

STATE OF NORTH CAROLINA
MECKLENBERG COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.

SANDRA D'ELOSUA VASTOLA,)
)
Plaintiff,)
)
v.)
)
FRATERNAL ORDER OF POLICE,)
CHARLOTTE-MECKLENBERG FRATERNAL)
ORDER OF POLICE LODGE #9, and DANIEL)
REDFORD, individually, and in his official capacity))
as President,)
)
Defendants,)
)
_____)

COMPLAINT
(Jury Trial Requested)

NOW COMES the Plaintiff, by and through undersigned counsel, complaining of the Defendants, and alleges and says:

INTRODUCTION

Plaintiff Sandra Vastola has been employed by the City of Charlotte since June of 2014 and with the Charlotte-Mecklenberg Police Department (“CMPD”) as its Director of Public Affairs since June of 2018. In her position as Director of Public Affairs, she is tasked with providing the public with a wide variety of information concerning the CMPD, including, but not limited to, espousing the department’s official positions on matters of high public concern. This matter emanates from the April 29, 2024 tragedy where eight (8) law enforcement officers were shot, four (4) from the CMPD, and four (4) killed, including one (1) from the CMPD. This action is brought to address the false and defamatory statements made against Plaintiff, personally, by the Charlotte-Mecklenberg Fraternal Order of Police (“CMFOP”) and its President, Daniel Redford, to news media and on social media.

PARTIES AND JURISDICTION

1. The Plaintiff is a citizen and resident of the city of Charlotte, Mecklenberg County, North Carolina.
2. Upon information and belief, Defendant Fraternal Order of Police is a national organization with its principal place of business in Nashville, Tennessee.
3. Upon information and belief, Defendant Charlotte-Mecklenberg Fraternal Order of Police, Lodge #9, (“CMFOP”) is a local organization with its principal place of business in Charlotte, Mecklenburg County, North Carolina.
4. Upon information and belief, Defendant Daniel Redford is a citizen and resident of Mecklenburg County, North Carolina.
5. Upon information and belief, Daniel Redford is the President of the CMFOP.
6. This Court has jurisdiction over the subject matter of this action under the common law of North Carolina and pursuant to the judicial power vested in the General Court of Justice by N.C.G.S. §§ 7A-3, 7A-240, and 7A-243.
7. Venue is proper pursuant to N.C.G.S. § 1-77 and 1-79, as Mecklenberg County is the county in which the actions taken against Plaintiff arose and is the county in which the parties reside.

FACTUAL ALLEGATIONS

8. The allegations contained in paragraphs 1-7 above are re-alleged and incorporated herein by reference.
9. In her position as Director of Public Affairs, Plaintiff is also the head of CMPD’s Public Information Office (“PIO”).

10. Plaintiff Vastola is not a sworn law-enforcement officer and is employed as a private citizen.
11. Upon information and belief, the CMFOP's membership is primarily comprised of current and former sworn law-enforcement officers.
12. Plaintiff Vastola, when disseminating information on behalf of the CMPD, has the duty and the responsibility of adhering to the laws of the State of North Carolina.
13. North Carolina has enacted legislation that controls the dissemination of personnel records, the same codified in N.C.G.S. § 160A-168 , *et seq.*, and commonly known as the "North Carolina Personnel Records Act".
14. The Act prohibits the city from disclosing information regarding its law enforcement officers other than the specific information the act permits, such as name, age, date of hire, salary, position, and title.
15. The Act further prohibits the city from disclosing information relative to on-going internal investigations of city employees.
16. On April 29, 2024, the city of Charlotte received nationwide attention after the tragic killing of four (4) law enforcement officers, one of which was employed by the CMPD.
17. As a result, news media, local and from around the nation, converged on Charlotte, reporting about the matter in some fashion on a daily basis.
18. Upon information and belief, there were and continues to be numerous posts about the incident on social media.
19. That the CMFOP maintains social media accounts, including Facebook.
20. That the Defendants have posted, reposted, and affirmed, a wide variety of conversations about the CMPD in the exercise of their First Amendment rights.

21. Upon information and belief, the CMFOP maintains a social media committee, wherein the members of the committee are anonymous.
22. Upon information and belief, the Defendants desire for anonymity on social media is an attempt to shield individual members from discipline for violating the CMPD's Rules of Conduct.
23. Upon information and belief, none of the hereinafter alleged false and defamatory statements are protected by the First Amendment.
24. That on or around July 23, 2024, local news station WCNC Charlotte, published a story which, among other things, questioned why some members of the CMPD "logged-off" during the deadly April 29, 2024 incident.
25. Prior to the publication, Plaintiff and the reporter exchanged emails regarding the request for information about a dozen officers who logged off in "the moments before and during the deadly April 29 Galway Drive shooting."
26. Upon information and belief, the requests were based on concerns voiced to the reporter by fellow officers who responded to the deadly shooting about their colleagues who logged off and did not show up during the incident.
27. That upon information and belief, WCNC Charlotte had two (2) sources who informed that two (2) officers had been moved as a result of their failure to respond.
28. The response via email included reference to several requests that were "protected by state law as personnel files which are not a matter of public record."
29. The Plaintiff cited the applicable law, N.C.G.S. § 160A-168 in the email and also opined that she believed running such a story without all of the facts would be irresponsible.

30. Plaintiff stated that the CMPD would not be participating in “a slam job that would damage the very men and women who are still recovering from this heinous incident. Hope you can understand.”
31. The WCNC story included claims of lack of transparency by the CMPD and also included portions of the email exchange between Plaintiff and the reporter.
32. On or around July 27, 2024, the CMFOP published to Facebook its reaction to the WCNC news article which included the following false and defamatory statement: “the mouth piece of his [Chief Jennings’] department resorts to petty nastiness whenever she doesn’t like the questions being asked.”
33. That the July 27 post personally named Plaintiff and stated that she had “attacked” the reporter for calling his article “irresponsible” and a “slam job.”
34. That on numerous occasions since the WCNC story, Defendant CMFOP and its President, Defendant Daniel Reford, caused to be published several false, defamatory, and negative reputation damaging statements about the Plaintiff, such as:
- a. During a media interview on WCNC on August 22, 2024, the reporter stated that Redford said “the department’s dismissive response prompted the FOP to take a public stand against the spokesperson’s handling of this situation.”
 - b. A “garbage response given by CMPD’s PIO office.”
 - c. “This is a break in trust between the department and citizens who depend on the truth.”
 - d. “A level of professionalism should always be present and simply answering any questions truthfully is always the easiest way to show your transparency.

This was clearly not done on this topic and from what we have heard this type of behavior is commonplace within the PIO's office."

- e. The hard-working men and women at CMPD should not have to suffer from the poor decisions of those representing the department."

35. The CMFOP also posted the following comments on its Facebook page:

- a. A post from "John Doeds": "the men and women who actually do the work at CMPD PIO are great; however, I've heard the opposite about their so-called 'leader'. I believe this is the perfect example of her failures as a person with power."
- b. "It seems she has taken a page out of the playbook of Karine Jean-Pierre, pretending things aren't actually as they seem even when it's quite obvious."
- c. "[H]ow does it look when a reporter asks a governmental agency, especially a police department, a question and their PIO Director snaps back with insults."

36. The Defendants' posts disparaged the reputation of Plaintiff in her profession.

37. That the Defendant's knew that Plaintiff was prevented by state law from publicizing personnel matters and, despite that knowledge, intentionally published defamatory posts, and published defamatory statements to damage Plaintiff's professional reputation.

38. That the false statements Defendant Redford made during the WCNC interview were slanderous, *per se*.

39. That the false statements Defendant CMFOP posted to its Facebook page were libelous, *per se*.

40. That Plaintiff is a private citizen, and her professional reputation has been damaged by Defendants.

41. That the false and defamatory statements of the Defendants were malicious.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully prays the Court:

1. That Plaintiff have and recover of the Defendants compensatory, special, and consequential damages in an amount in excess of Twenty-Five Thousand and No/100ths Dollars (\$25,000.00).
2. That Plaintiff have and recover of Defendants punitive damages, pursuant to N.C.G.S § 1D, in an amount to be determined by the trier of fact.
3. That Plaintiff have and recover reasonable attorneys' fees from the Defendant.
4. That the costs of this action be taxed against the Defendants.
5. That this case have a **Trial By Jury** on all issues so triable.
6. For such other and further relief as to the Court may seem just and proper.

This the 29th day of October, 2024.

HAIRSTON LANE, PA

/s/ James E. Hairston, Jr.

James E. Hairston Jr.

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