

FILED

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

2016 AUG 10 PM 4:45

SUPERIOR COURT DIVISION

COUNTY OF MECKLENBURG

MECKLENBURG CO. C.S.C. CASE NO. 16 CVS 14300

VINCENT BORDINI,

BY _____

Plaintiff,

v.

DONALD J. TRUMP FOR
PRESIDENT, INC. and EARL PHILLIP,

Defendants.

COMPLAINT

JURY TRIAL DEMANDED

I. INTRODUCTION

1. In February 2016, the Trump Campaign's North Carolina State Director, Earl Phillip, pulled a gun on someone. That someone was Vincent Bordini—a dedicated, loyal Trump Campaign staffer. It happened in Phillip's Jeep. Phillip was driving and Vincent was in the passenger seat. Phillip produced a pistol, put his right index finger on the trigger, and drove the barrel into Vincent's knee cap.

2. That same day, Vincent reported the incident, in detail, to the Trump Campaign's Regional Director of Western North Carolina. The Director told Vincent that he, too, had been brandished upon by Phillip. He was terrified. Vincent then spoke with Stuart Jolly, the Trump Campaign's National Field Director, about the incident. Nothing happened. Vincent came to hear of at least four other individuals on whom Phillip had pulled a gun. Vincent eventually described the incident to Trump Campaign Manager Corey Lewandowski. In

response, the Trump Campaign neither terminated nor suspended Phillip. In fact, at the time of filing, Phillip continues to work for the Trump Campaign.

3. Vincent was a passionate Donald J. Trump supporter. He decided that putting his head down and soldiering on was the best thing that he could do for Mr. Trump. He had faith that the Trump Campaign would handle the situation internally. But as time went on it became apparent that this was not going to happen. Accordingly, Vincent now turns to this Court to hold the Trump Campaign and Phillip accountable for his harms and losses. Specifically, Vincent brings claims against the Trump Campaign and Phillip for assault, battery, intentional infliction of emotional distress, and negligent infliction of emotional distress. He also brings a negligent retention and supervision claim against the Trump Campaign.

II. PARTIES, JURISDICTION, VENUE

4. Plaintiff is a resident of Mecklenburg County, North Carolina.

5. Defendant Earl Phillip ("Defendant Phillip" or "Phillip") is a resident of Mecklenburg County, North Carolina.

6. Defendant Donald J. Trump for President, Inc. ("Defendant Campaign," "the Trump Campaign," or "the Campaign") did business and/or operated in the State of North Carolina at all relevant times.

7. Defendant Campaign is, and was at all relevant times, engaged in substantial activity within this State and within Mecklenburg County.

8. Defendant Campaign relied heavily on an assortment of temporary campaign offices throughout North Carolina at all relevant times.

15. Vincent was hooked. He has been heavily involved in GOP politics ever since.

which meant that he was responsible for getting brochures to voters.

Mecklenburg County, North Carolina. Then, he became the Director of Non-Allocable Mail, the McCain-Palin ticket. There, Vincent was the Assistant to the Victory Director in went to work at the Victory Office, which sought to secure the 2008 Presidential Election for 14. This political activism had been baking in Vincent for some time. In 2008, Vincent

company, and he began working on local political and social events throughout Charlotte.

business. In 2011, Vincent's dreams became a reality. He started his own web development

13. Vincent eventually became an entrepreneur who dreamed of owning his own

Verizon in Tampa, Florida. Since then, he has enjoyed a successful career in the tech industry.

Michigan. After a year of college, Vincent went to work as a Fiber Optics Engineer for

in Florida. Then, in or around 1995, Vincent enrolled in Calvin College in Grand Rapids,

12. Vincent's family relocated a number of times, and he eventually went to high school

11. Vincent was born in Poughkeepsie, New York on May 21, 1975.

I. General Background.

III. FACTUAL STATEMENT

vested in the Superior Court division pursuant to N.C.G.S. § 7A-243.

10. Plaintiff seeks damages in sum sufficient that subject matter jurisdiction is properly

business.

Commons Parkway, Huntersville, NC 28078 as their home base for carrying out Campaign

9. Plaintiff and Defendant Phillip regularly used a realtor's office at 16740 Birkdale

II. Vincent's Rocky Tenure with the Trump Campaign.

A. The Trump Campaign Brings Vincent into the Fold as a Staffer.

16. On or around December 11, 2015, the Campaign hired Vincent as a Software Trainer. 17. The Trump Campaign told Vincent that he could, for the most part, carry out his duties from home. Vincent agreed to visit Charlotte Campaign offices as necessary and support the staff's IT needs.

18. Vincent also agreed to travel to major events so long as the Campaign paid his expenses.

19. As promised, the Campaign initially allowed Vincent to work from home. This all quickly changed. Phillip, who was the North Carolina State Director for the Campaign, began taking advantage of Vincent.

20. By the end of Vincent's tenure with the Campaign, Phillip demanded that Vincent be present at the Campaign office each day. Phillip also insisted that Vincent attend every Campaign event with him. This became non-negotiable. Though it may sound benign, this was a major sacrifice for a staffer like Vincent, especially in light of his meager salary. It wasn't what Vincent signed up for.

B. Phillip Puts a Gun on Vincent.

21. But that's all relatively mild. On or around February 13, 2016, Vincent's time with the Campaign changed forever. That evening, at around 8:40 p.m., Vincent climbed into the passenger seat of Phillip's jeep. They departed from a Greenville, South Carolina hotel. Phillip drove to a hotel near the Greenville headquarters to check on volunteers during the South Carolina primary.

22. The drive started out innocently enough. The two men rolled down the South Carolina roads, discussing Mr. Trump's campaign and other political happenings.

23. All of a sudden, Vincent saw Phillip pull a gun out from his side of the jeep. It was a .45 caliber pistol. It was loaded. In fact, Phillip previously told Vincent that he keeps his guns loaded. Phillip held the gun in his right hand, the one closest to Vincent. Phillip's index finger was on the trigger.

24. Phillip then moved the gun toward Vincent. He pointed it at, and then placed its barrel on, Vincent's left knee cap.

25. Phillip pushed the barrel into Vincent's knee. The barrel's pressure crinkled Vincent's blue jeans. Phillip ominously stared sideways at Vincent while driving the Jeep down the road and the barrel into Vincent.

26. Vincent froze. Phillip's gun was loaded and the safety was off. A bump in the road would likely result in a bullet hole, and worse, in Vincent's knee.

27. Once the initial shock wore off, Vincent said, "What the fuck are you doing?" Phillip put the gun away as if nothing had happened. Phillip drove on and didn't talk about it again. Petrified, Vincent kept his mouth shut.

C. Vincent Alerts the Trump Campaign; It Does Nothing.

28. That same night, Vincent told Regional Director of Western North Carolina that "Phillip 'covered him,' meaning that he aimed his gun at him. Vincent also told him that Phillip literally put the barrel on him. The Director responded, 'that must have been the .45.'" The Director told Vincent that Phillip had previously done the same thing to him and he was terrified of Phillip.

29. Vincent then spoke with Stuart Jolly, the Trump Campaign's National Field Director, about the incident. Nothing happened.

30. On or around March 9, 2016, Vincent complained about Phillip's behavior to Trump Campaign Manager Corey Lewandowski. Vincent did so by phone and specifically told Lewandowski about the gun incident. Lewandowski said that he took Vincent's complaint seriously.

31. Upon information and belief, Lewandowski did nothing to correct Phillip's brazen behavior. He certainly didn't suspend or terminate him.

32. Vincent was not Phillip's only victim. Upon information and belief, Phillip pulled his .45 caliber pistol on at least two other Campaign members. Vincent also learned about at least two other individuals outside the Trump Campaign who underwent similar trauma. Some described Phillip as initially calm. Then, he would brandish his weapon, put its barrel against their bodies or aim it at them. He would wait for his victims to show fear and then calmly conceal his weapon again. Others detailed something different. They described Phillip yelling and screaming in anger while brandishing a pistol.

33. These campaign staff members, like Vincent, began to speak out about their encounters with Phillip. For example, one of the other victims called Dallas Woodhouse, the North Carolina GOP Political Director, and told him everything. Upon information and belief, the Campaign took no action. Upon information and belief, the Campaign was aware of Phillip's tortious behavior prior to February 13, 2016.

D. Phillip's Actions and the Campaign's Negligent and Reckless Response Inflict Significant Mental Harm on Vincent.

34. Guns don't have to fire to inflict damage. Vincent couldn't sleep after the incident. If Phillip had flinched, Vincent might have never been able to properly walk again.

35. To make matters worse, Vincent felt that he could not tell anyone about the incident due to Phillip's reputation for violent outbursts, intimidation, and retaliation. Vincent believed that he could not trust his own supervisor, Stuart Jolly, out of fear that he would try to cover up what had happened.

36. Vincent decided that his only option was to keep his head down and avoid Phillip at all costs. Vincent loved working for Mr. Trump and he needed the paychecks to support his expecting wife and two children.

37. Vincent decided to move his family out of fear that Phillip would seek retribution against him. He temporarily had them stay with a friend at an undisclosed location.

38. Simply put, Vincent experienced significant emotional distress after the incident. He had a gun pulled on him at work. As time went on, Vincent—and, upon information and belief, ~~others~~ told people at the Campaign who could help them but they did nothing.

39. Vincent became disgusted with the Trump Campaign's lack of corrective action. He could no longer tolerate working in an environment where his superior could pull a gun on him at any moment. Vincent resigned on March 12, 2016.

40. This was a difficult decision. Vincent was a long-time GOP operative. What's more, he truly respected Mr. Trump and had every intention of dedicating himself to getting him elected in November. Vincent forewent alerting authorities because putting Mr. Trump in the White House was his goal. But enough is enough.

41. The allegations contained in the foregoing paragraphs are incorporated by reference herein.

42. Defendant Phillip placed Plaintiff in reasonable fear of harmful or offensive contact when he pointed a loaded .45 caliber pistol at Plaintiff's knee and then pushed the gun's barrel into Plaintiff's knee with his finger on the trigger.

43. That is, Defendant Phillip made an overt act or an attempt, or the unequivocal appearance of an attempt, with force and violence, to do immediate physical injury to Plaintiff.

44. Defendant Phillip's actions, in fact, were such that they caused a reasonable apprehension of immediate bodily harm.

45. Once Plaintiff notified Defendant Campaign of Defendant Phillip's tortious conduct, Defendant Campaign failed to take any corrective measures against Defendant Phillip.

46. ~~Upon~~ information and belief, Defendant Campaign was on notice of other prior substantially similar tortious conduct by Defendant Phillip.

47. Separate and apart from its own tortious conduct, Defendant Campaign is responsible for the tortious acts of Defendant Phillip, its agent, because: (1) Defendant Phillip's actions were expressly authorized by Defendant Campaign; (2) Defendant Phillip's actions were committed within the scope of his employment and in furtherance of Defendant Campaign's business given that, among other things, the incident occurred during work time and/or

IV. LEGAL CLAIMS

Plaintiff's First Cause of Action *(Assault against Defendants)*

during the course of official business; and/or (3) Defendant Phillip's actions were ratified by Defendant Campaign to the extent it knew of Defendant Phillip's actions and failed to take appropriate and effective measures against him.

48. As a proximate and foreseeable result of Defendants' conduct, Plaintiff has suffered severe emotional distress, severe mental anguish and anxiety, humiliation, embarrassment, expenses, his peace of mind has been disturbed, and other damages wherefore Plaintiff is entitled to recover compensatory damages.

49. Defendants' actions were done maliciously, willfully or wantonly or in a manner that demonstrates a reckless disregard for Plaintiff's rights. As a result of Defendants' conduct, Plaintiff is entitled to recover punitive damages.

Plaintiff's Second Cause of Action
(Battery against Defendants)

50. The allegations contained in the foregoing paragraphs are incorporated by reference herein.

51. Defendant Phillip offensively touched Plaintiff against his will when he prodded Plaintiff's leg with the barrel of his loaded .45 caliber pistol.

52. Defendant Phillip intended to bring about a harmful or offensive contact with this offensive touching.

53. Plaintiff did not consent to Defendant Phillip's harmful or offensive touching in any way.

54. Defendant Phillip's harmful or offensive touching was not otherwise privileged.

55. Once Plaintiff notified Defendant Campaign of Defendant Phillip's tortious conduct, it failed to take any corrective measures against Defendant Phillip.

56. Upon information and belief, Defendant Campaign was on notice of other prior substantially similar tortious conduct by Defendant Phillip.

57. Separate and apart from its own tortious conduct, Defendant Campaign is responsible for the tortious acts of Defendant Phillip, its agent, because: (1) Defendant Phillip's actions were expressly authorized by Defendant Campaign; (2) Defendant Phillip's actions were committed within the scope of his employment and in furtherance of Defendant County's business given that, among other things, the incident occurred during work time, and/or during the course of official business; and/or (3) Defendant Phillip's actions were ratified by Defendant Campaign to the extent it knew of Defendant Phillip's actions and failed to take appropriate and effective measures against him.

58. As a proximate and foreseeable result of Defendants' conduct, Plaintiff has suffered severe emotional distress, severe mental anguish and anxiety, humiliation, embarrassment, expenses, his peace of mind has been disturbed, and other damages wherefore Plaintiff is entitled to recover compensatory damages.

59. Defendants' actions were done maliciously, willfully or wantonly or in a manner that demonstrates a reckless disregard for Plaintiff's rights. As a result of Defendants' conduct, Plaintiff is entitled to recover punitive damages.

Plaintiff's Third Cause of Action

(Intentional Infliction of Emotional Distress against Defendants)

60. The allegations contained in the foregoing paragraphs are incorporated by reference

herein.

61. Defendant Campaign entrusted Defendant Phillip with a position that required him to exercise a duty of care toward Defendant Campaign's employees. Defendant Phillip used his authority to isolate and victimize Plaintiff by brandishing a loaded .45 caliber pistol and pressing it against Plaintiff's knee while in a moving vehicle.

62. Defendant Phillip's behavior and conduct, acting as Defendant Campaign's agent, exceeds all bounds usually tolerated by a decent society, and was done willfully, maliciously, and deliberately with the intent to cause Plaintiff severe mental pain and emotional distress, or with reckless indifference to the likelihood that such behavior would cause severe emotional distress and with utter disregard for the consequences of such actions.

63. Separate and apart from its own tortious conduct, Defendant Campaign is responsible for the tortious acts of its agent, Defendant Phillip, because: (1) Defendant Phillip's actions were expressly authorized by Defendant Campaign; (2) Defendant Phillip's actions were committed within the scope of his employment and in furtherance of Defendant Campaign's business given that, among other things, the incident occurred during work time and/or during the course of official business; and/or (3) Defendant Phillip's actions were ratified by Defendant Campaign to the extent it knew of Defendant Phillip's actions and failed to take appropriate and effective measures against him.

64. Defendant Campaign's behavior and conduct in this case also, in and of itself, exceed all bounds usually tolerated by a decent society and was done willfully, maliciously, and deliberately with the intent to cause Plaintiff severe mental pain and emotional distress, or with reckless indifference to the likelihood that such behavior would cause severe emotional distress, and with utter disregard for the consequences of such actions.

65. It shocks the conscience that Defendant Campaign turned a blind-eye towards Plaintiff's complaints regarding Defendant Phillip given the outrageous and tortious manner in which he treated Plaintiff.

66. As a proximate and foreseeable result of Defendants' conduct, Plaintiff has suffered severe emotional distress, severe mental anguish and anxiety, depression, embarrassment, humiliation, and his peace of mind has been disturbed such that he is entitled to recover compensatory damages.

67. Defendants' actions were done maliciously, willfully or wantonly or in a manner that demonstrates a reckless disregard for Plaintiff's rights. As a result of Defendants' conduct, Plaintiff is entitled to recover punitive damages.

Plaintiff's Fourth Cause of Action
(Negligent Infliction of Emotional Distress against Defendants)
(Pled in the alternative to Plaintiff's IED claim)

68. The allegations contained in the foregoing paragraphs are incorporated by reference

herein.

69. Defendant Campaign entrusted Defendant Phillip with a position that required him to exercise a duty of care toward Defendant Campaign's employees. Defendant Phillip turned

that trust on its head and used his authority to isolate and victimize Plaintiff by brandishing a loaded .45 caliber pistol and pressing it against Plaintiff's knee while in a moving vehicle.

70. Even assuming Defendant Campaign and Defendant Phillip's conduct did not give rise to an intentional infliction of emotional distress claim, they otherwise acted negligently in engaging in conduct that was reasonably foreseeable to cause Plaintiff severe emotional distress.

71. Separate and apart from its own negligent conduct, Defendant Campaign is responsible for the tortious acts of its agent, Defendant Phillip, because: (1) Defendant Phillip's actions were expressly authorized by Defendant Campaign; (2) Defendant Phillip's actions were committed within the scope of his employment and in furtherance of Defendant Campaign's business given that, among other things, the incident occurred during work time and/or during the course of official business; and/or (3) Defendant Phillip's actions were ratified by Defendant Campaign to the extent it knew of Defendant Phillip's actions and failed to take appropriate and effective measures against him.

72. As a proximate and foreseeable result of Defendants' conduct, Plaintiff has suffered severe emotional distress, severe mental anguish and anxiety, humiliation, embarrassment, expenses, his peace of mind has been disturbed, and other damages such that he is entitled to recover compensatory damages.

73. Defendants' actions were done maliciously, willfully or wantonly or in a manner that demonstrates a reckless disregard for Plaintiff's rights. As a result of Defendants' conduct, Plaintiff is entitled to recover punitive damages.

Plaintiff's Fifth Cause of Action
(Negligent Retention and Supervision Claim against Defendant Campaign)

74. The allegations contained in the foregoing paragraphs are incorporated by reference herein.

75. At all times alleged herein, Defendant Campaign had a duty to exercise due care in the supervision, retention, and hiring of its employees.

76. Defendant Campaign had a duty to protect its employees.

77. Defendant Campaign was negligent in its supervision and retention of Defendant Phillip in that Defendant Campaign knew or should have known of the unlawful tortious behavior, including: intentional infliction of emotional distress, negligent infliction of emotional distress, assault, and battery directed toward Plaintiff by its agent Defendant Phillip.

78. Defendant Campaign was further negligent in that it knew or should have known, in the exercise of reasonable care, based on Defendant Phillip's prior tortious actions, that he had a propensity to engage in unlawful tortious conduct, like that directed toward Plaintiff, and that ~~such conduct~~ would have resulting injurious effects on Plaintiff. But for Defendant Campaign's negligence, Plaintiff would not have suffered tortious conduct and damages.

79. As a proximate and foreseeable result of Defendant Campaign's conduct, Plaintiff has suffered severe emotional distress, severe mental anguish and anxiety, humiliation, embarrassment, expenses, his peace of mind has been disturbed, and other damages such that he is entitled to recover compensatory damages.

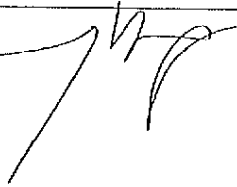
80. Defendant Campaign's actions were done maliciously, willfully or wantonly or in a manner that demonstrates a reckless disregard for Plaintiff's rights. As a result of Defendant Campaign's conduct, Plaintiff is entitled to recover punitive damages.

JURY TRIAL DEMANDED

WHEREFORE, the Plaintiff prays the Court to:

1. Enter a judgment against Defendants and order Defendants to pay Plaintiff compensatory damages in excess of an amount sum sufficient that subject matter jurisdiction is properly vested in the Court and punitive damages;
2. Award Plaintiff all reasonable costs and attorneys' fees incurred in connection with this action;
3. Award Plaintiff such other and further equitable relief as the Court deems appropriate under the circumstances; and
4. Grant Plaintiff a trial of this matter by a jury.

This the 10th day of August 2016.



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