

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Dwane Sims,

Plaintiff,

v.

South Carolina Democratic Party,

Defendant.

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

C/A No.: 2019-CP-40-

**SUMMONS**

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, L.L.C.**

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***Attorneys for Plaintiff***

December 20, 2019  
Columbia, SC

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**COMPLAINT  
(JURY TRIAL DEMANDED)**

The Plaintiff, Dwane Sims (hereinafter referred to as “Plaintiff”), complaining of the Defendant South Carolina Democratic Party (hereinafter referred to as “Defendant SCDP”) respectfully alleges as follows:

**PARTIES AND JURISDICITON**

1. Plaintiff is a citizen and resident of Richland County, South Carolina. Plaintiff previously worked for the South Carolina Democratic Party as a Data Director, and the Tom Steyer Campaign for President as a South Carolina Deputy State Director.

2. Defendant South Carolina Democratic Party is a political entity providing support and services to democratic candidates in local, statewide, and national elections. Trav Robertson is the Chairman of the South Carolina Democratic Party.

3. This action is brought pursuant to the common law of South Carolina.

4. The parties have sufficient connections to Richland County, South Carolina, the events at issue occurred therein, and jurisdiction is proper.

### **FACTUAL ALLEGATIONS**

5. Plaintiff began working for the South Carolina Democratic Party as their Data Director after retiring from the United States Marine Corp. Plaintiff reported directly to Trav Robertson, SCDP Chairman. In his role with Defendant SCDP, Plaintiff was responsible for all of the voter files for the party.

6. The South Carolina voter file used in national elections is the leading revenue stream for the South Carolina Democratic Party. Candidates will pay upwards of \$100,000 for access to the voter file during their campaigns.

7. In February 2019, Plaintiff resigned from his position with Defendant SCDP due to poor working conditions. Plaintiff agreed to continue helping Defendant SCDP on a voluntary basis until they were able to fill his position. Eventually, the work became too much and Defendant SCDP began paying Plaintiff for the work he was conducting.

8. As part of his job duties, Plaintiff would travel to various counties within South Carolina and host training seminars on how to use the voter file. Plaintiff had a training account within the system that allowed him to present hypothetical information regarding the use of the voter file.

9. In March 2019, Joe Biden's Campaign approached Plaintiff about a position. Plaintiff began talks with the Biden Campaign about transitioning into the role. Plaintiff informed Robertson about this opportunity. Upon information and belief, Robertson communicated with the Biden Campaign and advised them not to hire Plaintiff. The Biden Campaign ceased all communication with Plaintiff.

10. In September 2019, Plaintiff was contacted by Tom Steyer's Campaign about a position. Plaintiff did not speak with Robertson prior to interviewing for the position. After an interview, Plaintiff was hired.

11. After Plaintiff's hiring, Robertson sent a text to Jonathan Metcalf, State Director for Tom Steyer's Campaign in South Carolina, threatening Metcalf because he did not notify Robertson prior to offering Plaintiff a job.

12. On or around October 30, 2019, Defendant SCDP turned off Steyer's access to the South Carolina voter files – saying that the access rights had not been paid for. There were multiple accounts that were delinquent in payment and only the Steyer Campaign was shut down.

13. The Steyer Campaign contacted Defendant SCDP immediately to inform Robertson that the fees had indeed been paid. The Treasurer of Defendant SCDP had made an error by categorizing the payment as a donation and the account had not been credited. This matter was resolved, and access was provided back to the Steyer Campaign.

14. On November 1, 2019, the Steyer Campaign Field Director, Jasmine Johnson, had issues accessing the voter files for her volunteers. Plaintiff offered to help her pull up the list. Plaintiff's log-in information had not changed from the time that he worked on his first campaign prior to joining Defendant SCDP. Employee usernames and passwords were never changed when an employee left to join a campaign – only their privileges were altered.

15. Plaintiff typed in his username and password and was granted access unknowingly through his training account. When Plaintiff saw the list of volunteers, he immediately realized that the list he was viewing was not for the Steyer Campaign. It was later learned that this was the volunteer list for Kamala Harris. Plaintiff immediately called Robertson and the Democratic National Committee ("DNC") and spoke with Kat Atwater, Chief of Technology for the DNC.

Atwater directed Plaintiff on the steps to take to correct the problem and told Plaintiff that the DNC would take it from there. Plaintiff considered this matter closed.

16. Plaintiff then called Ali Nikseresht, Steyer Campaign National Data Director, regarding the breach to inform him of what had occurred and that the DNC had remedied the situation.

17. On November 2, 2019, Plaintiff and the State Director for the Steyer Campaign had a telephone conference with the campaign's lawyers based out of San Francisco. All information was deleted off of Plaintiff's computer, and the computer was returned to the campaign office.

18. On November 3, 2019, Plaintiff received a call from Robertson informing Plaintiff that the press had the story. Robertson called the DNC and stated that Plaintiff had been fired. Plaintiff had not been fired.

19. On November 4, 2019, the Post and Courier broke a news story with the headline: "Tom Steyer aide resigns after stealing Kamala Harris' SC 2020 volunteer data." This is a false statement. Plaintiff resigned later that evening.

20. Robertson is quoted in the article as stating, "It is critical that the Steyer campaign take immediate action regarding their employee," in reference to Plaintiff. Robertson knew when making that statement to the Post and Courier that Plaintiff did not steal any information and had in fact contacted Robertson to let him know of the data breach and requested help as to how to ensure that no rules or regulations were broken.

21. The article goes on to state that the Steyer Campaign spokesman, Alberto Lammers, attributed the problem to the state and national party, saying that they had "failed to limit access" to Plaintiff after he left. Plaintiff has since been effectively blackballed in democratic politics receiving a lifetime ban to the voter file and national system.

**FOR A FIRST CAUSE OF ACTION**  
**(Defamation)**

22. Plaintiff realleges the foregoing where consistent.

23. Defendant SCDP, by and through its employees, falsely accused Plaintiff of stealing information from the Kamala Harris campaign despite having knowledge of its falsity. These false accusations caused to be published false information about Plaintiff under a headline accusing Plaintiff of stealing information.

24. These words were published to Plaintiff's coworkers, the community, and the nation at large to insinuate that Plaintiff was incompetent in his job duties and charged Plaintiff with misconduct and engaging in criminal activity.

25. Further Defendant SCDP, by and through its Chairman, Trav Robertson, falsely accused Plaintiff of poor performance and published the same to prospective employers.

26. Such statements and accusations were false, known to be false, and published with knowledge and reckless disregard for the truth. The alleged defamatory words are not privileged and exceed the scope of any alleged privilege or immunity.

27. That such statements and accusations charge the Plaintiff with incompetence to hold his position and engaging in criminal activity, which amount to defamation *per se* under the laws of the State of South Carolina.

28. That as a direct and proximate result of the defamatory words and actions herein, Plaintiff has sustained reputational loss, loss of professional standing, loss of personal standing, been blackballed within the democratic party, loss of earning capacity, loss of income, embarrassment, humiliation, and mental anguish, all of which will continue into the future.

**FOR A SECOND CAUSE OF ACTION**  
**(Tortious Interference with Prospective Contractual Relations)**

29. Plaintiff realleges the foregoing where consistent.

30. Defendant SCDP had knowledge of Plaintiff's prospective contractual relations with potential employers, including the Joe Biden Campaign.

31. Defendant SCDP knowingly and purposefully interfered with Plaintiff's prospective contractual relations with those potential employers.

32. Such conduct amounts to knowing and intentional tortious interference with Plaintiff's prospective contractual relations with Plaintiff's potential employers committed by Defendant SCDP. The same occurred in the absence of a legitimate business justification or other legitimate justification.

33. Defendant SCDP caused and is liable for Plaintiff's loss of contractual relations, employment, earnings, and earning capacity, all of which will extend far into the future. Plaintiff is entitled to an award of actual damages, as well as punitive damages, from Defendant SCDP. Plaintiff is further entitled to pre-judgment interest on these damages where recoverable.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendant SCDP for an award of actual damages in an amount to be determined by a jury as well as reasonable attorney's fees, costs of this action, and any such other relief as this Court deems just and proper.

**(SIGNATURE PAGE TO FOLLOW)**

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