

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS  
THIRD JUDICIAL CIRCUIT

Brian Christmas,

Plaintiff

v.

City of Sumter, Karl Ford, and Ernie Dollard,

Defendants

**SUMMONS**

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.

Respectfully Submitted By:

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May 31, 2024

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Plaintiff

v.

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**COMPLAINT**

(Jury Trial Demanded)

**EMPLOYMENT CASE**

The Plaintiff, complaining of the Defendants herein, respectfully alleges as follows:

**PARTIES AND JURISDICTION**

1. At all times relevant to this action, Plaintiff Brian Christmas was a citizen and resident of Sumter County, South Carolina. He is now a resident of Franklin County, North Carolina.
2. Defendant City of Sumter is a city government located in Sumter County, South Carolina. Defendant City operates the Sumter Fire Department.
3. Defendant Karl Ford is the Chief of the Sumter Fire Department. Upon information and belief, Defendant Ford is a citizen and resident of Sumter County.
4. Defendant Ernie Dollard is the Assistant Chief of the Sumter Fire Department. Upon information and belief, Defendant Dollard is a citizen and resident of Sumter County.
5. This action alleges defamation and wrongful discharge in violation of public policy.
6. The Defendants have sufficient connections to Sumter County such that this Court may exercise personal jurisdiction over this matter.
7. Plaintiff demands a jury trial on all issues and claims.

8. This Court exercises subject matter jurisdiction over this action because the claims arise under South Carolina common law.

9. The events giving rise to this claim occurred in Sumter County and jurisdiction and venue are proper.

**FACTUAL ALLEGATIONS**

10. Plaintiff was hired by the City of Sumter on October 31, 1997, as a Firefighter I for the Sumter Fire Department (SFD).

11. Plaintiff held the position of Assistance Chief at the time of his separation of employment.

12. Plaintiff also worked for Defendant City's police department for more than 20 years as a detective and maintained his law enforcement certification.

13. At all times relevant to this Complaint, Karl Ford was the Fire Chief, and Ernie Dollard was an Assistant Chief.

14. Beginning in 2020, Plaintiff witnessed events and occurrences within the SFD that made him concerned about conflicts of interest and other ethical violations. He also witnessed things that he believed could be violations of criminal law.

15. First, Plaintiff noted that Defendant Dollard was involved in fire investigations pertaining to buildings his uncle owned despite community perception that these fires might have been set intentionally.

16. For example, Plaintiff initiated an investigation into a fire that occurred on October 28, 2020, in a building owned by Defendant Dollard's uncle, who had multiple fires in buildings he owned over the years. The public perception was that the owner was involved in the burning of the buildings. Based on this history, Plaintiff called SLED, as required, and the captain of the police department.

17. Defendant Dollard took over operations at the scene of the fire. Plaintiff told Defendant Ford that it was a conflict of interest for Defendant Dollard to be at the scene.

18. Both Defendant Ford and Defendant Dollard expressed anger over Plaintiff involving SLED.

19. Plaintiff also became concerned when Defendant Dollard's brother, Joey, was promoted to Division Chief, which made him Defendant Dollard's direct report. Defendant Dollard's son, Jason, was also placed on his uncle's shift. This created issues where Jason ignored the chain of command and went straight to his uncle, the Division Chief, with concerns about his job roles and responsibilities.

20. In 2022, Plaintiff noticed Defendant Ford was making trips during business hours, using his SFD truck, to pick up golf carts, ATVs, and trailers he had found and purchased, during business hours, on govdeals.com.

21. Defendant Ford used his work computer to search for and procure these vehicles on govdeals.com.

22. Defendant Ford would then clean up his purchases and resell them at a local lot in town.

23. On at least one occasion, Defendant Ford used a City gas card for the transport related to these purchases. He also used a County gas card on a personal trip to Florida for a cruise.

24. Defendant Dollard was also involved in the purchases. On one occasion, he purchased, or had purchased for him, a Gator, which he and Defendant Ford went to pick up using a City truck on a workday.

25. Based on these observations, Plaintiff felt he had to make a report before irreparable harm was done to the SFD and so that he would not be implicated in the actions for failure to act.

26. Plaintiff first contacted the South Carolina State Ethics Commission. He was told that his report could not be anonymous, and it was suggested that he make his report to SLED because they have subpoena power.

27. Plaintiff next reported his observations to a Sumter County Councilman on July 6, 2023.

28. Sumter County and the City of Sumter share oversight of SFD.

29. After making the report to the councilman, Plaintiff noticed that Defendant Ford's behavior changed, and Ford remarked that the City Manager was "on his case."

30. The Sumter County Councilman that Plaintiff had spoken to asked him to speak with SLED in October 2023.

31. On October 17, 2023, Plaintiff met with SLED to report what he had observed. One of the SLED Agents in the meeting was dismissive of Plaintiff's report from the outset, and said instead of conducting an investigation that he would speak to City of Sumter Police Chief Russell Roark, who was the agent's "friend", to see if he wished to investigate internally.

32. Within hours of meeting with SLED, Plaintiff received a call from Chief Roark, who was angry that Plaintiff had spoken to SLED. He told Plaintiff: "I ain't gonna tell Karl (Defendant Ford) you went to SLED because that's not the right thing to do right now. But he's my friend, and I have to let the City Manager know you went to SLED."

33. On October 18, 2023, the City Manager, Deron McCormick, told Plaintiff to meet with the Organizational Improvement Director, Mark Partin. Plaintiff told Partin everything that he had previously reported.

34. Partin's response was to ask Plaintiff what his exit plan was. Plaintiff stated that he did not want to leave his job.

35. McCormick then joined the meeting and pressured Plaintiff to retire. He told Plaintiff that he needed to give a retirement date by the following week. McCormick also stated: 1) that if Defendant Ford finds out about what he did (going to SLED), it won't be good; 2) that if Defendant Ford comes after him, they would put him on terminal leave until his retirement date; and 3) "[Plaintiff] had sinned, and like it said in Hebrews, [Plaintiff] needed to be punished" because "[Plaintiff] went outside the family."

36. As a result of this meeting, Plaintiff submitted his retirement on October 24, 2023, effective November 7, 2023.

37. The City turned off Plaintiff's email access and sent him home on October 24, 2023.

38. Since his constructive discharge, Plaintiff has learned that Thomas Dollard, Defendant Dollard's brother, has been telling members of the community that Plaintiff was "run off" from SFD because he "couldn't keep his mouth shut." Plaintiff is aware of this statement being made to Jeff Ardis, a retired Captain of SFD. Upon information and belief, Defendant Dollard has published this defamatory statement to his brother and others.

39. Plaintiff grieved his forced retirement/constructive discharge pursuant to Defendant's internal policy and completed the Defendant's grievance process.

**FIRST CAUSE OF ACTION**  
**Against Defendant City**  
(Wrongful Discharge in Violation of Public Policy)

40. Plaintiff realleges the foregoing where consistent.

41. Plaintiff has a clear right against discharge from employment for opposing violations of the law, regulations, public policy, and ethical practices.

42. Plaintiff was constructively discharged because he made complaints about the unethical practices and policy violations of Defendant Ford and Defendant Dollard regarding conflicts of interest, nepotism, and the use of one's public office for personal gain.

43. That constructive discharge violates the following clear mandates of South Carolina public policy espoused in S.C. Code Ann. § 8-13-700.

44. This claim, where necessary, is pled in the *alternative* to Plaintiff's Whistleblower Retaliation claim.

45. Plaintiff is entitled to recover damages from the Defendant for the conduct described herein, including back pay, front pay, back benefits, front benefits, diminished earning capacity, pain and suffering, and stress and anxiety.

**SECOND CAUSE OF ACTION**  
**Against Defendant City**

(Retaliation in Violation of the S.C. Whistleblower Act (S.C. Code § 8-27-10 et seq.)

46. Plaintiff realleges the foregoing where consistent.

47. This claim, where necessary, is pled in the alternative to the foregoing wrongful discharge claim.

48. Plaintiff, at all times relevant to this claim, was an employee of Defendant City of Sumter, more specifically the Sumter Fire Department (SFD).

49. The Defendant is a public body as defined by the Act.

50. Plaintiff's constructive discharge (if proven to be a constructive discharge) counts as an adverse employment action actionable under S.C. Code Ann. § 8-27-20.

51. Plaintiff was constructively discharged on October 24, 2023, for reporting allegations of waste and wrongdoing by Defendant Ford and Defendant Dollard to SLED, an appropriate authority identified in the Act.

52. Specifically, Plaintiff reported that the Chief and Assistant Chief of SFD were making personal purchases while on the clock and then using City vehicles and gas to pick up the purchases, which they then sold for personal, financial gain.

53. This was a direct violation of the South Carolina Whistleblower Act, S.C. Code § 8-27-30.

54. As a result of Defendant's violation, Plaintiff is entitled to damages, including reinstatement, lost wages, actual damages, and attorney fees.

55. Plaintiff asks for a jury trial for this cause of action.

**THIRD CAUSE OF ACTION**  
**Against Defendants Ford and Dollard**  
(Civil Conspiracy)

56. Plaintiff realleges the foregoing where consistent.

57. Individual Defendants Ford, Dollard, and potentially others, have worked together to tortiously interfere with Plaintiff's job, undermine Plaintiff's professional credibility, and diminish his reputation in the community.

58. The Individual Defendants have done so with the intent to harm Plaintiff and to further their own interests.

59. Their actions were improper and outside of the course and scope of their employment.

60. The Individual Defendants have succeeded in harming Plaintiff and are liable for damages as a result.

61. Damages include reputational losses, diminished earning capacity, embarrassment, lost goodwill, shock, humiliation, and emotional pain and suffering.

**FOURTH CAUSE OF ACTION**  
**Against Defendant Dollard**  
(Defamation)

62. Plaintiff realleges the foregoing where consistent.

63. Defendant Dollard, through actions and words, made false statements concerning Plaintiff's ability to perform his job to his coworkers, current and former employees of Sumter Fire Department, and members of the public.

64. These statements, directly and through insinuation, communicated that Plaintiff was unfit for and justifiably removed from his job.

65. The individuals to whom these defamatory statements and insinuation were made had no need-to-know basis.



66. Defendant Dollard had no reason to make the subject publications aside from a malicious desire or reckless propensity to harm Plaintiff's reputation.

67. The above communications amount to unlawful defamation for which Defendant Dollard is liable.

68. Damages include reputational losses, diminished earning capacity, embarrassment, lost goodwill, shock, humiliation, and emotional pain and suffering.

**FIFTH CAUSE OF ACTION**  
**Against Defendant City**  
(Defamation)

69. Plaintiff realleges the foregoing where consistent.

70. Plaintiff for the purposes of this claim asserts the defamation by Defendant Dollard was within the course and scope of his employment and that Defendant City is thereby liable for the same.

71. Meaning that, Defendant City is liable for the knowingly false and unprivileged statements by Defendant Dollard that challenged Plaintiff's ability to do his job in communications to his former coworkers, employees of the Sumter Fire Department, and members of the public.

72. Such statements are *per se* defamatory.

73. These statements are false, known to be false, and maliciously published by Defendant City to Plaintiff's former coworkers, employees of the Sumter Fire Department, and members of the public. Such a publication was made without a privilege or justification.

74. The above communications amount to unlawful defamation for which Defendant City is liable.

75. Damages include reputational losses, diminished earning capacity, embarrassment, lost goodwill, shock, humiliation, and emotional pain and suffering.

**PRAYER FOR RELIEF**

76. Plaintiff requests that the jury award damages to him in the amount it deems appropriate on each of his claims set forth above.

77. Plaintiff asks the Court for whatever other equitable relief it deems just and proper.

78. Plaintiff asks for prejudgment interest on all claims where legally permitted.

79. Plaintiff asks for punitive damages against the individual defendants to punish them for their intentional and malicious conduct.

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