

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Clifton B. Newman, Circuit Court Judge

Case No. 2022-CP-40-00027

RECEIVED
OCT 28 2024
SC Court of Appeals

**South Carolina Department of Health
and Environmental Control;
DOES I through X, inclusive; and
ROE Business Entities I through X,
inclusive**

Respondent

v.

Teresa McWilliams

Appellant *pro se*

Teresa McWilliams appeals the order [judgment] of the Honorable Clifton B Newman dated September 7, 2024. Appellant received written notice of entry of this order [judgment] on October 1, 2024

**Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
(803) 530-4738
Appellant *pro se*
October 28, 2024**

**Other Counsel of Record
Meredith Seibert
Duff Freeman Seibert
P. O. Box 1486
Columbia, SC 29202**

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Plaintiff appeals that the Order electronically signed on September 27, 2024, by Judge Clifton B. Newman on behalf of Defendant South Carolina Department of Health and Environmental Control (hereafter referenced as SCDHEC) be dismissed based on the following:

1. Judge Clifton B. Newman never heard Plaintiff's case. The hearing scheduled in Judge Clifton B. Newman's court on August 8, 2023, referenced in the Order, did not take place. Plaintiff is requesting a transcript to demonstrate there is not a transcript. Upon receipt, Plaintiff will demonstrate that Plaintiff sat in the virtual courtroom for the entirety of all Judge Clifton B. Newman's cases that day only to be told that SCDHEC's Attorney Meredith Seibert was not present, and therefore, the hearing was not held. Although Plaintiff is a *pro se* complainant, surely Plaintiff has the right to be heard before being dismissed. Judge Clifton B. Newman has never had a hearing with Plaintiff on any day. In addition, the Plaintiff's Amended Complaint has never had a hearing under any Judge at all.

Plaintiff is optimistic that Item 1 above is enough for Plaintiff's Appeal to stand. However, since Plaintiff is a *pro se* complainant and unsure of the level of proof required, the following reasons for an Appeal also follow:

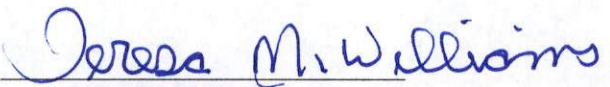
2. In the Order, signed by Judge Clifton B. Newman, but drafted by Defendant's Attorney Meredith Seibert (hereafter referenced as Seibert), Seibert states "While noting that the original Complaint lacked any factual support." This statement is false. Plaintiff is requesting the transcripts to demonstrate that no such thing was stated. Seibert goes on in the Order to suggest, twenty-seven (27) times (including other case citations), that factual allegations are required. Just because Seibert makes an obvious statement over and over does not demonstrate that the Amended Complaint is without factual allegations. Plaintiff should have the right to be heard in court to argue the factual allegations in the Amended Complaint.
3. Judge Clifton B. Neman was not present in the hearing referenced above in Item 2, and therefore it is inappropriate for him to take Seibert's word on the matter without the Plaintiff being able to respond, since Seibert is paid to represent the defendant and not the Plaintiff.
4. Seibert states in the Order that Plaintiff submitted no revisions to the Amended Complaint. However, Plaintiff submitted a revision filed with the court on January 2, 2024, listing factual allegations obtained from SCDHEC via a Freedom of Information Request initiated by Plaintiff. Seibert was sent a copy of this filing with the court both by email on January 2, 2024, and by certified mail (the recipient did not fill in the date of delivery on the return receipt).
5. Since Judge Clifton B. Newman, via signature, has approved the statement above in Item 4 that Plaintiff filed no other revisions, and yet there is a January 2, 2024, Memorandum filing in the court records, Plaintiff suggests that Judge Clifton B. Newman did not fully review Plaintiff's case before signing the Order that the defendant's attorney Seibert placed in front of him, without Plaintiff having opportunity at any time to defend herself against Seibert's allegations.
6. The January 2, 2024, revision Memorandum (Exhibit 4) proves in cold, hard numbers that SCDHEC unjustly terminated employees for cause during the COVID-14 pandemic based on age, gender, and ethnicity (based on the Freedom of Information response from SCDHEC Exhibit 5). It does not matter whether these prejudiced terminations were intentional or systemic prejudice. They were still illegal. SCDHEC tried to hide this prejudice with a series of Warning of Substandard Performance meetings, which offered no Work Improvement Plans, and in which no attempts on the employee's part at work improvement were accepted. SCDHEC terminated these employees for cause without offering any Work Improvement Plans, even though SCDHEC told

Plaintiff she would be offered a clear and achievable Work Improvement Plan. SCDHEC has no Work Improvement Plans in the files for any of the employees terminated-for-cause during that period of time. SCDHEC used termination-for-cause to reduce their number of employees in a time of budget constraints rather using a more appropriate reduction-in-force, and as a consequence, those employees, including Plaintiff, were denied unemployment benefits and were blacklisted from future employment with the state of South Carolina, at a time when there were no jobs available in the COVID-14 pandemic workplace outside the state. Plaintiff was unemployed for two years and under-employed thereafter. Plaintiff was hired three times for jobs with the state of South Carolina, following her unjust termination by SCDHEC, only to be terminated again based on the data entered by SCDHEC in the South Carolina Enterprise Information System.

7. Seibert states that Plaintiff did not pursue her complaint in a legal and timely manner. Plaintiff was directed by the South Carolina Human Affairs Commission (hereafter referenced as SCHAC) (Exhibit 1) to file her complaint with the United States Equal Employment Opportunity Commission (hereafter referenced as EEOC), because of the conflict of interest that Plaintiff previously was employed by SCHAC. Plaintiff presented the EEOC Notice of Right to Sue to Judge Jean Toal, demonstrating that Plaintiff filed in a timely manner. Judge Jean Toal received that document, examined that document, and allowed the Plaintiff to proceed. Plaintiff is requesting the transcripts from that hearing as proof. It is also duplicitous for Seibert to suggest that she has not seen the Plaintiff's EEOC Notice of Right to Sue, since Duff Freeman Seibert emailed Plaintiff thanking her for the receipt of it. (Exhibit 6). Regardless, attached is the EEOC Notice of Right To Sue (Exhibit 2) and the EEOC Letter (Exhibit 3) accompanying the Notice, stating that the Plaintiff "must file a lawsuit within 90 days of the date they received the Notice." Plaintiff called the EEOC to confirm the deadline is 90 days from receipt of Notice and the deadline was confirmed over the phone by the EEOC representative. Please note on the EEOC Letter at the bottom is the date mailed: October 7, 2021. Plaintiff's Complaint was filed and recorded with the S.C. courts on January 4, 2022. Plaintiff's filing was within the required 90-day period.
8. Seibert makes the statement that SCDHEC does not know the Plaintiff's age, however, Plaintiff's personnel file includes Plaintiff's driver's license, along with other documents, which includes age. Plaintiff acquired proof by requesting her own personnel file from SCDHEC and a page from that personnel file showing Plaintiff's age is attached (albeit redacted since obtained through the Freedom of Information process) as Exhibit 7. At the time of termination, Plaintiff was 61 years old.

In conclusion, Plaintiff would like to reiterate that Judge Clifton B. Newman, who signed the Order, never held a hearing with the Plaintiff, and no Judge at all has heard Plaintiff in a hearing regarding the Amended Complaint.

Respectfully Submitted,

By: 

Teresa McWilliams

105 Arborgate Circle

Columbia, SC 29212

Telephone: (803) 530-4738

teresamcwilliams@hotmail.com

October 28, 2024
Columbia, SC

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Respondent

v.

Teresa McWilliams


Appellant *pro se*

Certificate of Service

The undersigned Teresa McWilliams hereby certifies that she has served the Respondent South Carolina Department of Health and Environmental Control's attorney the Notice of Appeal both by email at mseibert@dfi-lawfirm.com and by certified mail to:

Meredith Seibert
Duff Freeman Seibert
P. O. Box 1486
Columbia, SC 29202

Respectfully Submitted;

By: 

Teresa McWilliams
105 Arbogate Circle
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Columbia, South Carolina

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10/28/2024

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