

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF WAYNE

20 CVS _____

DELREESE N. SIMMONS, by and through)
Undersigned counsel,)

Plaintiff,)

v.)

TOWN OF MOUNT OLIVE,)

Defendant.)

COMPLAINT

PARTIES

1. Plaintiff Delreese N. Simmons is a resident of Mount Olive, North Carolina.
2. Defendant Town of Mount Olive is a municipal corporation organized and existing under the laws of the State of North Carolina with its principal place of business in Mount Olive, North Carolina.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to N.C. Const. Art. IV, § 12, as the Superior Court has original general jurisdiction throughout the State of North Carolina.
4. This Court has personal jurisdiction over Town of Mount Olive because defendant is a municipal corporation organized under the laws of North Carolina with its principal place of business in North Carolina.

5. This Court is the proper venue for this case pursuant to N.C. Gen. Stat. § 1-77, as the cause of action arose in the county where Defendant is located and where the acts giving rise to this complaint occurred.

STATEMENT OF FACTS

6. Plaintiff was elected as Commissioner of the Town of Mount Olive in May 2022.
7. Plaintiff has served continuously as Commissioner since his election.
8. Upon assuming office, plaintiff began raising concerns regarding missing funds within the Town of Mount Olive's financial operations.
9. Plaintiff also raised concerns regarding alleged misrepresentations within the Town's governance operations.
10. After identifying financial discrepancies and confronting appropriate parties about these concerns, plaintiff developed adversarial relationships with certain Board members.
11. The wrongful conduct alleged herein began on or about January 2023.
12. In June 2024, a Board meeting was convened with the apparent purpose of censuring plaintiff.
13. The June 2024 Board meeting was attended by town citizens, Commissioners, and the Town Attorney.
14. At the June 2024 meeting, a censure vote was held regarding plaintiff.
15. Three Commissioners voted in favor of censuring plaintiff, and two voted against censuring.
16. The censure vote failed.
17. Despite the failed censure vote, Board members circulated emails falsely indicating that plaintiff had been censured.
18. Board members published statements falsely indicating that plaintiff had been censured.

19. Plaintiff was informed that he was prohibited from speaking with town employees unless the former town manager, Jammie Royal, was present.
20. Board members circulated emails and published statements falsely indicating that plaintiff was prohibited from engaging with the public unless other Commissioners were present.
21. Board members circulated emails and published statements falsely indicating that plaintiff could not perform his duties until the next election.
22. A member of the town released plaintiff's water bill to Thomas Brown a commissioner.
23. The water bill contained plaintiff's personal financial information.
24. The disclosure of plaintiff's water bill was made without his consent.
25. Board members falsely alleged that plaintiff conspired with Watia Best to defraud the town.
26. Watia Best is the Town of Mount Olive's Office Manager.
27. Board members alleged that plaintiff conspired with Watia Best to defraud the town of two hundred thousand dollars.
28. The allegations that plaintiff conspired to defraud the town are false.
29. An email was circulated falsely identifying plaintiff as a law enforcement informant.
30. The email falsely identifying plaintiff as a law enforcement informant was circulated after plaintiff was observed in a vehicle with the mother of his child.
31. The mother of plaintiff's child is employed by a law enforcement agency.
32. The false allegation that plaintiff is a law enforcement informant poses a serious risk to plaintiff's personal safety.
33. Plaintiff has experienced ongoing harassment by Board members as a result of his efforts to address financial and governance concerns.

34. Plaintiff has experienced ongoing defamation by Board members as a result of his efforts to address financial and governance concerns.
35. Plaintiff has experienced ongoing retaliation by Board members as a result of his efforts to address financial and governance concerns.
36. The most recent incident of wrongful conduct occurred on or about June 1, 2024.
37. Witnesses to the alleged misconduct include the Town Attorney.
38. Witnesses to the alleged misconduct include all the other Commissioners who were present at the Board meeting.
39. Plaintiff has experienced emotional distress as a result of the alleged conduct.
40. Plaintiff has experienced lost income as a result of the alleged conduct.
41. Plaintiff's reputation has been damaged as a result of the false statements made by Board members.

COUNT ONE

Defamation

42. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 41 as if fully set forth herein.
43. Defendant, through its Board members and officials, made false statements of fact concerning plaintiff.
44. Board members falsely stated that plaintiff had been censured when the censure vote had failed.
45. Plaintiff was prohibited from speaking with town employees unless former town manager Jammie Royal was present.

46. Board members falsely stated that plaintiff could not perform his duties until the next election.
47. Board members falsely alleged that plaintiff conspired with Watia Best to defraud the town of two hundred thousand dollars.
48. Board members falsely identified plaintiff as a law enforcement informant.
49. The false statements were published to third parties.
50. Board members circulated the false statements through emails to town employees and other officials.
51. Board members published the false statements through public announcements and communications.
52. The false statements were communicated to members of the public.
53. The false statements were injurious to plaintiff's reputation.
54. The false statement that plaintiff had been censured injured his reputation as an elected official.
55. The false statements that plaintiff was prohibited from performing his duties injured his reputation and standing in the community.
56. The false allegation that plaintiff conspired to defraud the town of two hundred thousand dollars injured his reputation by imputing criminal conduct and fraud.
57. The false identification of plaintiff as a law enforcement informant injured his reputation and exposed him to public hatred and contempt.
58. The false statements exposed plaintiff to public ridicule and damaged his standing as an elected official.
59. Defendant acted with the requisite degree of fault in making the false statements.

60. Board members knew the censure vote had failed but falsely stated that plaintiff had been censured.
61. Board members knew there was no valid basis to restrict plaintiff's duties but falsely stated he was prohibited from performing his duties.
62. Board members made the false fraud allegations with knowledge of their falsity or with reckless disregard for the truth.
63. Board members made the false statements with actual malice and intent to harm plaintiff's reputation.
64. Plaintiff suffered damages as a result of the false statements.
65. Plaintiff suffered harm to his reputation in the community.
66. Plaintiff suffered emotional distress as a result of the defamatory statements.
67. Plaintiff suffered lost income as a result of the damage to his reputation.
68. Plaintiff continues to suffer ongoing harm to his reputation.

COUNT TWO

Intentional Infliction of Emotional Distress

69. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 68 as if fully set forth herein.
70. Defendant, through its Board members and officials, engaged in extreme and outrageous conduct toward plaintiff.
71. Board members attempted to censure plaintiff for raising legitimate concerns about missing funds and misrepresentations.
72. After the censure vote failed, Board members falsely stated that plaintiff had been censured.

73. Board members falsely stated that plaintiff was prohibited from performing his elected duties.
74. Board members disclosed plaintiff's personal financial information by releasing his water bill to the public.
75. Board members falsely alleged that plaintiff conspired to defraud the town of two hundred thousand dollars.
76. Board members falsely identified plaintiff as a law enforcement informant, creating a serious risk to his personal safety.
77. The pattern of conduct was designed to silence, humiliate, and punish plaintiff for raising concerns about governmental misconduct.
78. The conduct exceeds all bounds of decency tolerated by society.
79. Defendant's conduct was intended to cause plaintiff severe emotional distress.
80. Defendant's conduct was undertaken with reckless indifference to the likelihood that it would cause plaintiff severe emotional distress.
81. Board members knew that falsely accusing plaintiff of fraud would cause him severe emotional distress.
82. Board members knew that falsely identifying plaintiff as a law enforcement informant would cause him severe emotional distress and fear for his safety.
83. Board members intended to cause plaintiff emotional harm by their pattern of harassment and false accusations.
84. Plaintiff suffered severe emotional distress as a result of defendant's conduct.
85. Plaintiff has experienced stress and anxiety as a result of the false accusations and harassment.
86. Plaintiff has experienced fear for his personal safety as a result of being falsely identified as a law enforcement informant.

87. Plaintiff has suffered sleep disturbances and other manifestations of emotional distress.
88. The emotional distress plaintiff has suffered is severe and ongoing.
89. Defendant's conduct was the proximate cause of plaintiff's severe emotional distress.
90. Plaintiff's emotional distress directly resulted from the false accusations, harassment, and disclosure of private information by Board members.
91. But for defendant's extreme and outrageous conduct, plaintiff would not have suffered severe emotional distress.

COUNT THREE

Invasion of Privacy - Public Disclosure of Private Facts

92. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 91 as if fully set forth herein.
93. The water bill was disclosed to town employees and other officials.
94. The disclosure was made without plaintiff's consent.
95. The disclosure was highly offensive to a reasonable person.
96. The unauthorized disclosure of personal financial information is highly offensive to a reasonable person.
97. The disclosure was made in connection with false allegations of fraud, compounding the offensive nature of the disclosure.
98. A reasonable person would find the public disclosure of their water bill and personal financial information to be highly offensive and invasive.
99. The disclosure was not of legitimate public concern.
100. Plaintiff's personal water bill is not a matter of legitimate public concern.
101. Plaintiff's personal financial information is not a matter of legitimate public concern.

102. The disclosure was made to support false allegations rather than to inform the public about matters of legitimate governmental concern.

COUNT FOUR

Tortious Interference with Contractual Relations and Prospective Economic Advantage

103. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 102 as if fully set forth herein.

104. A valid relationship existed between plaintiff and the Town of Mount Olive.

105. Plaintiff held an elected position as Commissioner of the Town of Mount Olive.

106. This position provided plaintiff with salary, benefits, and the ability to perform his elected duties.

107. Plaintiff had a prospective economic advantage in continuing to serve as Commissioner and receive compensation.

108. Defendant had knowledge of plaintiff's position and duties.

109. Board members and the Town Attorney were aware of plaintiff's elected position as Commissioner.

110. Board members and the Town Attorney were aware of plaintiff's duties and responsibilities.

111. Board members and the Town Attorney were aware that plaintiff was entitled to perform his duties and receive compensation.

112. Defendant intentionally and improperly interfered with plaintiff's ability to perform his duties.

113. Board members falsely stated that plaintiff had been censured.

114. Board members falsely stated that plaintiff was prohibited from speaking with town employees.

115. Board members falsely stated that plaintiff was prohibited from engaging with the public unless other Commissioners were present.
116. Board members falsely stated that plaintiff could not perform his duties until the next election.
117. These false statements were circulated to town employees and the public.
118. The false statements were improper because they were based on falsehoods and violated plaintiff's rights.
119. The interference was intentional and designed to prevent plaintiff from performing his elected duties.
120. Defendant's interference caused plaintiff harm.
121. As a result of the false statements, plaintiff was unable to fully perform his duties as Commissioner.
122. Plaintiff's ability to communicate with town employees was impaired.
123. Plaintiff's ability to engage with the public was impaired.
124. Plaintiff suffered lost income as a result of the interference.
125. Plaintiff suffered damages as a result of defendant's tortious interference.

COUNT FIVE

Retaliation for Protected Activity

126. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 125 as if fully set forth herein
127. Plaintiff engaged in protected activity.
128. Plaintiff raised concerns about missing funds within the Town of Mount Olive's financial operations.

129. Plaintiff raised concerns about alleged misrepresentations within the Town's governance operations.
130. Plaintiff identified financial discrepancies and confronted appropriate parties about these concerns.
131. Plaintiff's efforts to address financial and governance concerns constitute protected activity under North Carolina's constitutional guarantees of free speech.
132. Defendant knew of plaintiff's protected activity.
133. Board members and the Town Attorney were aware that plaintiff had raised concerns about missing funds.
134. Board members and the Town Attorney were aware that plaintiff had raised concerns about misrepresentations.
135. Board members and the Town Attorney were aware that plaintiff had identified financial discrepancies.
136. The censure attempt was explicitly in response to plaintiff's concerns about financial and governance issues.
137. Defendant took adverse action against plaintiff.
138. Board members attempted to censure plaintiff in June 2024.
139. Board members falsely stated that plaintiff had been censured despite the failed vote.
140. Board members falsely stated that plaintiff was prohibited from performing his duties.
141. Board members falsely alleged that plaintiff conspired to defraud the town of two hundred thousand dollars.
142. Board members falsely identified plaintiff as a law enforcement informant.
143. Board members engaged in ongoing harassment of plaintiff.

144. These actions constitute adverse actions against plaintiff in his capacity as an elected official.
145. Plaintiff's protected activity was a substantial and motivating factor in the adverse actions.
146. The censure attempt occurred after plaintiff raised concerns about missing funds and misrepresentations.
147. The false statements about plaintiff being censured were made in retaliation for his raising concerns.
148. The false fraud allegations were made in retaliation for plaintiff's identification of financial discrepancies.
149. The pattern of harassment and false accusations was designed to punish plaintiff for raising concerns about governmental misconduct.
150. But for plaintiff's protected activity in raising concerns about missing funds and misrepresentations, defendant would not have taken adverse action against him.
151. Plaintiff suffered damages as a result of the retaliation.
152. Plaintiff suffered emotional distress as a result of the retaliation.
153. Plaintiff suffered lost income as a result of the retaliation.
154. Plaintiff suffered damage to his reputation as a result of the retaliation.
155. Plaintiff continues to suffer ongoing harm as a result of the retaliation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- A. Compensatory damages against defendant for harm to plaintiff's reputation, emotional distress, lost income, and other losses resulting from defamation in an amount to be determined at trial.

- B. Compensatory damages against defendant for severe emotional distress resulting from intentional infliction of emotional distress in an amount to be determined at trial.
- C. Compensatory damages against defendant for emotional distress and other losses resulting from invasion of privacy in an amount to be determined at trial.
- D. Compensatory damages against defendant for lost income, lost benefits, and other economic losses resulting from tortious interference with contractual relations and prospective economic advantage in an amount to be determined at trial.
- E. Compensatory damages against defendant for lost income, lost benefits, emotional distress, and other losses resulting from retaliation for protected activity in an amount to be determined at trial.
- F. Punitive damages against defendant pursuant to N.C. Gen. Stat. § 1D-1 to punish defendant for egregiously wrongful acts and to deter defendant and others from committing similar wrongful acts, in an amount to be determined by the jury.
- G. Injunctive relief pursuant to N.C. Gen. Stat. § 99D-1 prohibiting defendant and its Board members from continuing to make false statements about plaintiff, from disclosing plaintiff's personal information, from restricting plaintiff's ability to perform his duties as Commissioner, and from engaging in further harassment or retaliation against plaintiff.
- H. Declaratory relief pursuant to N.C. Gen. Stat. § 1-253 declaring that the censure vote was invalid and did not pass, that plaintiff was not censured, that plaintiff has not been prohibited from performing his duties as Commissioner, that the allegations of fraud conspiracy are false, and that plaintiff is not a law enforcement informant.
- I. Attorney's fees and costs incurred in bringing this action, including reasonable attorney's fees, expert witness fees, court costs, and other litigation expenses.

J. Pre-judgment and post-judgment interest as allowed by law.

K. Such other relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,

/s/Amina M. Mack, Esq.
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Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned attorney for Plaintiff, Delreese N. Simmons, hereby certifies that a copy of the foregoing Complaint was served on the Defendants via process server, to the addresses listed below:

This the 9th day of March, 2026.

By: /s/ Amina M. Mack
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