

STATE OF SOUTH CAROLINA)
)
COUNTY OF WILLIAMSBURG)

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT
C/A NO. 2018-CP-45- _____

ANDRE L. WEATHERS,)
)
Plaintiff,)

vs.)

SUMMONS

WILLIAMSBURG COUNTY SCHOOL)
DISTRICT SUPERINTENDENT)
CARRIE BROCK, FRANKIE TISDALE,)
DONNA PALMER- LEWIS,)
individually and as employees of)
Williamsburg County School District.)

(JURY TRIAL DEMANDED)

Defendants.)
)
_____)

TO: THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to the said Complaint upon 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.

WUKELA LAW FIRM

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April 19, 2018

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	THIRD JUDICIAL CIRCUIT
COUNTY OF WILLIAMSBURG)	C/A NO. 2018-CP-45- _____
ANDRE L. WEATHERS,)	
)	
Plaintiff,)	
)	
vs.)	COMPLAINT
)	
WILLIAMSBURG COUNTY SCHOOL)	
DISTRICT SUPERINTENDENT)	(JURY TRIAL DEMANDED)
CARRIE BROCK, FRANKIE TISDALE,)	
DONNA PALMER- LEWIS,)	
individually and as employees of)	
Williamsburg County School District.)	
)	
Defendants.)	
_____)	

This action is brought to remedy Wrongful Termination in Violation of the Teacher Dismissal Act, Whistleblower Act and Public Policy; Civil Conspiracy; 42 U.S.C. §1983 Due Process Violations; and Defamation and Intentional Infliction of Emotional Distress or Outrage and Negligent Retention and Supervision.

This Court has jurisdiction of this matter pursuant to 42 U.S.C. §1983 and Haywood v Drown, 556 U.S. 729,731(2009).

Venue is appropriate in this Court pursuant to 28 U.S.C. §1391(b) because the District is located within Williamsburg County, and a substantial part of the events and omissions giving rise to Plaintiff’s claims occurred, and continue to occur, within Williamsburg County by Williamsburg County School District employees.

The Plaintiff would show unto this Honorable Court as follows:

1. Defendant Williamsburg County School District (hereinafter “School District”) is a local body, corporate politic and governmental entity organized under the laws of the State of South Carolina for the purpose of creating and maintaining the public school system of Williamsburg County, South Carolina.
2. On information and belief, at all times relevant to the allegations in this complaint, the School District was authorized to and did waive any state-law immunity from civil liability under state-law causes of action by purchasing liability insurance, either by contract with an insurance company or by participation in an insurance risk pool that covers the claims raised in this lawsuit.
3. Defendant Williamsburg County School District is composed of a member, duly elected single member district board of trustees who are imbued with the general powers and duties as promulgated under Title 59, Chapter 19, Section 90, Code of Laws of South Carolina 1976, as amended.
4. Williamsburg County School District has had a pattern and practice of adverse employment actions, evidenced by a history of lawsuits involving adverse employment actions, to include having six pending lawsuits at one time in November 2007 (Leslie Brown, Hester Gasque, Rosaland McClary, Janice Gamble, Manuel Kennedy, Eddie Woods).
5. Upon information and belief, Defendant Carrie Brock (hereinafter “Brock”) resides in Williamsburg County and at all times relevant to this lawsuit, serves as

Superintendent of Education for the School District under the supervision and statutory responsibility of the School District Board.

6. At all times, Frankie Tisdale, was employed by the School District and is a resident of Williamsburg County, South Carolina.
7. At all times, Donna Palmer - Lewis, was employed by the School District and is a resident of Williamsburg County, South Carolina.
8. Plaintiff, Andre Weathers, is a male citizen of the United States and a resident of Williamsburg County, South Carolina who was employed by Defendant from August 15, 2015, to September , 2016.
9. Plaintiff holds an Educator Certificate from the South Carolina State Board of Education; and Plaintiff worked first as a long term substitute teacher beginning August 12,2016, and signed an Adjunct Teacher Agreement on August 5, 2016, to work for Defendant for the 2016-2017 school term.
10. Plaintiff and a number of other employees had issues with Hemmingway High School, a school under Defendant School District's control, issues which included but were not limited to the following:
 - a. Leadership stated students should pass when they didn't deserve the grade or come to class.
 - b. Program created for student advancement was not run properly.
 - c. Administration allowed grade changing and altering of student attendance and student discipline data.

- d. Administration would use intimidation to enforce manipulation of student data to include grades, discipline and attendance.
11. Based on these concerns, Plaintiff contacted the State Department of Education about teacher manipulation of grades and the District covering sexual harassment claims.
12. Plaintiff was aware of other employees of Defendant who did not refuse to alter grades or discipline and who did not report Hemingway High School altering of records and remained employed; and those employees engaged in the following:
 - a. A janitor at one of Defendant School District's schools was accused of offering girls \$50 for kisses. Rather than terminate him, the District moved him across the breezeway to the high school.
 - b. An intervention specialist sexually harassed a teacher and was not terminated.
 - c. A teacher was accused of sexually harassing a female student and was simply moved from Kingstree High School to Hemingway High School.
 - d. An Athletic Director of a middle school sexually harassed one of the coaches which was reported to the middle school and high school principals and personnel; the director kept his job and the victim faced retaliation and was transferred to another school.
13. One employee of Defendant, Greg Lawson told a teacher that he was upset with Plaintiff for disciplining athletes and not giving them higher grades. Lawson specifically stated that he would pay Plaintiff back for disciplining his football players.

14. Defendant Donna Palmer-Lewis was upset with Plaintiff because she believed he exposed her affair with a coworker and because Plaintiff accused her of manipulating grades. She stated that she would pay Plaintiff back.
15. Defendant Donna Palmer-Lewis and Greg Lawson also had a personal relationship and did discuss Defendant Donna Palmer-Lewis and Defendant Frankie Tisdale, engaging in conduct that would result in false allegations of improper communications with a student against Plaintiff that would result in his termination.
16. An Administration Assistant over Discipline, Defendant Frankie Tisdale, informed Plaintiff that he used a fake name on social media to talk to women. That same fake name was later used to incriminate Plaintiff in the false allegations of improper social media communication with a student.
17. After contesting the improper actions occurring at the school, Plaintiff was subsequently informed that he was being accused of forging personal relationships with students using the same fake name described in Paragraph 16. The account allegedly used by Plaintiff was clearly a fake account with no pictures and no identifiers that linked the account to Plaintiff.
18. Defendant Superintendent terminated Plaintiff immediately without giving him any grievance rights under the Teacher Dismissal Act.
19. On October 26, 2016, the South Carolina State Board of Education issued an Order of Summary Suspension of Plaintiff's Educator Certificate based only on the allegations of Defendants.
20. The news media was informed of Plaintiff's termination and license suspension.

21. Defendant was never charged criminally based on the allegations of Defendants and his SLED report still shows no arrest data for Plaintiff.
22. On March 28, 2017, the South Carolina State Board of Education issued an Order that the summary suspension of Plaintiff's Educator Certificate be lifted since the Board was "without sufficient justification for sustaining summary suspension".
23. Plaintiff was unable to work as a teacher and coach because of these false allegations.
24. Plaintiff could not get subsequent employment with other state agencies or other jobs because of the false allegations and Defendant School District's negative job references.
25. Defendant, through its employees, violated the rights of Plaintiff, conspired to bring about Plaintiff's termination and impairment of his professional reputation, and retaliated against Plaintiff for refusing to engage in and reporting illegal activity by Defendant employees, in ways which include but are not limited to the following:
 - a. Deprived Plaintiff of his Due Process rights after accusing Plaintiff of inappropriate communications with a student; and Prohibited Plaintiff from defending himself in any way.
 - b. Reported Plaintiff's termination to the State Department and possibly news outlets as well as subsequent employers during reference checks for Plaintiff.
 - c. Retaliated against Plaintiff for opposing altering grades, discipline and attendance and reporting Defendant activity to the State Department of Education.

- d. Treated Plaintiff in a manner unequal to other employees who actually engaged in sexual harassment but did not oppose manipulation of student records and therefore remained employed.
26. On various dates and occasions, Plaintiff was supervised and disciplined, in an unfair, unequal, harassing and threatening way which segregated him and adversely affected his status as an employee, because of his opposition to illegal activity, including and not limited to, those referenced above.
27. Defendant, School District, was on notice or should have been on notice of the actions of its subordinates, and all failed to correct such discriminatory actions of its employees.
28. As a result of Defendant's retaliation against Plaintiff, violation of due process, and defamation, Plaintiff has suffered loss of employment position and future employment, lost coaching opportunities, compensatory damage, emotional harm, as well as harm to his reputation.
29. Defendants' acts within Defendant's employment practices and work environment were performed with malice and reckless indifference to Plaintiff's protected due process and statutory rights.

COUNT I
(Violation of Statutory Rights)
(SC Code Ann. Section 59-25-430,440,450,460)
(Against Defendant School District Only)

30. Plaintiff incorporates herein by reference the allegations contained in paragraph 1-29 above.
31. At all times relevant to this lawsuit, Plaintiff was a credentialed educator, bearing Educator Certificate 281599, issued by the South Carolina Department of Education.
32. Plaintiff served as a teacher and coach with Hemingway High School and was compensated as a Coach, as an Adjunct, and as a long term substitute and Plaintiff was treated as a teacher.
33. Plaintiff was performing satisfactorily and received no discipline.
34. Defendant terminated Plaintiff without suspension or notice and without advising Plaintiff of his grievance rights under the Teacher Dismissal Act or giving the Plaintiff an opportunity to contest the termination. Therefore, the termination was in violation of the procedural safeguards outlined in Title 59 of the laws of this state.
35. Defendant's decision to terminate Plaintiff was not approved by or recommended to the Board and the termination was in violation of the procedural safeguards outlined in Title 59 of the laws of this state.
36. As a direct and proximate result of Defendant School District's violation of Title 59, Plaintiff suffered a substantial monetary loss, loss of employment and benefits, damaged reputation all in an amount to be proven at trial.

COUNT II
(Violation of 42 U.S.C. 1983)

37. Plaintiff incorporates herein by reference the allegations contained in paragraph 1-36 above.
38. At all times relevant to this lawsuit, the Defendants were acting under color of state law while engaging in the conduct alleged herein the above.
39. Defendants, acting under the color of state law, deprived Plaintiff of his constitutionally protected procedural and substantive due process rights, privileges or immunity security by the state and federal constitutions, laws of the United States, statutes, ordinance, regulations, customs, or usage of the State of South Carolina, by terminating Plaintiff without investigation, correction or grievance, in contravention of the laws of this state, to wit, but not limited, to Title 59, the Teacher Dismissal Act, as protected by the 14th Amendment to the United States Constitution and its state constitutional counterpart.
40. Defendants' conduct, as previously alleged, violates 42 U.S.C. 1983, as amended, in terminating him without investigation correction or grievance rights.
41. At all times relevant to this lawsuit, Defendant School District allowed Defendant Superintendent and employees to carry out unconstitutional acts against Plaintiff without stopping or reversing the unconstitutional actions, even after being placed on notice of the unconstitutional acts.
42. Defendants continued to sanction and subsequently approved the unlawful conduct, and therefore allowed Defendant Superintendent to act pursuant to policy or custom

of Defendant School District when she violated Plaintiff's constitutional rights as heretofore alleged.

43. As a direct and proximate result of the constitutional deprivation as previously alleged, Plaintiff suffered a substantial loss in the form, but not limited to, a loss of wages, humiliation, embarrassment, stress, professional esteem, and other tangibles to be proved at trial, to include past, present and future losses.
44. The monetary loss suffered by Plaintiff as a result of the termination is a protected property interest under the laws of this state and the constitution of the United States of America, and under said laws, Plaintiff could not legally be deprived of this property right without due process of law as outlined in Title 59 and as outlined for state employees.
45. The foregoing actions of Defendants, shock the conscience and were arbitrary, egregious and violated the Plaintiff as he was deprived of his due process rights during and after the investigation as a result of a false allegation of improper communications with a student in violation of 42 U.S.C. §1983.
46. Plaintiff has suffered injury, including immediate and irreparable injury, as a direct and proximate result of the Defendants' violation of all said rights as alleged herein.
47. Defendants acted in a malicious, deliberate, intentional or with a deliberate indifference to the constitutional rights of Plaintiff. Therefore, Plaintiff is entitled to an award of punitive damages against Defendants in an amount to be proved at trial.

COUNT III
(Whistleblower Act)
(SC Code Ann. Section 8-27-20)

48. Plaintiff incorporates herein by reference the allegations contained in paragraph 1-47 above.
49. At all times relevant to this lawsuit, the Defendants were acting as a public body or employees of a public body as defined by SC Code Ann. Section 8-27-10.
50. Plaintiff, while an employee of a public body, made a report to the State Department of Education about the School District encouraging, requesting or allowing teacher manipulation of grades and the School District condoning or covering or failing to act on sexual harassment claims.
51. The District, through its employees, did retaliate against Plaintiff with false allegations of inappropriate communications with a student and did dismiss Plaintiff without investigation of the complaints and without affording Plaintiff grievance rights to contest the allegations.
52. No disciplinary actions were taken against the employees who participated in the events that led to these false allegations and subsequent termination of Plaintiff without Due Process.
53. Because Plaintiff was denied any grievance rights, Plaintiff exhausted all remedies before initiating civil action.
54. As a direct and proximate result of Defendant School District's violation of the Whistleblower Act, Plaintiff suffered a substantial monetary loss, loss of employment and benefits, damaged reputation all in an amount to be proven at trial.

COUNT IV
(Wrongful Termination in Violation of Public Policy)
(Against Defendant School District and Carrie Brock Only)

55. Plaintiff incorporates herein by reference the allegations contained in paragraph 1-54 above.
56. Defendants, through its employees and Defendant Superintendent Carrie Brock, created, allowed and relied on false allegations against Plaintiff to be the reason for termination of Plaintiff, when Defendants all participated in the termination of Plaintiff because of (a) his refusal to engage in illegal or unethical behavior of altering student grades, discipline or attendance and (b) his report of the failure to properly address sexual harassment allegations.
57. Defendants have never provided any proof to Plaintiff of the allegations of improper student communication made against him.
58. Even after becoming aware of Plaintiff's opposition to the alteration of student records and his claim of mishandling sexual harassment claims, Defendants did not correct the behavior of the offenders and did not reverse the termination of Plaintiff.
59. Defendants' termination of Plaintiff was a wrongful termination in violation of the public policy against alteration or manipulation of students' public education records.
60. Defendants' termination of Plaintiff was a wrongful termination as it resulted from Plaintiff's refusal to engage in manipulation of students' public education records, conduct which could be considered criminal.
61. Plaintiff has suffered injury, including immediate and irreparable injury, as a direct and proximate result of the Defendants' violation of all said rights as alleged herein.

COUNT V
(Conspiracy)

62. Plaintiff incorporates herein by reference the allegations contained in paragraph 1-61 above.
63. Defendants, Frankie Tisdale and Donna Palmer-Lewis, did combine together and/or with other members of administration or employed with Defendant, to cause false allegations to be brought against Plaintiff for the purpose of causing Plaintiff's termination and loss of educator credentials and coaching opportunities as well as defamatory media attention, which would leave Plaintiff unemployable and unable to work suffering special damages of financial loss, loss of job opportunity, loss of professional reputation, humiliation, emotional distress and pain and suffering.
64. Defendants engaged in the above referenced conduct because Plaintiff would not be complicit in the actions of Defendants in encouraging, condoning, allowing and engaging in altering of student grades, attendance and discipline.
65. Frankie Tisdale and Donna Palmer-Lewis had personal vendettas against Plaintiff for refusing to treat athletes differently, for exposing personal behavior of the teachers and for reporting grade manipulation as well as altering of student discipline and attendance, all falling under the Administration Assistant over Disciplinary Action, Defendant Frankie Tisdale.
66. Furthermore, Plaintiff had reported to the State Department of Education, Defendants' conduct of allowing grade changes and the failure to handle sexual harassment claims.

67. As a direct and proximate result of Defendants' conspiracy to end Plaintiff's career, Plaintiff suffered a financial loss, loss of job opportunity, loss of professional reputation, humiliation, emotional distress and pain and suffering, all in an amount to be proven at trial.

COUNT VI
(Defamation)

68. Plaintiff incorporates herein by reference the allegations contained in paragraph 1-67 above.

69. Plaintiff has also been the victim of defamation due to ill will and personal animosity toward Plaintiff. Defendants through its employees, engaged in acts of distributing false, malicious and slanderous statements to coworkers, State Department of Education and the public about Plaintiff engaging in inappropriate communications with a student, being terminated, and having his Educator certificate suspended, along with providing negative job referenced.

70. As a direct and proximate result of Defendants' defamatory statements regarding Plaintiff, Plaintiff suffered a shame, mortification, and loss of public trust, financial loss, all in an amount to be proven at trial.

COUNT VII
**(Intentional Infliction of
Emotional Distress or Outrage)**

71. Plaintiff incorporates herein by reference the allegations contained in paragraph 1-70 above.
72. Defendants, through its employees, intentionally or recklessly inflicted severe emotional distress upon Plaintiff by causing, relying on and publishing false allegations against Plaintiff which resulted in temporary loss of educator credentials, loss of employment and damage to his reputation.
73. Defendants' actions described above, along with denying him the opportunity to defend himself, then making Plaintiff's termination and loss of educator credentials public, all amount to conduct so extreme and outrageous as to exceed all possible bounds of decency.
74. Defendants' above referenced actions caused emotional distress on Plaintiff, so severe that no reasonable person would be expected to endure that.
75. Plaintiff has suffered injury, including immediate and irreparable injury, as a direct and proximate result of the Defendants' violation of all said rights as alleged herein.

COUNT IX
(Negligent Retention and Supervision)
(Against Defendant School District and Carrie Brock Only)

76. Plaintiff incorporates herein by reference the allegations contained in paragraph 1-75 above.
77. Defendant School District and Defendant Carrie Brock had a duty to exercise reasonable care in the hiring and supervision of its employees and supervisors.
78. Defendant School District was aware through Plaintiff's complaints and attempts to request grievances of the behavior of its employees, to include Defendant Carrie Brock, toward Plaintiff, while Plaintiff was performing his job duties, and failed to remediate or reasonably address the situation.
79. Defendant's failure to adequately or reasonably response to Plaintiff's complaints and concerns breached its duty of reasonable care and control, and Plaintiff suffered physical and emotional harm.
80. Plaintiff has suffered injury, including immediate and irreparable injury, as a direct and proximate result of the Defendants' violation of all said rights as alleged herein.

WHEREFORE, Plaintiff respectfully prays that this Court:

- A. Award Plaintiff, reinstatement, back pay and other compensatory and punitive damages in an amount to be determined by a jury, as well as damages for allowable state claims;
- B. Award Plaintiff reasonable attorney fees and costs of this action under 42 U.S.C. 1988; and,

C. Award Plaintiff such other and further relief as this Court deems just and proper.

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