

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTEENTH JUDICIAL CIRCUIT

Robert Rudelitch,  
Plaintiff,

**SUMMONS**

v.

The City of Loris,  
Defendants.

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.

**CROMER BABB PORTER & HICKS, LLC**

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July 1, 2021  
Columbia, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Robert Rudelitch,

Plaintiff,

v.

The City of Loris,

Defendants.

IN THE COURT OF COMMON PLEAS  
IN THE FIFTEENTH CIRCUIT

**COMPLAINT  
(JURY TRIAL DEMANDED)**

Plaintiff in this employment case respectfully alleges that the Defendant has committed the following civil wrongs.

INTRODUCTION

1. Plaintiff is a citizen and resident of Horry County.
2. The City of Loris is a municipality located in Horry County, South Carolina.
3. The parties have sufficient connections to Horry County, South Carolina to warrant the venue and personal jurisdiction of this Court.
4. This lawsuit alleges wrongful discharge, defamation, and a violation of the South Carolina Payment of Wages Act.
5. This Court has jurisdiction over the subject matter of this lawsuit because it is premised on South Carolina state law.

FACTUAL ALLEGATIONS

6. Plaintiff joined Defendant's Fire Department as a Volunteer Firefighter in 2011.
7. In 2014, Defendant appointed Plaintiff to be a Fire Lieutenant and Training Officer/Coordinator.
8. Plaintiff earned certifications to be a fire inspector and a resident state fire marshal in 2014.

9. Plaintiff has no record of disciplinary action or performance issues from 2011 to 2020.

10. Defendant's Fire Department receives tax money collected through the Firemen's Insurance and Inspection Fund, known as the One Percent Fund or 1% money, which is collected for the "betterment and maintenance of skillful and efficient fire departments" within South Carolina. Pursuant to S.C. Code Ann. § 23-9-410 through § S.C. Code Ann. 23-9-470, the 1% money must be used "solely and entirely for the betterment and maintenance of skilled and efficient fire departments," and all expenditures must be voted on and approved.

11. In August 2020, Defendant's Fire Chief, Jerry Hardee, suggested using money received from the One Percent Fund to cover Defendant's Fire Department's cable bill after Defendant's Council cut the budget for the Fire Department's cable. Plaintiff told Chief Hardee that they could not use money from the One Percent Fund for the cable bill because it was not budgeted or approved for that purpose.

12. On or around August 12, 2020, Defendant announced the hiring of a City Administrator.

13. On or around August 13, 2020, Plaintiff submitted a complaint to the Ethics Commission regarding possible ethical violations, discrimination, and illegal activity involved in Defendant's hiring of the City Administrator.

14. On or around September 16, 2020, Plaintiff emailed Defendant's City Council expressing concerns as a citizen over Defendant's management and planning, financial auditing, and hiring practices.

15. On September 17, 2020, Defendant's Office Manager requested that Plaintiff turn over all IT information.

16. On September 18, 2020, Chief Hardee told Plaintiff that he was being suspended from Defendant's Fire Department because Chief Hardee received a sworn statement from someone saying that Plaintiff told someone that he was "spending money inappropriately."

17. Plaintiff received a letter from Chief Hardee on October 10, 2020, stating that Defendant terminated his employment as a Volunteer Firefighter.

18. The letter states that Plaintiff was terminated for “unacceptable misconduct,” including disrespect for authority or other conduct that tends to undermine authority; interference with the work of others; threatening, coercing, or intimidating fellow employees; unsatisfactory performance; violation of City policies; and lack of good judgment.

19. The reasons provided for Plaintiff’s termination are false and pretextual.

20. Plaintiff grieved his termination, and Defendant’s Grievance Committee did not concur with the decision to terminate Plaintiff.

21. However, Defendant disregarded the findings of its grievance committee and upheld the termination.

FOR A FIRST CAUSE OF ACTION  
(Wrongful Discharge)

22. Plaintiff realleges the foregoing where consistent.

23. Plaintiff is an at-will employee for the purpose of establishing a wrongful discharge claim.

24. Plaintiff was terminated for reporting Defendant’s illegal activity and for refusing to engage in Defendant’s illegal activity.

25. Specifically, Plaintiff was terminated by Defendant because Plaintiff reported concerns of illegal activity related to Defendant’s hiring practices and misuse of funds in violation of S.C. Code Ann. § 23-9-410 through § S.C. Code Ann. 23-9-470 as well as the South Carolina Ethics Law. S.C. Code Ann. § 8-13-100 et seq.

26. Such amounts to a wrongful discharge in violation of the public policy of South Carolina.

27. Defendant’s wrongful termination of Plaintiff entitles Plaintiff to damages for lost earnings, diminished earning capacity, pain and suffering, emotional distress, and stress and reputational damages.

FOR A SECOND CAUSE OF ACTION  
(Defamation)

28. Plaintiff realleges the foregoing where consistent.

29. Defendant, by and through its agents and employees, falsely accused Plaintiff of incompetence in his profession. Specifically, Defendant falsely accused Plaintiff of disrespecting authority, interfering with the work of others, threatening, coercing, or intimidating fellow employees, unsatisfactory performance, violating policies, and lacking good judgment.

30. Defendant did so by negligently and intentionally failing to maintain the grounds for Plaintiff's termination on a reasonable need-to-know basis. The same amounts to an unlawful abuse of privilege.

31. The false and pretextual grounds of Plaintiff's termination were published by word and act by Defendant to Plaintiff's unprivileged colleagues and members of the community.

32. The defamatory publications discussed here were false, made maliciously, and made without justification or privilege.

33. Those publications are *per se* defamatory and have lessened Plaintiff's standing in the community and his profession.

34. Defendant has caused and is liable for severe and continuing damage to Plaintiff's reputation, lost goodwill, shock, diminished earning capacity, humiliation, embarrassment, and pain and suffering.

FOR A THIRD CAUSE OF ACTION  
(Payment of Wages Act Violation)

35. Plaintiff realleges the foregoing where consistent.

36. Defendant, despite being notified by Plaintiff to correct its errors, has failed to make appropriate and due 1% retirement fund transfers into Plaintiff's retirement account for 2019 and 2020 in the amounts of \$500.00 per year.

37. Additionally, again despite being notified by Plaintiff to correct its errors, Defendant has failed to allot VRIPRA Act funding tax benefits to Plaintiff for 2020 in the amount of \$600.00.

38. These nonpayments constitute a failure to pay due wages under S.C. Code Ann. §§ 41-10-40 and 41-10-50 for which the Defendant is liable.

39. Plaintiff should recover all damages available under S.C. Code Ann. § 41-10-80(c) including lost wages, treble damages, and attorney fees and costs.

FOR A FOURTH CAUSE OF ACTION  
(Unjust Enrichment)

40. Plaintiff realleges the foregoing where consistent.

41. Alternative to the above claim, the Defendant's retention of the benefits described in ¶¶ 36-37 above was unjust.

42. Plaintiff is entitled to due compensation for the same, in lieu of specific performance, and any other equitable relief deemed just and proper.

PRAYER FOR RELIEF

43. Plaintiff requests a jury find liability against the Defendant.

44. Plaintiff requests that the jury and/or the Court, as appropriate, award him actual and punitive damages, as well as costs and attorney fees.

45. Plaintiff requests pre-judgment interest.

46. Plaintiff requests any other relief the Court deems just and proper.

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