

Cleveland County has Mega-\$Million\$ Lawsuit coming to Trial Soon!! Reports, Updates and Commentary by Robert A

Editor's Note: The beginnings of this article started yesterday (April 26, 2023) when Robert A received an email from NewsBreak titled Cleveland County EMS overtime pay dispute could affect 100 current, former workers! The source was the Carolina Journal report of that same day. Robert A immediately recognized the "dispute" as the Conner v. Cleveland County federal lawsuit which the Commissioners had appealed to the US Supreme Court in an effort to squelch this lawsuit. So, Robert A immediately pulled up the Carolina Journal article.

Now folks, you don't have to believe me. Read this article for yourself. The link to this article will be found at the end of this article. The US Supreme Court has made their decision in favor of Conner and the matter is headed back to the Federal District Court for trial. Which will be the Commissioners worst nightmare. Taxpayers too as they will be the ones who foot the bills for over 100+ EMS workers who had their pay illegally cut because the Commissioners had wasted so much money, the 2008 recession had hit and the Commissioners were paying major, multiple and questionable bonus payments to then County Manager and now known to be disgraced and corrupt Former County Manager, David Dear.

But, before you read this Carolina Journal article, remember the Carolina Journal is a publication tailored for the business community. And business people often find unpleasant US Supreme Court rulings in favor of employees. The Cleveland County Commissioners will certainly find this overall situation as very, very unpleasant as it blows a big wide hole

in their propaganda effort on the Commissioner's website to promote Cleveland County as a good place to live and work. All the while the Commissioners have run off County Manager Brian Epley and a bunch that left CC along with Epley. All the while the Catawba Casino is under Federal Investigation (FBI), along with who know what else, ALWS maybe, for corruption and various other sorts of bribery, payoffs and hands in the cookie jar.

And, during all this, The Commissioners are all silent as a tomb in regard to Cleveland County Commissioner Chairman Kevin Gordon's "administrative leave" and some say "firing for cause" unresolved issues over in Gaston County, a search for a new County Manager, MASSIVE increases expected in property tax evaluations, a \$250 Million bill for taxpayers to build a new "Justice Center" and a projected cost of \$285 million to refurbish a fleet of very OLD and poorly maintained Schools. Not to mention big bad dogs running loose biting people. An unhealthy county relative to the rest of North Carolina. Major problems with DSS management, mismanagement and a total lack of accountability. ALWS, the Fair, the LeGrand Center. Etc., with their hands out for lots of funding. Let's not forget other high dollar-lawsuits against the School Board and perhaps other county agencies that are in the pipeline that Robert A hasn't heard about, yet.

Oh well! Let's get back to the Conner Federal lawsuit against Cleveland County.

Robert A has been tracking this Conner v. Cleveland County lawsuit even before it became a lawsuit. From way back in 2007 and early 2008 when Cleveland County, as well as the rest of the USA, was in the middle of the big housing bubble that drove housing prices to astonishingly high levels. And Cleveland County did a Property Tax re-evaluation right before that bubble burst. Property taxes soared to match the "bubble" property values. The Cleveland County Commissioners went on a spending spree that never stopped.

But later in 2008 the housing bubble burst and the whole world went into a recession. Here in Cleveland County was the same as everywhere else. People lost their jobs. People lost their houses as the balloon mortgages ballooned and people couldn't pay for the now way over-valued property. Big Banks went belly up. Stock values tanked. And, yet, Cleveland County kept on spending.

Around this time Robert A attended a Cleveland County Commissioner's Meeting at the Shelby Airport and personally heard the County Manager, Jeff Richardson, tell the Commissioners that the County could not afford to pay its employees according to the County's own pay scale. The Commissioners voted to "Freeze" employee pay. What the Commissioners did NOT do was to re-evaluate the property for the total eight-year period. Thusly leaving the property taxes due from 2008 thru 2016 at an exceedingly high value. Still way over the property's real value. This situation was the incubator for illegally reducing the Cleveland County Emergency Management personnel's pay.

EMS personnel need to be on duty 24/7/365. To do this somebody somewhere came up with 24 hours on and 48 hours off pay plan. This plan did not fit very well with Federal Laws regarding Straight time and overtime pay. But Cleveland County adopted that 24 on, 24 off schedule anyway. Which resulted in a more complex, but easily calculatable straight time and overtime amounts for pay-role purposes.

However, it created an easy way to cheat the EMS personnel out of their lawfully due pay. By applying part of the Federal wage laws and "fudging" on other parts of the, Federal Wage Laws, Cleveland County's illegal calculations cheated large numbers of EMS workers out of their legally due wages. And refused to do anything when employees complained.

Some EMS employees soon found other jobs. Some employees complained and when their complaints were ignored, for their own reasons sucked it up and stayed on the job. One EMS employee complained and when her valid complaints were ignored, she filed a lawsuit against Cleveland County in 2020.

As Cleveland County always does when a lawsuit is filed against them, they turn it over to their liability insurance carrier. The insurance lawyers then take over with the sole purpose of doing what is necessary to reduce the claim payment to nothing. Or as close to nothing as they can get. They file motions to dismiss. They make phony allegations. They refuse to negotiate. They drag things out for years and years. And On and on. They even appeal to the US Supreme Court. They do everything they can to avoid a jury trial.

And when a plaintiff is able to survive all these delays and phony excuses to the point of being able to go to a jury trial, they start making low-ball offers to settle. And drag things out some more. Jury trials are the last resort for the insurance lawyers.

The case at hand, Conner v. Cleveland County had just come back from Cleveland County's appeal to the US Supreme Court, that the US Supreme Court shot down. Not only that, but in the process 100 more Cleveland County former and present EMS employees have been added to the Conner Lawsuit. Greatly increasing the liability that Cleveland County Taxpayers will likely have to bear. As the insurance liability limits will likely be exceeded and the taxpayers will have to pay for the rest. (A fact that Cherokee County, NC recently learned the hard way as they had to pick up a \$42,000,000 bill due to their out of control DSS Office's lawsuit liabilities. (Note that the Cleveland County DSS has done exactly the same thing as the Cherokee County DSS did. (Take kids from their parents using illegal forms.) Note that when Channel 3 TV news came to see the Cleveland County DSS about this, DSS Director Katie Swanson slammed the door in his face. All captured on TV and reported to the world. Swanson has never apologized or been disciplined over this incident or her own DSS reprimanded for using those same illegal forms.

Folks, also note that the Conner v. Cleveland County case has attracted National attention. Sixteen State Attorney Generals (from Alabama, Alaska, Arkansas, Indiana, Kentucky, Louisiana,

Mississippi, Missouri, Montana, Maryland, Nebraska, New Hampshire, Oklahoma, South Carolina, Texas, Utah and West Virginia, as well as the NEW Civil Liberties Alliance had issued. signed on to or otherwise agreed to a legal brief against Conner with the US Supreme Court. Siting a controversial legal doctrine called the "Skidmore Deference". Which simply means that the printed "words" of a law defines what the law actually means. Something that most judges and all lawyers always argue about. The US Supreme Court simply paid no attention to the 16 states and their meaningless legal briefs. The Conner v. Cleveland County case is on track for a jury trial and the Cleveland County Commissioners should finally be worried.

However, the bottom line for us taxpayers and Cleveland County residents and voters is this. Cleveland County NEVER learns from the lawsuits against them. Whether or not lawsuits can be shifted off to insurance company lawyers or are simply and privately paid off, Cleveland County refuses to take seriously ANY complaints against them. They just try to lie out of it and ignore the people that are making the complaints or even constructive criticisms. Even though making changes for the better would benefit everybody.

For us voters, the answer is simple. Get rid of Commissioners Kevin Gordon, Johnny Hutchins and Ronnie Whetstine in the 2024 Elections. If not sooner. Also, the School Board has big lawsuits against them too. Let's get rid of School Board members Robert Queen, Ron Humphries, Joel Shores, Greg Taylor and Rodney Fitch. Clean Houses in both the Commissioners and School Boards in 2024. No more lies, corruption, payoffs and whatever else it is that has bought and paid for those noted above. Stay tuned for more news about this obvious and necessary approach to bringing good government to Cleveland County.

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