

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF AIKEN )  
  
Mark Redd, )  
 )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Michael Miller, )  
 )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
SECOND JUDICIAL CIRCUIT

CASE NO.

SUMMONS

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 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.

Respectfully Submitted,

s/Robert R. Thuss  
Robert R. Thuss, Esq.  
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7001 St. Andrews Rd. #193  
Columbia, SC 29212  
(803) 640-1000

July 5, 2022  
Lexington, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SECOND JUDICIAL CIRCUIT
COUNTY OF AIKEN	)	
	)	CASE NO.
Mark Redd,	)	
	)	
Plaintiff,	)	
	)	
v.	)	COMPLAINT
	)	(Jury Trial Demanded)
Michael Miller	)	
	)	
Defendant.	)	
_____	)	

TO THE DEFENDANTS ABOVE NAMED:

The Plaintiff, complaining of the above-named Defendant, respectfully alleges and would show:

1. The Town of Wagener is a municipality located in Aiken County, South Carolina.
2. Defendant Michael Miller is a citizen and resident of Aiken County, South Carolina.
3. The Plaintiff is a citizen and resident of Aiken County, South Carolina.
4. Acts complained of occurred in Aiken County, South Carolina.
5. This court has subject matter jurisdiction and venue is proper in Aiken County, South Carolina.

Facts

6. Mark Redd was a volunteer member of the Wagener Fire Department for over forty years. Mr. Redd became the chief of the Wagener Fire Department in 1997.

7. Mr. Miller held a long-standing grudge and dislike for Mr. Redd that pre-dated Mr. Miller’s election as mayor of Wagener. Shortly after being elected mayor, Mr. Miller asked Mr. Redd for his resignation.

8. Town of Wagener is a municipality with a council form of government. The Wagener Volunteer Fire Department is a department of the municipality. Michael Miller was the Mayor of the Town of Wagener during the times described in this complaint. Miller was first elected Mayor in 2010.

9. In 2016, Mr. Miller took control of all Wagener Fire Department accounts and has control over all of Wagener's accounts.

10. On November 12, 2020, Wagener Town Council called a special meeting and met with fire department officers Chief Mark Redd, Assistant Chief George Day, and Lieutenant Logan Musser. No members of the public were present at the special meeting. Miller led the discussion with the officers in an executive session, and then announced that the officers were relieved of their duties while in executive session. Mr. Redd complained about this action being taken in an executive session. The Mayor ended executive session and Council immediately voted to relieve the officers of their duties, without discussion or debate.

11. On the following day, Town of Wagener published an article that disclosed some of the matters discussed in the executive session. The article stated Mr. Redd was suspended. About three days later, without holding another council meeting, Mark Redd and George Day received termination letters.

12. On November 13<sup>th</sup>, 2020, Town of Wagener posted an article on its website, at <https://www.wagenersc.com/article/wagener-fire-chief-suspended>, that “[o]n Nov. 11 town council suspended the chief of the Wagener Fire Department, Mark Redd, as well as the Assistant Chief, George Day.” This article is still posted on Town of Wagener's website. This article also wrote:

a. “A current investigation is being conducted by SLED and that investigation requires limited public comment.” This was false.

b. “The suspension arose due to inappropriate use of social media and insufficient bookkeeping documentation regarding the finances of the Wagener Fire Department.”

c. “There have been repeated breaches of security and repeated lack of response from the fire department when asked for bookkeeping documentation.” This was false.

d. “Funding was used by the fire department without proper documentation.” This was false.

13. Miller stated an investigation required limited public comment.

14. On November 13, 2020, Town of Wagener posted this article on the internet on its Facebook page with a heading, “Wagener Fire Chief and Assistant Suspended as investigation continues.” The heading and link to the article continues to be posted on Town of Wagener’s Facebook page. Miller controlled Town of Wagener’s website and Facebook and caused these posting to be made.

15. On November 14, 2020, the Lexington Chronicle newspaper posted an article on its website, [www.lexingtonchronicle.com](http://www.lexingtonchronicle.com) reported all Wagener Fire Department officers have been removed over failure to provide financial spending receipts and breach of security, and the article named Miller as its source. Information provided by Miller was false.

16. On November 17, 2020, Aiken Standard newspaper published an article, which was also published on its website, [www.postandcourier.com/aikenstandard/](http://www.postandcourier.com/aikenstandard/). Aiken Standard began covering this story and over the course of several months and published several articles that quoted Miller or identified Miller as the source. The following statements and information were released by Miller for publication:

a. Miller released several checks written between 2007 and 2016, on May 10, 2021.

b. Miller denied that he knew why fire department funds were transferred to other bank accounts. This was false. Miller has consistently made the transfers of fire department funds to other town accounts and used fire funds for other purposes than those required by Town of Wagener's contract with Aiken County.

c. Miller claimed he saw some checks with his signature that he believed had been forged.

d. Miller made a statement that when Miller and Council made demands for more information, Redd and Day absolutely refused to cooperate. This was false.

e. Miller made a statement that Redd and Day were given a list of documents to provide to Council. No list of documents was given to Redd and Day.

f. Miller made a statement that when we [council] asked them questions, they just didn't answer. This was false.

g. Miller released copies of checks and account ledger entries dating as far back as 2007 to insinuate theft or embezzlement by Redd to both news media and members of the community.

17. On November 17, 2020, television station WRDW televised a report, which it posted on its website, and which is still posted, of an interview with Miller, who said, "They need money, they need supplies – but they didn't convey the need to us." "When they walk in here, they're looking at Wagener, and it ain't pretty." The statements about Redd and other officers not conveying the volunteer fire department's needs was false.

WRDW's reporter, Sydney Heiberger, pointed to flashlights and reported necessary equipment was broken and left without batteries. A photo of Chief Mark Redd was shown during

the report. Town of Wagener posted this article on its Facebook page. Miller had previously ordered the fire department not to discard any old and broken equipment. Miller knowingly caused false and embarrassing impressions of Mr. Redd to be spread.

18. On November 18, 2020, television station WJBX aired an interview with Miller in which he said, “If you can’t tell the truth don’t say anything at all.” Miller said, “Checks were being written to individual members for even numbers for travel and training. No odd dollars, no odd cents, a hundred dollars, a thousand dollars even and something is not right there.” Miller claimed there was a big security issue over account information being leaked but explained, “They denied giving out account information ... but then when account numbers got leaked, we elected to terminate the chief and the assistant chief.” Miller’s statement contained recklessly false statements.

19. In the November 18, 2020 edition of the Edisto River News, Miller is quoted, “It seems like a goal to make citizens believe that we’re taking money and you [the fire department] can’t operate. We don’t make changes in bank accounts without the knowledge of those responsible. I don’t do anything with our bank accounts.” Miller’s statements are false.

20. Miller and Town of Wagener’s statements about Mark Redd and George Day have been picked up and published by WFXG, which serves the Augusta and surrounding Georgia and South Carolina counties, and [www.firerescue1.com](http://www.firerescue1.com), and these statements have been published and republished over the course of several months.

21. Wagener Town Council took no measures to restrain or control Miller’s statements although Wagener had not undertaken any investigation itself nor subsequently initiated any investigation.

First Cause of Action: Defamation

22. Preceding paragraphs are incorporated in this claim for relief.

23. Mr. Miller made false oral and written statements that impeached the honesty, integrity, and reputation of Mark Redd and exposed him to public contempt, ridicule, and disgrace, or caused him to be shunned, and injured him his reputation in the community and discredit his years of service as a volunteer fire-fighter.

24. Mr. Miller's oral statements impute the commission of a crime and unfitness and are slanderous per se.

25. Mr. Miller's written statements impute the commission of a crime and unfitness, reduce his reputation in the estimation of his friends and acquaintances, and disgrace Mr. Redd; and are libelous per se.

26. Mr. Miller's statements were actuated by ill will to causelessly and wantonly injure Mr. Redd.

27. Mr. Miller's statements were published with such recklessness to show a conscious indifference to Mr. Redd's rights.

28. Mr. Miller knew or had serious doubts as to the truth of the statements at the times the statements were published or recklessly disregarded whether the statements were false or not.

29. Mr. Miller insinuated Mark Redd stole, misappropriated funds, and committed crimes. The insinuation has caused embarrassment, humiliation, mental anguish as a result of the injury to his reputation. Mr. Miller's insinuations cast a cloud over Mr. Redd's family, because Mr. Redd's sons volunteered and served on the Wagener Fire Department, and eventually became firefighters, like their father. Mr. Redd has been forced to seek and retain counsel to assist him to address Town of Wagener's unlawful special meeting that violated provisions of the Freedom of Information Act, and to initiate this action to defend his and his family name.

30. Therefore, Mark Redd is entitled to an award of actual, special and punitive damages and costs of the action against Michael Miller. Mr. Redd is also entitled to an order to enjoin and restrain Michael Miller from continuing to publish defamatory statements about him.

31. Mr. Redd demands a jury trial.

WHEREFORE, Mark Redd respectfully prays this honorable court grant him relief and enter judgment in his favor against Michael Miller and award him general damages, special damages, punitive damages, attorney fees, costs of the action, injunctive relief, and for such further relief that the court deems just and proper.

Respectfully Submitted,

July 5, 2022  
Lexington, South Carolina

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