

BUSINESS

At the port

The ports will be closed on Thursday due to tropical system Ernesto.

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Force Protection settles suit

Former employees said they were fired over complaints of faulty vehicles

BY MICHAEL BUETTNER
The Post and Courier

A Ladson-based maker of armored vehicles has agreed to pay \$1.8 million to settle a lawsuit brought by two former employees alleging that it delivered defective vehicles to the U.S. military and fired them for complaining about it. Force Protection Inc. denied any wrong-

doing but agreed to the settlement over an accounting technicality. The company said it took a charge of \$1.93 million in the second quarter to cover the settlement and interest charges, plus legal fees for the former employees who filed the lawsuit.

"We're pleased with the settlement and are especially happy with the investigation, which was extensive and which found that none of the criminal allega-

tions, and especially that none of the safety allegations, were substantiated," said Mike Aldrich, vice president.

The lawsuit was filed under seal in July 2005 in U.S. District Court in Charleston under a federal whistleblower law by Perry Chomyn, who worked for Force Protection from July 2004 to June 2005 as a quality assurance supervisor. It was joined later by Robin Swain, a vice presi-

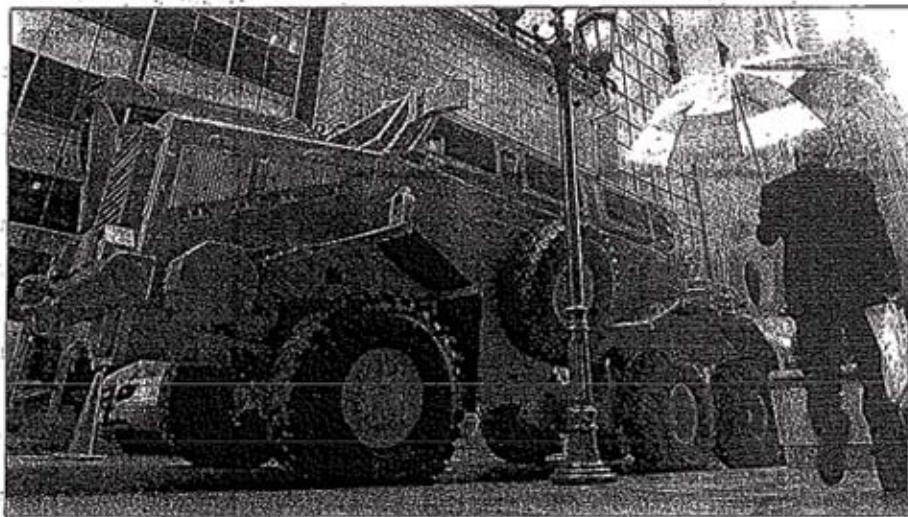
dent of engineering for the company from November 2004 to August 2005.

Justin Lucey, a Mount Pleasant attorney who represented Chomyn and Swain, said his clients were also satisfied with the settlement. "We believe we contributed to making these vehicles safer for our soldiers by bringing this suit, and we are

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BUSINESS



FILE/RICHARD DREW/AP

The Buffalo mine-clearance vehicle built by Force Protection Inc. of Ladson is parked near New York's Fifth Ave. earlier this year. The company agreed to pay \$1.8 million to settle a lawsuit by former employees.

Force Protection settles lawsuit

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happy to have reached this settlement," he said.

In their complaint, Chomyn and Swain alleged that Force Protection and a number of its current and former executives misled the government about the company's ability to supply armored vehicles as quickly as the military needed. They said the company cut corners to meet the production schedule and ended up delivering defective vehicles, then fired Chomyn and Swain when they raised the alleged problems with management.

The lawsuit also alleged Force Protection had taken an advance payment as part of its work for the

of the initial contract milestone payment and indicated that it had agreed to settle over that issue, which essentially amounted to depositing the payment into the wrong bank account.

Under the whistleblower law, the lawsuit was sealed by the court until the settlement was approved last week. Also under that law, Chomyn and Swain are entitled to a share of the settlement. According to the settlement document filed with the court, they will receive \$315,000 out of the \$1.8 million that Force Protection is paying to the government, as well as \$105,000 in legal costs directly from the company.

Force Protection acknowledged

Force Protection's Buffalo and Cougar armored vehicles have been deployed in hot spots around the world since July 2003. The vehicles are operated by combat engineers and explosive ordnance disposal teams in the detection and removal of bombs. More than 200 Buffalo and Cougar vehicles have been deployed in Iraq and Afghanistan with no fatalities.

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