

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF SPARTANBURG)

Rita Allison and the South Carolina Republican Party,)

CIVIL ACTION COVERSHEET

Plaintiffs,)

v.)

2009-CP - 42 - _____

John Doe,)

Defendant.)

(Please Print)

Submitted By: J. Todd Kincannon

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- 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), Employment (120), General (130), Breach of Contract (140), Other (199)
Torts - Professional Malpractice: Dental Malpractice (200), Legal Malpractice (210), Medical Malpractice (220), Notice/ File Med Mal (230), Other (299)
Torts - Personal Injury: Assault/Slander/Libel (300), Conversion (310), Motor Vehicle Accident (320), Premises Liability (330), Products Liability (340), Personal Injury (350), Wrongful Death (360), 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)
Judgments/Settlements: Death Settlement (700), Foreign Judgment (710), Magistrate's Judgment (720), Minor Settlement (730), Transcript Judgment (740), Lis Pendens (750), Other (799)
Administrative Law/Relief: Reinstate Driver's License (800), Judicial Review (810), Relief (820), Permanent Injunction (830), Forfeiture-Petition (840), Forfeiture-Consent Order (850), Other (899)
Appeals: Arbitration (900), Magistrate-Civil (910), Magistrate-Criminal (920), Municipal (930), Probate Court (940), SCDOT (950), Worker's Comp (960), Zoning Board (970), Administrative Law Judge (980), Public Service Commission (990), Employment Security Comm (991), Other (999)
Special/Complex/Other: Environmental (600), Automobile Arb. (610), Medical (620), Other (699), Pharmaceuticals (630), Unfair Trade Practices (640), Out-of State Depositions (650), Sexual Predator (510)

Submitting Party Signature: [Handwritten Signature]

Date: September 17, 2009

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY
Allendale, Anderson, Beaufort, Colleton, Florence, Greenville,
Hampton, Horry, Jasper, Lexington, Pickens (Family Court Only), and Richland

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

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. (Medical malpractice mediation is mandatory statewide.)
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.

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS

Rita Allison and the South Carolina
Republican Party,

Plaintiffs,

v.

John Doe,

Defendant.

Civil Action No. 2009-CP-42-_____

**SUMMONS
(Jury Trial Demanded)**

TO THE DEFENDANT:

You are hereby summoned and required to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to the Complaint on the subscriber at the subscriber's office (whose address is below) within thirty days after the service thereof, exclusive of the date of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint and a judgment by default will be rendered against you for the relief demanded in the Complaint.



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September 17, 2009

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

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**COMPLAINT
(Jury Trial Demanded)**

The Plaintiffs, complaining of the Defendant, would respectfully show unto this Court the following:^{1,2,3}

PARTIES, VENUE, AND JURISDICTION

1. The Plaintiff Rita Allison is a resident of Spartanburg County, South Carolina and represents District 36—wholly within Spartanburg County—in the South Carolina House of Representatives. Additionally, the Plaintiff Rita Allison is employed as Communications Director of the South Carolina Commission on Higher Education. Finally, the Plaintiff Rita Allison is a member of The South Carolina Republican Party.
2. The Plaintiff The South Carolina Republican Party is a political party and a juridical entity pursuant to Title 7 of the South Carolina Code of Laws.
3. The Defendant's identity is unknown to the Plaintiffs at this time.
4. The Court of Common Pleas has jurisdiction over this action pursuant to Titles 14

¹ Any and all inconsistent material is pled in the alternative. Such inconsistent material may—or may not—be specifically designated as such.

² Allegations appearing in the Parties, Venue, and Jurisdiction and Factual Allegations sections are incorporated into the Defamation Cause of Action.

³ To the extent material appearing herein is inconsistent with existing law, the Plaintiff respectfully requests to argue in good faith for a change in the law.

and 15 of the South Carolina Code of Laws.

5. Venue is proper in Spartanburg County under Title 15 Chapter 7 of the South Carolina Code of Laws because the most substantial part of the alleged acts or omissions that give rise to the causes of action pled herein occurred in Spartanburg County.

FACTUAL ALLEGATIONS

6. On or about August 10, 2009, the Defendant mailed a letter (“the Defamatory Letter”), attached as Exhibit A, to a number of individuals living near the Plaintiff Rita Allison, many if not all of whom were also her constituents and therefore residing in Spartanburg County.

7. The Defamatory Letter contains the following statements regarding the Plaintiff Rita Allison:

Governor’s Staff Sex Violations: Did sexual favors happen by Ms. Rita Allison for the Governor to allow DOUBLE DIPPING now by working for Commission for Higher Education Department and also serving as a State Representative at the same time?.

Does state records show that Ms. Allison worked closely with the Governor for approximately five years?

Did Governor Sanford place her on a higher paying job for sexual favors, after he fired her in 2003 and rehired her to a high paying job? Is this person one of the six other women he mentioned recently in which he had stepped over the line?

Do you know that the State Legislator’s salary is approximately \$10,000.00 and the Commission for Higher Education Department salary is public record and shows the current salary to be \$74,605.00?

Do you think this could be a conflict of interest matter, serving in the General Assembly, helping to make laws for our state pertaining to education and working for this Department of Higher Education?

(Errors in original).

8. All allegations of impropriety and immorality on the Plaintiff Rita Allison’s part

appearing in the Defamatory Letter are absolutely false, including but not limited to the allegations that she provided “sexual favors” to the Governor in exchange for employment and general allegations of sexual immorality and misconduct.

9. The Plaintiff Rita Allison is—and at all times relevant to this matter has been—married to William Allison. Accordingly, the allegations in the Defamatory Letter constitute allegations of adultery.

FOR A FIRST CAUSE OF ACTION
(Defamation⁴)

10. The Defamatory Letter contains various false and defamatory statements by the Defendant concerning the Plaintiff Rita Allison.

11. The Defamatory Letter’s distribution was an unprivileged communication by the Defendant.

12. The Defendant was at fault for publishing the Defamatory Letter.

13. With regard to the defamatory statements about the Plaintiff Rita Allison within the Defamatory Letter, the defamatory meaning of each such statement is obvious on the face of the statement. Each defamatory statement is therefore actionable as defamation per se.

14. In the alternative that some or all of the defamatory statements in the Defamatory Letter do not have an obvious defamatory meaning on their face, each is nonetheless actionable as defamation per quod. And though many of the statements are in the form of questions, they are nonetheless defamatory. E.g., Lutz v. Watson, 525 N.Y.S.2d 80, 81-81 (N.Y. App. Div. 1988) (citing Meaney v. Loew’s Hotels, 288 N.Y.S.2d 217, 218

⁴ Though the Complaint establishes the facts of the defamation with some specificity, this is not intended to impair the Plaintiff’s right to general pleading established by Rule 9(h), SCRCF.

(N.Y. App. Div. 1968) and Prosser & Keeton, Torts, § 111, at 780 (5th Ed.1984)).

15. Due to the nature of each defamatory statement, the presumption that the Plaintiff Rita Allison's reputation was hurt as a consequence of the publication may be made.

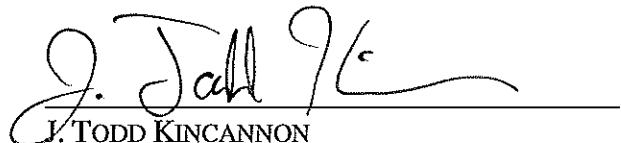
16. As a proximate result of the Defendant's tortious conduct, the Plaintiff Rita Allison has suffered reputational, special, and other harm.

17. The Plaintiffs are therefore entitled to recover presumed, actual, special, punitive, and such other damages as are properly awarded under law.

PRAYER FOR RELIEF

Wherefore, having fully pled the causes of action within the Complaint, the Plaintiffs demand a jury trial and prays for a judgment against the Defendant granting the following relief:

1. An award in an amount to be determined at trial consisting of presumed, actual, special, punitive, and such other damages as are properly awarded under law.
2. To the extent available under law, the costs and expenses associated with the filing and prosecution of this lawsuit.
3. Such other relief as the Court deems to be just, equitable, and proper under the circumstances.



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Attorney for Plaintiffs

September 17, 2009

Exhibit A

Questions which must be answered by a legislative investigation:

Now that the national media furor over Governor Sanford's recent actions have subsided, it's time for the legislature to follow the advice of SLED Chief Reggie Lloyd, and look into the matters which SLED could not look into:

Dereliction of duty: Did the Governor at anytime neglect official duties during his numerous other absences?

Was the Governor's failure to transfer authority before leaving the country for five days a violation of any law?

Did the Governor's intention to leave the country for ten days without informing other Officials amount to dereliction of duty?

Interfering with law enforcement: Did the Governor or any member of his staff at any Time during his disappearance give false information to SLED or to any other law Enforcement agency?

Did the Governor instruct any member of his staff to provide false information?

Conversion of state resources: Were any trips designated as official state business Undertaken for primarily personal purposes?

Did the Governor divert a Commerce trip to Argentina for primarily personal purposes?

Did any of the Governor's uses of SLED vehicle violate any laws or procedures?

Ethics violations: Were the trips or gifts that were revealed in emails (Caribbean cruise, Bird hunting trip, etc.) properly disclosed and documented in accordance with SC Ethics Laws requiring disclosure of gifts?

Were any of the trips or gifts received prohibited by state law?

Obstruction of justice: Has the Governor or any member of his staff in any way interfered with any investigation in the matter?

Has the Governor or any member of his staff discussed any matter being investigated with any employee of the Attorney General's Office or SLED?

Federal violations: Did the Commerce trip to Argentina violate any federal trade policies?

Did Governor Sanford's use of a cell-phone to provide false information violate wire-fraud statutes? (18-US-1346)

Governor's Staff Sex Violations: Did sexual favors happen by Ms. Rita Allison for the Governor to allow DOUBLE DIPPING now by working for Commission for Higher Education Department and also serving as a State Representative at the same time?.

Does state records show that Ms. Allison worked closely with the Governor for approximately five years?

Did Governor Sanford place her on a higher paying job for sexual favors, after he fired her in 2003 and rehired her to a high paying job? Is this person one of the six other women he mentioned recently in which he had stepped over the line?

Do you know that the State Legislator's salary is approximately \$10,000.00 and the Commission for Higher Education Department salary is public record and shows the current salary to be \$74,605.00?

Do you think this could be a conflict of interest matter, serving in the General Assembly, helping to make laws for our state pertaining to education and working for this Department of Higher Education?