

**STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND**

**IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT**

NOLA NICOLE GRANT,
Plaintiff,

SUMMONS

Case No. _____

v.

NEPHRON PHARMACEUTICALS, LLC,
Defendant.

TO THE DEFENDANT ABOVE NAMED:

Nephron Pharmaceuticals, LLC

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is served upon you, and to serve a copy of your Answer to the said Complaint on 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 within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

Respectfully submitted,

/s/ Adrienne L. Turner
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Attorney for Plaintiff

Dated: June 16, 2026

**STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND**

**IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT**

NOLA NICOLE GRANT,
Plaintiff,

COMPLAINT

Case No. _____

v.

NEPHRON PHARMACEUTICALS, LLC,
Defendant.

(JURY TRIAL DEMANDED)

Plaintiff Nola Nicole Grant ("Plaintiff" or "Ms. Grant"), by and through her undersigned counsel, complains of Defendant Nephron Pharmaceuticals, LLC ("Nephron" or "Defendant"), and alleges as follows:

I. PARTIES

1. Plaintiff Nola Nicole Grant is an individual residing at 401 Grandiflora Circle, Aiken, South Carolina 29803. At all times relevant to this Complaint, Ms. Grant was employed by Defendant as Chief Human Resources Officer (CHRO).
2. Defendant Nephron Pharmaceuticals, LLC is a limited liability company registered to do business in the State of South Carolina, with its principal place of business at 4500 12th Street Extension, West Columbia, South Carolina 29172. Defendant's registered agent is located at 2 Office Park Court, Columbia, South Carolina. At all relevant times, Defendant employed more than five hundred (500) employees and is an employer within the meaning of Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, 42 U.S.C. § 1981, and

applicable South Carolina law. As a pharmaceutical manufacturer, Defendant is a DEA-registered controlled substance handler subject to the Controlled Substances Act, 21 U.S.C. § 801 et seq., and applicable DEA regulations.

II. JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to S.C. Code Ann. § 14-5-340. South Carolina courts have concurrent jurisdiction over claims arising under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.; the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.; and 42 U.S.C. § 1981.

4. This Court has jurisdiction over Plaintiff's state law claims pursuant to S.C. Code Ann. § 14-5-340 and applicable South Carolina common law.

5. Venue is proper in Richland County pursuant to S.C. Code Ann. § 15-7-30 because Defendant's principal place of business is located in Richland County and a substantial part of the events and omissions giving rise to this action occurred in Richland County, South Carolina.

6. Plaintiff has exhausted her administrative remedies. Ms. Grant filed a timely Charge of Discrimination with the Equal Employment Opportunity Commission (EEOC) and has received a Notice of Right to Sue. This action is timely filed.

III. FACTUAL ALLEGATIONS

A. Background and Employment

7. Ms. Grant, an African American woman, was hired by Nephron Pharmaceuticals, LLC as its Chief Human Resources Officer (CHRO) on or about October 22, 2022. She was assigned to the Human Resources Department and reported to Chief Administrative Officer (CAO) Joe Mergo.
8. Ms. Grant's starting salary was \$150,000 per year. Over the course of her employment she received two raises totaling \$50,000, increasing her compensation to \$200,000 per year. At no time during her tenure was she placed on a performance improvement plan, received a written warning, or given any documented notice that her performance was unsatisfactory.
9. Ms. Grant served as the only Black executive-level officer at Nephron during her tenure.
10. Ms. Grant's employment was terminated on or about April 10, 2025.

B. Hostile Work Environment Based on Race

11. Throughout Ms. Grant's employment, Chief Executive Officer Lou Kennedy subjected Ms. Grant to a pattern of severe and pervasive racially discriminatory and hostile conduct that was not directed at similarly situated White employees.
12. On multiple occasions, Lou Kennedy aggressively invaded Ms. Grant's personal space, yelling and screaming at her, calling her a liar, and making false accusations in front of Ms. Grant's direct reports and other employees. At least two of these incidents were witnessed by multiple employees, and one was overheard by Ms. Grant's mother, Kathy Primus-Ramsey. Ms. Kennedy never engaged in this conduct toward White members of senior leadership.
13. On or about February 20, 2024, Ms. Kennedy called Ms. Grant in a hostile, threatening, and mocking manner after learning that Ms. Grant had reported Ms. Kennedy's failure to follow legally required I-9 hiring processes. This incident was recorded.

14. On or about March 5, 2024, Ms. Kennedy disclosed Ms. Grant's confidential medical information to Ms. Grant's direct reports without Ms. Grant's knowledge or consent, stating in front of the team in a mocking manner that Ms. Grant was dealing with a "little migraine." Direct reports Eden Logan and James Bennette reported this disclosure to Ms. Grant. This disclosure was recorded.

15. On or about March 15, 2024, Ms. Kennedy entered Ms. Grant's office, slammed her door, accused her of lying and whining, and berated her in front of members of her team regarding onboarding processes. This incident was recorded.

16. On or about October 25, 2024, during a compliance audit response related to an OFCCP inquiry, Ms. Kennedy approached Ms. Grant and placed herself within ten inches of Ms. Grant's face, screamed accusations at her, cut her off when she attempted to respond, and stormed out. This occurred in the presence of Chris Folsom (COO), who took no action. This incident was recorded.

17. On at least two occasions, Ms. Kennedy approached Ms. Grant aggressively in the parking lot of Nephron's premises, screaming and yelling at her in an unprofessional manner. Ms. Kennedy never engaged in this conduct with any other employee.

18. Ms. Kennedy made the racially charged statement, in front of Ms. Grant's direct reports Cassandra Rush, James Bennette, and Ginny Anderson, that Nephron should "just hire a bunch of Mexicans, they work hard for cheap."

19. Ms. Kennedy stripped Ms. Grant of resources available to her White predecessor, Karen Wilson, including reassigning two of the only three HR support staff to run personal errands for Ms. Kennedy. White comparators Casey Thomy (Micro Manager), Aubrey Cain (VP of Micro),

and Joey George (Facilities Executive) were permitted to maintain their resources and teams and were never subjected to similar treatment.

20. Ms. Grant was intentionally excluded from leadership meetings in which directives directly affecting her essential functions and responsibilities were given. White peers were not excluded from these meetings.

21. Ms. Grant reported hostile conduct to Joe Mergo on multiple occasions, both verbally and in writing. Defendant gave no response and took no corrective action.

C. Disability Discrimination and Unauthorized Access to Medical Information

22. Ms. Grant has a medical condition that Defendant was made aware of during her employment.

23. Regardless of whether Ms. Grant's medical condition constitutes an actual disability, Defendant regarded Ms. Grant as having a physical impairment within the meaning of 42 U.S.C. § 12102(1)(C). Defendant's conduct demonstrates that it treated Ms. Grant's medical condition as a significant impairment, including by publicly disclosing it without authorization in a mocking manner, and by directing an unauthorized attempt to obtain details of her private medical appointment.

24. In or around January 2025, Ms. Grant slipped and rolled her ankle on a wet floor at Nephron's premises -- a condition that had caused at least two other employees to fall and which Safety and OSHA had been notified of but not corrected. Ms. Grant reported the incident per company policy and sought care through the on-site Marathon Health clinic.

25. The following day, Marathon Health Nurse Jennifer informed Ms. Grant that Chris Murrin (HRD) had been repeatedly calling to obtain details of Ms. Grant's medical appointment, stating

that Joe Mergo had instructed him to do so. The nurse reported that this had never occurred in Marathon Health's history. This constituted an unauthorized attempt to access Ms. Grant's private medical information without her consent.

26. Ms. Kennedy's unauthorized public disclosure of Ms. Grant's confidential medical information to her team in a mocking manner further demonstrates that Defendant regarded Ms. Grant's medical condition as a physical impairment and treated it as a basis for ridicule and adverse employment action.

D. DEA Reporting Violations and Retaliation for Reporting Lost Fentanyl

27. As a DEA-registered pharmaceutical manufacturer, Nephron is required by federal law, specifically 21 U.S.C. § 827 and 21 C.F.R. § 1301.74(c), to report to the DEA any significant loss or theft of controlled substances, including Fentanyl, immediately upon discovery.

28. During Ms. Grant's tenure, Nephron experienced a loss of Fentanyl, a Schedule II controlled substance. Nephron's Procurement Manager, Julie Ramos, and the DEA Manager at Nephron were both aware of the loss and both expressed unease and fear of reporting the matter to the proper authorities. Both conversations were recorded by Ms. Grant.

29. Rather than complying with its mandatory DEA reporting obligations, Nephron failed to report the Fentanyl loss to the DEA or any other required authority. Ms. Grant raised this concern to Joe Mergo and Chris Folsom. No corrective action was taken and no report was made.

30. Ms. Grant's reporting of the Fentanyl loss constituted protected whistleblower activity. Following her report, Defendant's retaliatory conduct escalated, contributing to and culminating in her wrongful termination.

E. OFCCP Audit Data Falsification and FDA Regulatory Misconduct

31. In connection with Nephron's response to an OFCCP compliance audit, Ms. Kennedy directed Ms. Grant to falsify applicant contact data by recording all applicant calls as occurring on a single date regardless of when they actually occurred. Ms. Grant refused to comply, advising Ms. Kennedy that doing so would skew the data and trigger further OFCCP scrutiny.

32. Ms. Grant also raised concerns to Joe Mergo and Chris Folsom regarding Ms. Kennedy's dishonesty to the FDA regarding the Calhoun Warehouse. These reports were made in audio-recorded conversations.

33. Ms. Grant possesses a recorded conversation in which Operations Director Kyle Corley admitted and disclosed that Lou Kennedy had lied to the FDA regarding Nephron's use and storage of the Calhoun Warehouse. In that recorded conversation, Mr. Corley further disclosed his own role and knowledge regarding Defendant's late-night clearing and hauling off of the entire contents of the Calhoun Warehouse, undertaken in anticipation of FDA inquiry.

34. Ms. Grant is further aware, through disclosures made to her by two additional Nephron employees regarding their respective roles in this conduct, that after clearing the Calhoun Warehouse, Defendant provided the FDA with altered surveillance footage when the FDA requested to review the preceding twenty-four hours of footage. Mr. Corley stated, in the same recorded conversation, that this was done because "someone told them what we were doing."

35. The conduct described in Paragraphs 33 and 34, if substantiated, constitutes the destruction and concealment of evidence and the submission of altered records to a federal regulatory agency, in violation of federal law governing FDA-regulated 503B outsourcing facilities, and exposes Defendant to potential criminal referral, civil penalties, and suspension or revocation of its 503B operations.

36. Ms. Grant's refusal to falsify federal audit data, and her knowledge of and reporting concerning the Calhoun Warehouse cover-up, constituted protected activity. Defendant's retaliatory conduct escalated directly in response to these reports.

F. Use of Non-Disclosure Agreement to Suppress Protected Whistleblower Activity

37. Throughout Ms. Grant's employment, and specifically each time Ms. Grant raised concerns about illegal conduct, reported regulatory violations, or indicated that she would report or expose the company's wrongdoing to the appropriate authorities, Defendant's representatives responded by reminding Ms. Grant of her Non-Disclosure Agreement (NDA) and invoking it as a basis to silence her.

38. Defendant's repeated invocation of the NDA was not a good-faith enforcement of legitimate confidentiality interests but rather a deliberate and systematic strategy to intimidate Ms. Grant, suppress her protected whistleblower activity, and prevent her from reporting federal and state law violations to regulatory agencies.

39. Federal and South Carolina law are clear that an NDA cannot lawfully be used to prohibit an employee from reporting illegal conduct to government agencies, including the EEOC, DEA, FDA, OFCCP, or any other regulatory body. To the extent Defendant's NDA purports to prohibit such disclosures, those provisions are void as against public policy.

40. Each occasion on which Defendant reminded Ms. Grant of her NDA in response to a protected complaint constitutes an act of retaliation and corroborates the retaliatory animus underlying her termination.

G. Retaliation

41. Ms. Grant engaged in protected activity on multiple occasions, including but not limited to:
- a. Reporting Lou Kennedy's violations of legally required I-9 verification processes to Joe Mergo and Chris Folsom;
 - b. Reporting Ms. Kennedy's failure to include HR in legally mandated hiring processes;
 - c. Raising concerns regarding Ms. Kennedy's dishonesty to the FDA regarding the Calhoun Warehouse, including knowledge gained through a recorded admission by Operations Director Kyle Corley confirming Defendant's clearing of the Calhoun Warehouse and submission of altered surveillance footage to the FDA;
 - d. Reporting Ms. Kennedy's directive to falsify OFCCP audit data;
 - e. Reporting that Ms. Kennedy directed that a non-employee be entered into Nephron's payroll system and backdated to support a fraudulent insurance claim;
 - f. Reporting the failure to report lost Fentanyl to the DEA;
 - g. Reporting the unauthorized disclosure and unauthorized attempted access of her confidential medical information;
 - h. Indicating on multiple occasions her intent to report Defendant's illegal conduct to the appropriate regulatory authorities.
42. Following each instance of protected activity, Ms. Grant was subjected to escalating retaliation including exclusion from leadership meetings, removal of staff resources, hostile confrontations, repeated invocation of her NDA as a threat, communication blackout from Joe Mergo, and ultimately wrongful termination.

43. The retaliatory conduct is corroborated by multiple witnesses including Eden Logan, Cassandra Rush, James Bennette, LaDonna Miller-Ostrom, and Kathy Primus-Ramsey, and by multiple audio recordings.

H. Pretextual Termination

44. Ms. Grant was terminated on or about April 10, 2025. Nephron offered multiple pretextual reasons for the termination, none of which are supported by the record:

a. Nephron alleged Ms. Grant negligently disposed of SC-DEW unemployment responses. In fact, Ms. Grant delegated those duties to trained staff, completed several herself, and attended SC-DEW hearings on Nephron's behalf. The missed responses occurred during a period when Lou Kennedy required all HR staff to abandon routine duties for an emergency mass hiring project. Ms. Grant's White predecessor, Karen Wilson, failed to complete any SC-DEW responses for over two years and was never disciplined or terminated.

b. Nephron alleged Ms. Grant disclosed her own medical condition in violation of HIPAA. In fact, it was Lou Kennedy who disclosed Ms. Grant's medical information to the team in a mocking manner, as confirmed by direct reports Eden Logan and James Bennette.

c. Nephron alleged Ms. Grant posted to LinkedIn to make Nephron look bad. In fact, Ms. Grant posted scenario-based professional HR questions that never identified or referenced Nephron.

d. Nephron alleged Ms. Grant's performance was unsuccessful. In fact, Ms. Grant received two raises totaling \$50,000 and never received a single documented performance concern.

e. Nephron alleged Ms. Grant was never in a hostile work environment. In fact, Ms. Grant possesses multiple audio recordings and multiple witnesses documenting the hostile treatment.

45. The differential treatment of Ms. Grant as compared to Karen Wilson, a White female who engaged in the same or more egregious conduct without consequence, demonstrates that the stated bases for termination are pretextual.

IV. CAUSES OF ACTION

COUNT I

Race Discrimination -- Disparate Treatment

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

46. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

47. Defendant subjected Plaintiff to disparate treatment on the basis of her race (African American) by stripping her of resources provided to her White predecessor, excluding her from leadership meetings attended by White counterparts, subjecting her to hostile conduct not directed at White employees, applying policies unequally, and terminating her employment while White employees who engaged in the same or more egregious conduct were not disciplined.

48. As a direct and proximate result, Plaintiff has suffered lost wages, lost benefits, lost earning capacity, emotional distress, humiliation, and damage to her professional reputation.

COUNT II

Hostile Work Environment Based on Race

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

49. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

50. Defendant, through its officers and executives including Lou Kennedy and Joe Mergo, created, maintained, and permitted a work environment hostile to Plaintiff on the basis of her race, including repeated screaming, yelling, false accusations, physical invasion of personal space, racially charged comments, exclusion from meetings, resource deprivation, and deliberate humiliation in front of subordinates.

51. The conduct was severe and pervasive, altered the terms and conditions of Plaintiff's employment, and was directed at Plaintiff in a manner materially different from how similarly situated White employees were treated.

52. Defendant knew or should have known of the hostile conduct through Plaintiff's repeated reports and took no corrective action.

53. As a direct and proximate result, Plaintiff has suffered and continues to suffer the damages set forth herein.

COUNT III

Race Discrimination

42 U.S.C. § 1981

54. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

55. Defendant discriminated against Plaintiff on the basis of her race in the making, performance, modification, and enforcement of her employment contract, in violation of 42 U.S.C. § 1981.

56. As a direct and proximate result, Plaintiff has suffered and continues to suffer the damages set forth herein.

COUNT IV

Disability Discrimination -- Regarded As

Americans with Disabilities Act, 42 U.S.C. § 12102(1)(C)

57. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

58. Plaintiff has a medical condition that Defendant was aware of and regarded as a physical impairment within the meaning of 42 U.S.C. § 12102(1)(C).

59. Regardless of the ADA classification of Ms. Grant's medical condition, Defendant regarded Ms. Grant as having a physical impairment within the meaning of 42 U.S.C. § 12102(1)(C), as demonstrated by its public disclosure of her medical condition without authorization in a mocking and degrading manner, and by directing an unauthorized attempt to obtain her private medical appointment details from the treating nurse.

60. Defendant took adverse employment action against Ms. Grant based at least in part on its perception of her physical condition.

61. As a direct and proximate result, Plaintiff has suffered and continues to suffer the damages set forth herein.

COUNT V

Retaliation

Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act

62. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

63. Plaintiff engaged in protected activity as set forth in Paragraph 41, including reporting race-based hostile conduct, objecting to unlawful hiring practices, reporting regulatory misconduct, reporting the Calhoun Warehouse evidence destruction and submission of altered footage to the FDA, reporting the DEA Fentanyl violation, and indicating intent to report illegal conduct to government authorities.

64. Defendant took materially adverse employment actions against Plaintiff in direct response to her protected activity, including escalating harassment, exclusion from meetings, removal of resources, repeated invocation of her NDA as a silencing tool, communication blackout, and termination.

65. A causal connection exists between Plaintiff's protected activity and the adverse employment actions. The retaliatory conduct escalated with each successive complaint and culminated in termination.

66. As a direct and proximate result, Plaintiff has suffered and continues to suffer the damages set forth herein.

COUNT VI

Wrongful Termination in Violation of Public Policy

South Carolina Common Law

67. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

68. South Carolina recognizes a cause of action for wrongful termination in violation of public policy where an employee is discharged for refusing to violate the law or for reporting illegal conduct. See *Ludwick v. This Minute of Carolina, Inc.*, 337 S.E.2d 213 (S.C. 1985); *Barron v. Labor Finders of S.C.*, 713 S.E.2d 634 (S.C. 2011).

69. Plaintiff was terminated, at least in part, because she: (a) refused to falsify OFCCP audit data; (b) refused to approve I-9 non-compliant hires; (c) refused to enter a non-employee into payroll and backdate records to support a fraudulent insurance claim; (d) reported the failure to report controlled substance loss to the DEA; and (e) indicated her intent to report Defendant's illegal conduct to regulatory authorities.

70. Plaintiff's termination violates the public policy of South Carolina as reflected in applicable statutes, regulations, and common law principles protecting employees who refuse to participate in illegal conduct and who report violations to appropriate authorities.

71. As a direct and proximate result, Plaintiff has suffered and continues to suffer the damages set forth herein.

COUNT VII

Invasion of Privacy -- Public Disclosure of Private Facts and Unauthorized Intrusion

South Carolina Common Law

72. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

73. South Carolina recognizes a common law tort for invasion of privacy, including the public disclosure of private facts and unauthorized intrusion upon an individual's private affairs. See *Sloan v. South Carolina Dep't of Public Safety*, 586 S.E.2d 108 (S.C. Ct. App. 2003).

74. Lou Kennedy publicly disclosed Ms. Grant's confidential medical information to Ms. Grant's direct reports in a mocking and degrading manner, without Ms. Grant's knowledge or consent. This disclosure was of a highly private nature and would be offensive to a person of ordinary sensibilities.

75. Chris Murrin, acting at the direction of Joe Mergo, repeatedly contacted Marathon Health Nurse Jennifer in an attempt to obtain the private details of Ms. Grant's medical appointment without Ms. Grant's authorization. The treating nurse confirmed that this conduct had never occurred in Marathon Health's history.

76. Defendant's conduct in disclosing and attempting to access Ms. Grant's private medical information without authorization constitutes an unlawful invasion of privacy under South Carolina common law.

77. As a direct and proximate result, Plaintiff has suffered embarrassment, humiliation, emotional distress, and violation of her fundamental right to medical privacy.

COUNT VIII

Intentional Infliction of Emotional Distress (Outrage)

South Carolina Common Law

78. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

79. South Carolina recognizes a cause of action for intentional infliction of emotional distress where the defendant's conduct is so extreme and outrageous as to exceed all possible bounds of decency and causes severe emotional distress. See *Ford v. Hutson*, 276 S.E.2d 776 (S.C. 1981).

80. Defendant's conduct, taken in its totality, satisfies this standard. Over approximately two and a half years, Defendant's officers and executives: repeatedly screamed at and physically invaded Ms. Grant's personal space on company premises and in the parking lot; called her a liar in front of her subordinates; publicly mocked and disclosed her confidential medical information; directed an unauthorized attempt to access her private medical records; invoked her NDA repeatedly as a weapon to silence her complaints about illegal conduct; excluded her from essential meetings; stripped her of resources; directed her to participate in federal regulatory fraud; failed to report a controlled substance loss; and ultimately terminated her for refusing to participate in illegal activity and for reporting misconduct.

81. Ms. Grant communicated to Joe Mergo, Marathon Health, and her therapist on multiple occasions the severe impact this conduct was having on her physical and mental health.

82. Defendant's conduct was intentional or reckless and caused Ms. Grant to suffer severe emotional distress, including anxiety, humiliation, physical health impacts, and significant disruption to her professional and personal life.

83. As a direct and proximate result, Plaintiff has suffered and continues to suffer severe emotional distress and is entitled to compensatory and punitive damages.

COUNT IX

Negligent Supervision and Retention

South Carolina Common Law

84. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

85. Defendant had a duty to exercise reasonable care in supervising its officers and employees and to take corrective action upon learning of their unlawful and tortious conduct.

86. Defendant knew or should have known of Lou Kennedy's pattern of racially discriminatory, hostile, retaliatory, and unlawful conduct through Ms. Grant's repeated reports to Joe Mergo, both verbally and in writing. Defendant took no corrective action, conducted no meaningful investigation, and retained Ms. Kennedy in her position of authority throughout Ms. Grant's employment.

87. Defendant further knew or should have known of Chris Murrin's unauthorized attempt to access Ms. Grant's private medical information at the direction of Joe Mergo, and took no corrective action.

88. Defendant's failure to supervise and discipline its officers despite actual and repeated notice of their unlawful conduct constitutes negligence and directly and proximately caused the harm Ms. Grant suffered.

89. As a direct and proximate result, Plaintiff has suffered and continues to suffer the damages set forth herein.

COUNT X

Retaliation for Reporting Controlled Substance Violations

21 U.S.C. § 801 et seq. and South Carolina Public Policy

90. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

91. As a DEA-registered controlled substance handler, Defendant was required by 21 U.S.C. § 827 and 21 C.F.R. § 1301.74(c) to report any significant loss or theft of Fentanyl to the DEA immediately upon discovery. Defendant failed to make this report.

92. Ms. Grant reported the Fentanyl loss to Joe Mergo and Chris Folsom. Audio recordings corroborate that Nephron's own Procurement Manager and DEA Manager were aware of the loss and feared reporting it.

93. Ms. Grant's reporting constituted protected whistleblower activity. Defendant's retaliatory conduct escalated following this report and culminated in Ms. Grant's termination.

94. Defendant's retaliation against Ms. Grant for reporting a mandatory DEA reporting violation violates the public policy of South Carolina and applicable whistleblower protections.

95. As a direct and proximate result, Plaintiff has suffered and continues to suffer the damages set forth herein.

COUNT XI

Unlawful Use of Non-Disclosure Agreement to Suppress Protected Whistleblower Activity

South Carolina Public Policy and Applicable Law

96. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

97. On multiple occasions, each time Ms. Grant raised complaints about illegal conduct, reported regulatory violations, or indicated her intent to report Defendant's wrongdoing to governmental authorities, Defendant's representatives responded by reminding Ms. Grant of her NDA and invoking it as a basis to silence her.

98. This repeated invocation of the NDA was a deliberate and systematic effort to intimidate Ms. Grant, suppress her protected whistleblower activity, and prevent her from reporting violations to the EEOC, DEA, FDA, OFCCP, and other regulatory bodies.

99. An NDA cannot lawfully prohibit an employee from reporting illegal conduct to government agencies. Any NDA provision purporting to do so is void as against public policy under South Carolina law and applicable federal law. See 17 C.F.R. § 240.21F-17; Ludwick v. This Minute of Carolina, Inc., 337 S.E.2d 213 (S.C. 1985).

100. Defendant's use of the NDA as a retaliatory silencing mechanism constitutes an independent act of retaliation and evidences Defendant's consciousness of guilt regarding the underlying illegal conduct.

101. As a direct and proximate result, Plaintiff has suffered and continues to suffer the damages set forth herein.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff Nola Nicole Grant respectfully prays that this Court enter judgment in her favor and against Defendant Nephron Pharmaceuticals, LLC, and grant the following relief:

- A. A declaratory judgment that Defendant's conduct violated Title VII, the ADA, 42 U.S.C. § 1981, applicable federal and state whistleblower protections, and South Carolina common law;
- B. Back pay and all lost compensation and benefits from the date of termination through the date of judgment;
- C. Front pay and future economic damages in an amount to be determined at trial;
- D. Compensatory damages for emotional distress, humiliation, invasion of privacy, and damage to professional reputation;

- E. Punitive damages pursuant to 42 U.S.C. § 1981a and South Carolina law for Defendant's willful, wanton, and reckless indifference to Plaintiff's rights;
- F. Reinstatement, or in the alternative, an award of front pay;
- G. An order declaring void and unenforceable any provision of Plaintiff's Non-Disclosure Agreement that purports to prohibit her from reporting illegal conduct to governmental authorities;
- H. Pre-judgment and post-judgment interest;
- I. Reasonable attorney's fees and costs pursuant to 42 U.S.C. § 2000e-5(k), 42 U.S.C. § 1988, and applicable South Carolina law;
- J. Such other and further relief as this Court deems just and proper.

VI. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable pursuant to Article I, Section 14 of the South Carolina Constitution and Rule 38, SCRPC.

Respectfully submitted,

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Dated: June 16, 2026