

Apr 22 2025

IN THE COURT OF COMMON PLEAS

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF _____

Lemuel A. Givens
Plaintiff(s)

vs.

SC. Dept. of Transportation
Defendant(s)

CIVIL ACTION COVERSHEET

2023CP4004099

Submitted By: Lemuel Givens
Address: 465 Kings Head Court
Irmo SC, 29063

SC Bar #: _____
Telephone #: _____
Fax #: _____
Other: _____
E-mail: _____

NOTE: The coversheet 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 cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

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. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|--|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input checked="" type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case # <u>20-NI-</u> <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture-Consent Order (850) <input type="checkbox"/> Other (899) | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Incapacitated Adult Settlement (790) <input type="checkbox"/> Other (799) | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) |
|---|--|--|--|
- Special/Complex /Other**
- Environmental (600)
 - Automobile Arb. (610)
 - Medical (620)
 - Other (699)
 - Sexual Predator (510)
 - Permanent Restraining Order (680)
 - Interpleader (690)
 - Pharmaceuticals (630)
 - Unfair Trade Practices (640)
 - Out-of State Depositions (650)
 - Motion to Quash Subpoena in an Out-of-County Action (660)
 - Pre-Suit Discovery (670)
- Submitting Party Signature: [Signature] Date: 08/07/23

FILED
RICHLAND COUNTY
JANETTE W. MCBRIDE
C.C.P. C.S. & F.C.
2023 AUG -7 AM 11:10

2023CP400 4099

IN THE COURT OF COMMON PLEAS

STATE OF SOUTH CAROLINA,)
)
COUNTY OF)
)
Lemuel A. Giviens)
)
Plaintiff,)

SUMMONS

vs.)
)
SC Department of Transportation)
1768 Charleston Hwy Defendant.)
Orangeburg SC, 29115)

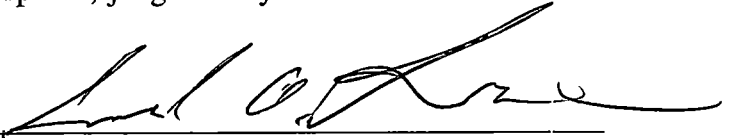
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NICHLAND COUNTY
JEANETTE W. MCBRIDE
C.C.P., G.S., & F.C.

TO THE DEFENDANT 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 this 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, judgment by default will be rendered against you for the relief demanded in the complaint.

, South Carolina



Plaintiff/Attorney for Plaintiff

Dated: August 7, 2023

Address: 465 KingsHead Court Irmo SC. 29063

Lemuel Giviens

Complaint

10/18/2022

To whom it may concern;

In writing this letter to explain my stressful two month discriminatory experience at South Carolina Department of Transportation (District 7 Orangeburg Construction Office). I will try to explain everything and the events to the best of my knowledge. Because I had every intention in exceling to meet all the standards and expectations in the position of Engineering Associate II 6B offered to me on 7/8/22 from Darryl Kennerly Resident Construction Engineer.

My mindset once starting in the role of Engineering Associate II 6B officially on 8/17/22 was to excel in all areas as I did from my previous employer of seven years Richland County Government. From the fist weeks it was clear Mr. Kennerly (Resident Construction Engineer) and Dean Edwards (Assistant Construction Engineer) did not have any tasks or responsibilities for me so I began putting a spreadsheet together to record the damage claims. It wasn't until the fourth week when I got full access to all SCDOT systems needed for my job. This was also around the time when I asked Darryl and Dean if I could go out in the field to see paving operations. They believed this was a good idea. Mr. Kennerly mentioned they would never use me as an inspector for Asphalt recordings but it would be good for my new role that I learn it. I did not mind learning paving operations because Mr. Kennerly and Mr. Edwards knew when they chose me for the position I did not have any road or asphalt paving experience.

No one in the SCDOT Orangeburg Office assisted me in any form of training or tried to help me learn my role I was hired to do. The little training, I had on asphalt came from the

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RICHLAND COUNTY
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contractor F&ME inspector (Charlie). At some point I did not know if they wanted me to be an inspector or not. I continued to push through doing whatever Darryl Kennerly or Dean Edwards told me to do.

About the 5th or 6th week I noticed a shift in Darryl's behavior towards me he seem to be "cold" and agitated with me. I noticed this and called him on the phone Friday October 7, 2022, to ask his position and discuss my role and if he was dissatisfied with me about something? He informed it was some things that needed to be discussed and being that it was Friday he would get with me on Monday (10/10/22). Well he seemed busy that morning him and Dean. I still asked Dean like I did every morning, he gave me instructions to continue training on Asphalt. On the same day when I came back to the office at 4:00p.m. Darryl had left early, so I guess for personal matters and he was not at work Tuesday (10/11/22). He returned Wednesday (10/12/22). I poked my head in his office after everyone left out and asked if he still needed to speak with me, his response was yes but him and Dean would eventually get with me. At this point I'm stressed because for the past weeks I'm not getting any communication or feedback how I'm doing or training on my role. On 10/17/22, I sent an email to Darryl asking if he still wanted to schedule a time to meet with me privately about my role and my contributions to the office. He replied back that he didn't have everything he needed together and he would get back with me. I went back in the field again as Dean instructed to train more on Asphalt. I came back to the office at 4:00 p.m. from the field and it was then when Darryl and Dean met with me and informed me I was terminated, they gave reasons I feel that was not justifiable but it was clear from Darryl that I was not a fit for the position. I was upset because I came to SCDOT to excel in all areas not to be fired without any notice or reprimand of any sort that I was "not a good fit". I

feel this matter could have been resolved in a more professional manner. Please investigate this so that no one else will go through this stressful discriminatory experience as I did.

A handwritten signature in black ink, appearing to be 'Frank A. S.', written in a cursive style.

08/07/23

465 Kings head Court
Irmo SC, 29063