

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
James Morris,)
Plaintiff(s))
vs.)
City of Columbia,)
Defendant(s))

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

COPY

CIVIL ACTION COVERSHEET

C/A No.: 2017-CP-40-06034

Submitted By: J. Paul Porter
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DOCKETING INFORMATION (Check all that apply)

- 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), 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), Slander/Libel (380), 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), Confession of Judgment (770), Petition for Workers Compensation Settlement Approval (780), Other (799)
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), Sexual Predator (510), Permanent Restraining Order (680), Pharmaceuticals (630), Unfair Trade Practices (640), Out-of State Depositions (650), Motion to Quash Subpoena in an Out-of-County Action (660), Pre-Suit Discovery (670)

Submitting Party Signature: [Signature] Date: October 5, 2017

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous

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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.

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
IN THE FIFTH CIRCUIT
CASE NO. 2017-CP-40-_____

James Morris,

Plaintiff,

v.

City of Columbia,

Defendant.

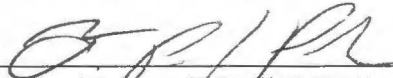
SUMMONS

2017 OCT -6 AM 9:34
JEANETTE W. MCBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

TO THE DEFENDANT 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.

CROMER BABB PORTER & HICKS, LLC

BY: 

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Fax 803-799-9533

Attorney for Plaintiff

October 5, 2017
Columbia, South Carolina

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
IN THE FIFTH CIRCUIT
CASE NO. 2017-CP-40-_____

James Morris,

Plaintiff,

v.

City of Columbia,

Defendant.

COMPLAINT
(Jury Trial Demanded)

2017 OCT -6 AM 9:34
JEANNETTE W. HOBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

EMPLOYMENT CASE

The Plaintiff complaining of the Defendant respectfully alleges as follows.

PARTIES AND JURISDICTION

1. The Plaintiff, James Morris, is a citizen and resident of Lexington County, South Carolina.
2. The Defendant, City of Columbia, is a municipal subdivision of the state of South Carolina headquartered in Richland County, South Carolina.
3. Defendant employed the Plaintiff in Richland County.
4. This action alleges race discrimination and a violation of civil rights.
5. Defendant employs a sufficient number of individuals to be subject to suit for race discrimination.
6. Plaintiff filed charges of race discrimination before the South Carolina Human Affairs Commission (SHAC) and Equal Employment Opportunity Commission, received his right to sue letters, and this action is timely.
7. The parties have sufficient connections to Richland County, the occurrences giving rise to this action occurred in Richland County, and jurisdiction is proper.

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FACTUAL ALLEGATIONS

8. Plaintiff was hired on November 8, 1999 as a Firefighter by the Defendant.

9. Plaintiff was terminated on July 11, 2016.

10. Plaintiff consistently received above average, exceeding, or (at worst) average performance evaluations.

11. Plaintiff received several commendations in his career, including a commendation for rescuing a person from a house fire four weeks before his termination.

12. Plaintiff was promoted during his tenure three (3) times, and was a Captain when he was terminated.

13. Plaintiff was qualified for his positions as an employee of the Defendant.

14. Plaintiff received only two disciplinary actions in his tenure, other than his termination, both of which involved unintentional vehicular accidents.

15. Plaintiff consistently met the legitimate performance expectations of his job(s) with the Defendant City.

16. Protesters from the movement Black Lives Matter obstructed roadways in Columbia, South Carolina on July 10, 2016.

17. Plaintiff wholeheartedly supports racial equality, and the First Amendment rights of Black Lives Matter to protest and assemble.

18. Plaintiff holds a good faith belief that public roadways are not the proper forum for speech because of safety concerns.

19. Plaintiff posted on Facebook on July 10, 2016 that he was angry that protesters were shutting down roadways, and exaggerated that he would run over them if they got in his way.

20. Plaintiff was terminated on July 11, 2016, on the stated basis of his Facebook post.

21. Plaintiff's speech at issue was about matters of public concern and, was not made pursuant to his job duties.

22. Plaintiff violated no then-existing policies of the Defendant with his speech.

23. Two similarly situated white coworkers were terminated because of the same sort of Facebook posts.

24. Two similarly situated black coworkers made the same sort of Facebook posts; of whom, one black coworker was not disciplined at all and the other was suspended.

25. Black coworkers of Plaintiff have consistently engaged in speech like Plaintiff's speech without repercussions since the Plaintiff's termination.

26. Coworkers of Plaintiff, of all races, have consistently engaged in speech opposite to Plaintiff's speech at issue, and have suffered no repercussions.

FOR A FIRST CAUSE OF ACTION
(Violation of Civil Rights)

27. Plaintiff realleges the foregoing where consistent.

28. Plaintiff was terminated as a direct and proximate result of his Facebook Post on July 10, 2016.

29. Plaintiff's speech was about a matter of public concern.

30. Plaintiff's speech was not made pursuant to his job duties.

31. Plaintiff's speech violated no lawful policies of the Defendant.

32. Plaintiff was terminated because of his protected speech in violation of 42 U.S.C. § 1983 which makes it unlawful for a governmental entity to restrict or otherwise chill individual civil rights.

33. Plaintiff is entitled to damages because of the civil rights violation alleged here which include: economic loss, back pay, front pay, back benefits, front benefits, loss of earning capacity, reputational loss, loss of goodwill, pain and suffering, mental and emotional distress, shock and humiliation, and stress and anxiety. The Plaintiff is further entitled to an award of attorney's fees and costs under South Carolina and Federal Law, injunctive relief including reinstatement, and pre and post-judgment interest.

FOR A SECOND CAUSE OF ACTION
(Race Discrimination)

34. Plaintiff realleges the foregoing where consistent.

35. Plaintiff, who is white, was terminated for conduct similarly situated black coworkers engaged in but were not terminated for.

36. Plaintiff was qualified for his job and consistently met the legitimate expectations of Defendant.

37. Plaintiff was terminated based on his race.

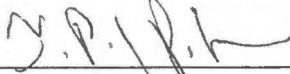
38. Plaintiff's termination is unlawful race discrimination in accord with Title VII of the Civil Rights Act of 1964 as amended.

39. Plaintiff has suffered damages because of unlawful race discrimination which include: economic losses, back pay, front pay, and benefits, loss of retirement benefits, loss of other benefits associated with employment, reputational loss, loss of goodwill, mental and emotional suffering, and pain and suffering, which will continue into the future. Plaintiff is also entitled to pre and post-judgment interest, appropriate equitable relief, and attorney's fees and costs.

PRAYER FOR RELIEF

WHEREFORE, for the actions alleged above, Plaintiff prays for judgment to be awarded and determined appropriate by a jury against the Defendant for all recoverable damages he has suffered because of the violation of civil rights and race discrimination; as well as any restitution or equitable action this Court should deem proper. Plaintiff is further entitled to Attorney's Fees and Costs in accord with State and Federal law. Last, Plaintiff requests pre-judgment and post-judgment interest be awarded on all his damages.

CROMER BABB PORTER & HICKS, LLC

BY:  _____

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Attorneys for Plaintiff

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