

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Candice Carroll, Thomas Mims, Dimitar Stoilov, Stephen Gaskins, and Christopher Brasseaux, on behalf of themselves and all others similarly situated,  
  
Plaintiffs,  
  
v.  
  
H. Wayne DeWitt and Berkeley County,  
  
Defendants.

C.A. No. 2:16-cv-792-PMD

**ANSWER**

Defendant Berkeley County answers Plaintiffs' Complaint as follows:

**FOR A FIRST DEFENSE**

1. The Complaint fails to state a claim upon which relief may be granted.

**FOR A SECOND DEFENSE**

2. Plaintiffs' claims are barred under the doctrines of estoppel, waiver and laches, in that they continued to work despite knowing of the pay practices alleged in the Complaint and after accepting backpay in compensation for any alleged unpaid time and unreasonably sat on their rights.

**FOR A THIRD DEFENSE**

3. Plaintiffs' claims are barred in whole or in part by the applicable statutes of limitations.

**FOR A FOURTH DEFENSE**

4. Plaintiffs have failed to mitigate their damages, and their claims are thus precluded or limited under the doctrine of avoidable consequences.

**FOR A FIFTH DEFENSE**

5. At all times herein Defendant acted in good faith, with the belief that all acts and omissions of Defendant were in compliance with state and federal law and specifically with the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, including any regulations and administrative interpretations issued thereunder.

**FOR A SIXTH DEFENSE**

6. Plaintiffs accepted funds in settlement of any claims they now seek to bring and, therefore, Defendant pleads accord and satisfaction as a complete bar to the claims in the Complaint.

**FOR A SEVENTH DEFENSE**

7. Plaintiffs were upon information and belief members of a class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure, of employees of the Sheriff's Office asserting the same cause of action in the case entitled *James Lamar Blakely v. Berkeley County, C/A* No. 2:13-cv-01364, Plaintiffs did not opt out of that class, and they are bound by the outcome of that case. Accordingly, Defendant pleads *res judicata* as a complete bar to the cause of action in Plaintiffs' complaint.

**FOR AN EIGHTH DEFENSE AND BY WAY OF ANSWER**

8. A. Each allegation of the Complaint not hereinafter expressly admitted is denied.  
B. Defendant responds to the allegations of the Complaint by paragraph numbers corresponding to the respective paragraph numbers of the Complaint as follows:
  1. This is a characterization of the action that does not require a response.  
To the extent a response is required, Defendant denies that the proposed class satisfies the requirements of Rule 23 of the state or federal Rules of Civil Procedure and further denies that the Complaint alleges any

cause of action for which the S.C. Wage Payment Act provides a remedy, but instead seeks minimum wages and overtime under the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.*

2. Denied as alleged. Defendant alleges that detention officers in Berkeley County are employed by the Sheriff.
3. Defendant admits Plaintiff is a former detention officer and lacks knowledge sufficient to admit or deny the remainder of the allegation and, therefore, denies the same.
4. Defendant admits Plaintiff is a former detention officer and lacks knowledge sufficient to admit or deny the remainder of the allegation and, therefore, denies the same.
5. Defendant admits Plaintiff is a former detention officer and lacks knowledge sufficient to admit or deny the remainder of the allegation and, therefore, denies the same.
6. Defendant admits Plaintiff is a former detention officer and lacks knowledge sufficient to admit or deny the remainder of the allegation and, therefore, denies the same.
7. Defendant admits Plaintiff is a former detention officer and lacks knowledge sufficient to admit or deny the remainder of the allegation and, therefore, denies the same.
8. Defendant admits only that DeWitt is the former Sheriff.
9. Admitted.

10. Denied as alleged. Defendant alleges that detention officers in Berkeley County are employed by the Sheriff.
11. This is a characterization of the action that does not require a response. To the extent a response is required, the allegation is denied.
12. The allegations of paragraph 12 and its sub-parts a. through e. are denied.
13. Denied as alleged. Defendant alleges that the Sheriff operates the Detention Center in Berkeley County.
14. Denied as alleged. Defendant alleges that the Sheriff operates the Detention Center in Berkeley County.
15. Denied as alleged. Defendant alleges that the Sheriff operates the Detention Center in Berkeley County.
16. Denied as alleged. Defendant alleges that the Sheriff operates the Detention Center in Berkeley County.
17. Denied as alleged. Defendant alleges that the Sheriff operates the Detention Center in Berkeley County.
18. Denied as alleged. Defendant alleges that the Sheriff operates the Detention Center in Berkeley County.
19. Defendant admits upon information and belief the duties of detention officers.
20. Admitted.
21. Berkeley County's ordinances speak for themselves.
22. Berkeley County's ordinances speak for themselves.

23. Denied as alleged. Defendant alleges that the Sheriff operates the Detention Center in Berkeley County.
24. Denied as alleged. Defendant alleges that the Sheriff operates the Detention Center in Berkeley County.
25. Denied.
26. Denied.
27. Denied.
28. Denied.
29. Denied.
30. Denied.
31. Defendant admits only that its Finance Department undertook a review of pay and timekeeping practices of detention center employees and, based on that review, made payments to such employees for preliminary and/or postliminary activities at their overtime rate of pay.

**As to the First Cause of Action**

32. Defendant incorporates its responses to the foregoing allegations of the Complaint as if set forth herein verbatim.
33. Denied.
34. Denied.
35. Denied.
36. Denied.
37. Denied.
38. Denied.

39. Denied.

C. Defendant denies Plaintiffs' prayer for relief.

WHEREFORE, having fully responded to Plaintiffs' Complaint and set forth various defenses thereto, Defendant requests that the Complaint be dismissed with prejudice with costs taxed to Plaintiffs and for such other and further relief as the Court may allow.

Columbia, South Carolina

March 11, 2016

s/ Christopher W. Johnson  
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