin Wallace, by and through his attorneys, M. W. Cockrell, III and Sarah C. Campbell, demanding a jury trial and complaining of the Defendants as follows:

PARTIES AND JURISDICTION

1. Plaintiff Dana Orrin Wallace at all times relevant to this complaint was a resident of Chesterfield County, South Carolina.
2. Defendant Rob Lee, hereinafter Lee, was at all times herein the acting Chesterfield County Sheriff or underSheriff, acting under color of state law and in the course and scope of his employment as a law enforcement officer. Defendant Lee is sued, in the alternative, individually under state law if his conduct is found to have been outside the course and

scope of his employment.

3. That Defendant Chesterfield County Sheriff's Office, hereinafter CCSO, is the appropriate party defendant as a state agency for the acts and omissions of its agents/employees in the course and scope of their employment and/or official duties pursuant to the South Carolina Tort Claims Act. Defendant CCSO is sued for compensatory damages only under the South Carolina Tort Claims Act causes of action.
4. Defendant John Doe is, upon information and belief, employees of Defendant Chesterfield County who at all times pertinent to the Complaint herein was acting within the course and scope of his/her official duties and under color of law. The Defendant is sued in the individual and official capacities. At all times relevant to this Complaint, all defendants acted in concert and conspiracy and were jointly and severally responsible for the harm caused to the Plaintiff.
5. Plaintiff brings his claims against Defendant CCSO pursuant to the South Carolina Tort Claims Act S.C. Code Ann. § 15-78-10 et seq. and § 15-5-90 et seq. In the alternative, if the conduct of Lee is found to have been outside the course and scope of his employment and/or official duties, the Plaintiff is asserting state law causes of action against Defendant Lee in his individual capacity.
6. Venue is properly laid in this Court pursuant to § 15-7-30 South Carolina Code of Laws Annotated [Law. Co-op. 1976].

FACTUAL ALLEGATIONS

7. The Plaintiff was originally hired by the Chesterfield County Sheriff's Office in 2004 by then Sheriff Sanford Parker, Jr. The Plaintiff served Sheriff Parker and CCSO as a loyal

and faithful Deputy Sheriff until the Plaintiff was terminated in April, 2014. At the time of the Plaintiff's termination, the Plaintiff had earned and was entitled to be paid certain wages. Defendant Lee and Defendant CCSO have failed to pay certain wages due to Plaintiff for periods of employment with therewith.

8. Defendant Lee was appointed "acting" sheriff by South Carolina Governor Nikki Haley under and pursuant to South Carolina Code § 23-11-50.
9. Defendant Lee replaced the previous Sheriff of Chesterfield County, who was indicted for actions including requiring deputies to do "slave" labor or self service on the private property belonging to the then Sheriff.
10. Shortly after accepting the appointment of "acting" Sheriff, Defendant Lee began continuing the same course of conduct on which former Sheriff Sanford Marion Parker, Jr. was indicted.
11. Plaintiff obtained pictures of Defendant Lee having other deputies perform work on Defendant Lee's personal property. (See Exhibit A)
12. Plaintiff is aware of conversations the spouse of Defendant Lee had with Defendant Lee about photographs of fully nude juvenile males that Defendant Lee had taken to Jay E. Hodge and destroyed.
13. Plaintiff asked Defendant Lee why he did not report Jay E. Hodge to authorities and received the response, "when the man holds the mortgage to your house and your wife is pregnant, you have no choice."
14. Plaintiff, initially thought nothing of the situation, but upon further review of facts, Defendant Lee did in fact have his property secured by a mortgage with Jay Hodge

holding security on the same (See Exhibit B).

15. Plaintiff is aware of Defendant Lee taking "business" related excursions as a cover for relationships Defendant Lee was having with persons to whom he was not married.
16. During the time period that the Plaintiff was employed by the Chesterfield County Sheriff's Office, the Plaintiff's good friend, Mike Ervin, began exploring the idea of running for Sheriff of Chesterfield County. At that time Defendant Lee was the current "acting" Sheriff of Chesterfield County.
17. Upon information and belief, Defendant Lee intended to run for election to the office of Sheriff of Chesterfield County in the 2014 election. The Plaintiff is informed and believes that during the lead up to Defendant Lee's election filing deadline, Defendant Lee had concerns with assurances and promises Defendant Lee made to Governor Nikki Haley that involved not running for the office of Sheriff in order to secure the appointment of "acting" Sheriff. Upon information and belief, this is why Defendant Lee ultimately did not file for the office of Sheriff in the 2014 election.
18. Upon information and belief of Plaintiff, Defendant Lee is racist, or at a minimum, is "hostile" toward minority deputies and employees.
19. Defendant Lee created a hostile environment that ultimately led Officer James "J.D." Dixon to take a leave of absence from the Chesterfield County Sheriff's Department.
20. Defendant Lee created rumors in the workplace that Officer James "J.D." Dixon was fired.
21. Upon information and belief, Defendant Lee did this because he wanted to encourage and/or control the outcome of the Sheriff election, and discourage citizens from voting for J.D. Dixon, attempting to give J.D. Dixon the appearance of being unfit to hold the office of

Sheriff. (See Exhibit B)

22. Upon the information and belief of Plaintiff, Defendant Lee is racist and would not work for a man of color.
23. After J.D. Dixon took a leave of absence, the Plaintiff, while on duty, spoke with Officer Robbie Adams of the Town of Chesterfield Police Department.
24. Robbie Adams then received a call about a "Mike Ervin for Sheriff" campaign sign being removed. Office Adams then relayed the information to the Plaintiff.
25. Plaintiff then proceeded toward the area where the sign was removed and confirmed that no sign was there and then located at this spot.
26. Plaintiff spotted a vehicle that was identical to the one complained of by the witness in the immediate area of where the sign should have been, but was not.
28. Plaintiff took the information down, but did not stop the vehicle, as Plaintiff did not observe that a campaign sign was in fact removed.
29. Plaintiff drafted a report on the events.
30. Plaintiff's drafted report was subsequently approved and submitted through the department in the regular course of business therein. (See Exhibit C)
31. Upon information and belief, Defendant Lee reviewed the report and made the decision to fire the Plaintiff and encouraged the South Carolina Law Enforcement Division ("SLED") to charge him criminally for a fabricated police report. (See Exhibit D)
32. After firing the Plaintiff, on or about April 4, 2014, Defendant Lee, in the presence of Lt. Brianna Davis and Lt. Wayne Jordan, proclaimed to the Plaintiff that if Mike Ervin won the election then he (Mike Ervin) may hire you back.

33. Upon information and belief, Plaintiff is aware that other reports were materially altered (under the supervision of the Defendant Lee), over the objection of the investigating officer and nothing has been done. (See Exhibit E)
34. Defendant Lee created an atmosphere of hostility between Candidate Ervin and Candidate Dixon within the department during the time of Plaintiff's employment.
35. After being fired, Plaintiff filed for unemployment benefits and was told by Bridgett Hawkins on May 28, 2014 that the Defendant Lee indicated he had fired the Plaintiff **for cause**, based on a violation county policy.
36. Plaintiff had previously filed for and requested a grievance hearing relating to his firing, but on May 29, 2014, Plaintiff was called by Lisa Gainey and told that the filing time had passed and Plaintiff was denied the hearing.
37. Plaintiff contested Defendant Lee's assertion that Plaintiff was **fired for cause**, requested a hearing. This hearing was held on July 28, 2014.
38. After testimony from both sides, the tribunal found that the County (Defendant Lee) discharged the Plaintiff **"without cause"** and reinstated Plaintiff's benefits. (See Exhibit F).
39. Upon information and belief, in the late Summer of 2014, a SLED agent called Defendant Lee and explained that SLED had received photographs of deputies working on Defendant Lee's personal property and advised Defendant Lee that he should be careful.
40. Upon information and belief, this call was received by Defendant Lee in front of Tim Eubanks. Upon further information and belief, Defendant Lee became irate, was fuming, cursing and angry.

41. Defendant Lee later spoke with Attorney Franklin B. Joyner, Jr., who was representing Plaintiff in relation to the criminal charges brought against him in relation to the police report made and directed that that he would have law enforcement drop the criminal charges against Plaintiff if Plaintiff would sign an agreement not to sue Defendant Lee.
42. This plea offer was relayed to Plaintiff by his attorney and Plaintiff rejected the same.
43. The Plaintiff is informed and believes that Defendant Lee's actions caused the Plaintiff's relationships within the sheriff's department to deteriorate.
44. Upon information and belief, subsequent to the events described above, the Plaintiff is informed and believes that employees of the Chesterfield County Sheriff's Office were warned not to be seen with or have any contact with the Plaintiff or his family.
45. The Plaintiff is informed and believes that the events described in paragraph 1 through 44 created a great deal of controversy and tension in the Chesterfield County Sheriff's Office; and Defendant Lee acted to a) discredit the Plaintiff, b) to keep him from divulging the information above to third parties; c) to create an appearance of racial tension between others when in fact, Defendant Lee has race related issues; d) to avoid detections surrounding his public waste of funds, as well as, hiding illegal activities of himself (Defendant Lee) and others.
46. The Plaintiff is informed and believes the events described above placed not only himself, but also other employees of the Chesterfield County Sheriff's Office in precarious situations, as many of them had worked for and had considered themselves friends with the Plaintiff, Defendant Lee and other law enforcement agents within the department.

FOR A FIRST CAUSE OF ACTION

**(Slander/Slander Per Se)
(Against Defendant Lee)**

47. The Plaintiff incorporates by reference all previous allegations of fact and law in paragraphs 1 through 46 as if repeated herein.
48. The allegations as plead in paragraphs 1 through 43 show false and defamatory statements by Defendant Lee towards the Plaintiff. Specifically, the Plaintiff believes that these allegations as plead show that Defendant Lee made statements concerning the Plaintiff's unfitness in his business and/or profession.
49. The allegations as plead represent an unprivileged publication by Defendant Lee to a third party.
50. The allegations as plead show fault on Defendant Lee's part by publicizing the false and defamatory statements concerning the Plaintiff.
51. The Plaintiff has suffered special harm caused by Defendant Lee's unprivileged publication to a third party.
52. As a direct and proximate result of Defendant Lee's careless, reckless, willful and wanton conduct, the Plaintiff has suffered injuries and damages as herein set forth.

**FOR A SECOND CAUSE OF ACTION
(Wrongful Discharge)
(Against Defendant CCSO)**

53. The Plaintiff incorporates by reference all previous allegations of fact and law in paragraphs 1 through 46 as if repeated herein.
54. Defendant CCSO is vicariously liable for the acts and omissions of Defendant Lee acting within the course and scope of his employment.

55. The allegations as plead in paragraphs 1 through 43 show that Defendant CCSO intentionally or recklessly terminated the Plaintiff from his position at the Chesterfield County Sheriff's Office.
56. Defendant CCSO's termination of the Plaintiff was in violation of a clear mandate of public policy. Specifically, Defendant CCSO terminated the Plaintiff as a result of the Plaintiff exercising his political freedom to support, or to not support, a political candidate; as well as, creates the appearance of racial tension between candidate Ervin and Dixon.
57. The termination of the Plaintiff by Defendant CCSO was in retaliation for actions protected by public policy, specifically the freedom to exercise the Plaintiff's personal political views.
58. As a direct and proximate result of Defendant CCSO's careless, reckless, willful and wanton conduct, the Plaintiff has suffered injuries and damages as hereinafter set out.

**FOR A THIRD CAUSE OF ACTION
(Payment of Wages Act)
(Against Defendant CCSO)**

59. The Plaintiff incorporates by reference all previous allegations of fact and law in paragraphs 1 through 46 as if repeated herein.
60. Defendant CCSO is vicariously liable for the acts and omissions of Defendant Lee acting within the course and scope of his employment.
61. The allegations as plead in paragraphs 1 through 52 show that the Defendant CCSO's failure and refusal to pay Plaintiff wages due him is a violation of the South Carolina Payment of Wages Act, S.C. Code Ann. §41-10-10 et seq. ("the Act").
62. The Plaintiff has been damaged by the Defendant CCSO's violation of the Act.

63. Pursuant to the Act, the Plaintiff is entitled to recover from the Defendant CCSO three times the full amount of his unpaid wages plus costs and reasonable attorney's fees.

**FOR A FOURTH CAUSE OF ACTION
(Civil Conspiracy)
(Against Defendants CCSO and Lee and John Doe)**

64. The Plaintiff incorporates by reference all previous allegations of fact and law in paragraphs 1 through 46 as if repeated herein.
65. Defendant CCSO is vicariously liable for the acts and omissions of Defendant Lee acting within the course and scope of his employment.
66. The allegations as plead in paragraphs 1 through 46 show that Defendants CCSO, Defendant Lee and John Doe intentionally or recklessly conspired together to slander and tortiously interfere with the contractual rights of the Plaintiff and to inflict severe emotional distress, or were certain or substantially certain that such slander, interference and distress would result from their conduct.
67. The allegations as plead in paragraphs 1 through 46 show that Defendant CCSO, Defendant Lee and John Doe conspired conduct was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.
68. The allegations as plead in paragraphs 1 through 46 show that Defendant CCSO, Defendant Lee and John Doe conspired together for the purposes of injuring the Plaintiff and caused the Plaintiff emotional distress.

69. The allegations as plead in paragraphs 1 through 46 show the emotional distress suffered by the Plaintiff as a result of the conspiracy between Defendant CCSO, Defendant Lee and John Doe was so severe so that no reasonable person could be expected to endure it.
70. As a direct and proximate result of Defendant CCSO, Defendant Lee and John Doe's careless, reckless, willful and wanton conduct, the Plaintiff has suffered injuries and damages as hereinafter set out.

**FOR AN FIFTH CAUSE OF ACTION
(Wrongful Discharge)
(Against Defendant Lee)
(In the Alternative)**

71. The Plaintiff incorporates by reference all previous allegations of fact and law in paragraphs 1 through 46 as if repeated herein.
72. In the alternative, if Defendant Lee is found to have acted outside the course and scope of his employment, the Plaintiff asserts the following:
73. That the allegations as plead in paragraphs 1 through 46 show that Defendant Lee intentionally or recklessly terminated the Plaintiff from his position at the Chesterfield County Sheriff's Office.
74. Defendant Lee's termination of the Plaintiff was in violation of a clear mandate of public policy. Specifically, Defendant Lee terminated the Plaintiff as a result of the Plaintiff exercising his political freedom to support, or to not support, a political candidate.
75. The termination of the Plaintiff by Defendant Lee was in retaliation for actions protected by public policy, specifically the freedom to exercise the Plaintiff's personal political views.

76. As a direct and proximate result of Defendant Lee's careless, reckless, willful and wanton conduct, the Plaintiff has suffered injuries and damages as hereinafter set out.

**FOR A SIXTH CAUSE OF ACTION
(Payment of Wages Act)
(Against Defendant Lee)
(In the Alternative)**

77. The Plaintiff incorporates by reference all previous allegations of fact and law in paragraphs 1 through 46 as if repeated herein.
78. In the alternative, if Defendant Lee is found to have acted outside the course and scope of his employment, the Plaintiff asserts the following:
79. The allegations as plead in paragraphs 1 through 46 show that Defendant Lee's failure and refusal to pay the Plaintiff's wages is a violation of the South Carolina Payment of Wages Act, S.C. Code Ann. §41-10-10 et seq. ("the Act").
80. The Plaintiff has been damaged by the Defendant Lee's violation of the Act.
81. Pursuant to the Act, the Plaintiff is entitled to recover from the Defendant Lee three times the full amount of his unpaid wages plus costs and reasonable attorney's fees.

**FOR AN SEVENTH CAUSE OF ACTION
(Civil Conspiracy)
(Against Defendants Lee (in the alternative) and Defendant John Doe)**

82. The Plaintiff incorporates by reference all previous allegations of fact and law in paragraphs 1 through 46 as if repeated herein.
83. In the alternative, if Defendant Lee was found to have acted outside the course and scope of his employment, the Plaintiff asserts the following:

84. The allegations as plead in paragraphs 1 through 46 show that the Defendants Lee and John Doe intentionally or recklessly conspired together to slander and tortiously interfere with the contractual rights of the Plaintiff and to inflict severe emotional distress, or were certain or substantially certain that such slander, interference and distress would result from their conduct.
85. The allegations as plead in paragraphs 1 through 46 show that both Defendant Lee and Defendant John Doe conspired conduct was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.
86. The allegations as plead in paragraphs 1 through 46 show that the Defendants Lee and John Doe conspired together for the purposes of injuring the Plaintiff and caused the Plaintiff emotional distress.

FOR AN EIGHTH CAUSE OF ACTION
(FALSE IMPRISONMENT)

87. Plaintiff incorporates by reference all previous allegations of fact and law as if repeated verbatim below.
88. The allegations as plead in paragraphs 1 through 46 show the emotional distress suffered by the Plaintiff as a result of the conspiracy between Defendant Lee and Defendant John Doe was so severe so that no reasonable person could be expected to endure it.

89. That as a direct and proximate result of Defendant Lee and Defendant John Doe's careless, reckless, willful and wanton conduct, the Plaintiff has suffered injuries and damages as hereinafter set out.
90. Defendant CCSO is vicariously liable for the acts of Defendant Lee while acting within the course and scope of employment.
91. Defendant CCSO, by and through the actions of Defendant Lee, taking place within the scope and course of his employment as the "acting" Sheriff, intentionally restrained Plaintiff's movement without lawful authority or probable cause, thereby constituting the tort of false imprisonment.
92. As a direct and proximate result of this unlawful detention, the Plaintiff suffered severe emotional and physical harm. Plaintiff's damages include, but are not limited to, emotional distress, alteration of his lifestyle, psychological trauma, apprehension, anxiety, depression, embarrassment, shame, and loss of enjoyment of life.

FOR A NINTH CAUSE OF ACTION
(BATTERY)

93. Plaintiff incorporates by reference all previous allegations of fact and law as if repeated verbatim below.
94. Defendant CCSO is vicariously liable for the acts of Defendant Lee while acting within the course and scope of employment.
95. The acts of Defendant CCSO, by and through the actions of Defendant Lee taking place within the scope and course of his employment as Defendant CCSO's "acting" Sheriff, namely intentionally detaining Plaintiff without his consent, were unreasonable uses of

force which were not utilized in effecting a lawful arrest thereby constituting the tort of battery.

96. As a direct and proximate result of this battery, Plaintiff suffered severe emotional and physical harm. Plaintiff's damages include, but are not limited to, emotional distress, alteration of his lifestyle, psychological trauma, apprehension, anxiety, depression, embarrassment, shame, and loss of enjoyment of life.

FOR A TENTH CAUSE OF ACTION
(FALSE ARREST)

97. Plaintiff incorporates by reference all previous allegations of fact and law as if repeated verbatim below.
98. Defendant CCSO is vicariously liable for the acts of Defendant Lee while acting within the course and scope of their employment.
99. The acts of Defendant CCSO, by and through the actions of Defendant Lee, taking place within the scope and course of his employment as Defendant CCSO's "acting" Sheriff, namely intentionally detaining Plaintiff, charging him with the crime of "filing a false police report" and then arresting him without probable cause, constitute the tort of false arrest.
100. As a direct and proximate result of this unlawful arrest, which was not supported by probable cause, and subsequent illegal detention, Plaintiff suffered severe emotional and physical harm. Plaintiff's damages include, but are not limited to, emotional distress, alteration of his lifestyle, psychological trauma, apprehension, anxiety, depression, embarrassment, shame, and loss of enjoyment of life.

**FOR AN ELEVENTH CAUSE OF ACTION
(VIOLATION OF PUBLIC TRUST/PUBLIC POLICY)**

101. The Plaintiff incorporates by reference all previous allegations of fact and law as if repeated verbatim below.
102. To punish and discharge a valued and proven employee for personal, pre textual and retaliatory purposes violates the public policy of the State of South Carolina. The actions of the Defendant CCSO by and through Undersheriff Rob Lee violate a clear mandate of public policy, law and conduct when the Plaintiff was retaliated against for complaints against the Undersheriff for potential violations of law enforcement ethics, due process rights of accused persons and criminal procedures, in which such complaints resulted in a malicious and hostile campaign against the Plaintiff. The Plaintiff's refusal to be willfully blind to the underSheriff's unethical acts led to his wrongful termination in violation of public policy of this state.
103. As a direct and proximate result of the foregoing, the Plaintiff has lost his job, has sustained loss of earning capacity, retirement and other benefits, mental and emotional distress, all to a great damage in an appropriate amount to be determined by a jury.

Damages

104. As Defendant CCSO, under the South Carolina Tort Claims causes of action, the Plaintiff is informed and believes that he is entitled to actual and consequential damages pursuant to S.C. Code § 15-51-40 and such other relief as the Court deems just and proper.
105. That as to Defendant Lee, in his capacity as "acting" Sheriff and in the alternative, individually, the Plaintiff is informed and believes that he is entitled to actual,

consequential and punitive damages pursuant to S.C. Code § 15-51-40 and such other relief as the Court deems just and proper.


106. That as to Defendants CCSO and Lee the Plaintiff is informed and believes that he is entitled to treble damages, attorneys fees and the costs of this action pursuant to the Payment of Wages Act, S.C. Code § 41-1010 et seq. and such other relief as the Court deems just and proper.

PRAYER FOR RELIEF

WHEREFORE, having fully set forth the grounds of his complaint, Plaintiff asks this court to award compensatory and punitive damages in an appropriate amount; for treble damages and attorneys fees and the costs of this action pursuant to the Payment of Wages Act; and such other relief as this court deems just and proper.

Respectfully submitted,

COCKRELL LAW FIRM, P.C.



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April 19, 2016
Chesterfield, South Carolina

2016 APR 20 PM 4 46
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CHESTERFIELD, S.C.