

**RECEIVED**

FEB 14 2025

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE COMMON PLEAS COURT

SC Court of Appeals

Clifton B. Newman, Common Pleas Fifth Judicial Circuit Judge

103979

**Appellate Case No. 2024-001835**

Common Pleas Case No. 2022-CP-40-0027

South Carolina Department of Health and Environmental Control,  
DOES 1 through X, inclusive:  
and ROE Business Entities 1 through X, inclusive

Respondent

Teresa McWilliams

Appellant, *pro se*

MOTION FOR CONTINUANCE DUE TO DELAY OF TRANSCRIPT

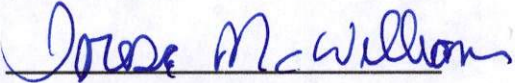
Teresa McWilliams  
105 Arborgate Circle  
Columbia, SC 29212  
(803) 530-4738  
Appellant, *pro se*

Meredith Seibert, Esquire  
P.O. Box 1486  
Columbia, SC 29202  
(803) 790-0603  
Attorney for Respondent

Appellant requests a continuance regarding the deadline of February 22, 2025, to present her brief. The transcript received by the Appellant on January 23, 2025, refers to a previous hearing in the presence of Judge Jean Toal held on November 11, 2022. The

Order signed by Judge Clifton Neman that is being appealed also refers to Judge Toal's hearing, and there are some discrepancies in what is being stated about the Judge Toal hearing. Since the order signed by Judge Clifton Newman makes statements that depend on the Judge Toal hearing, Appellant needs that transcript as well to complete her brief. As the court may see from the attached emails, Appellant has requested the Judge Toal transcript, but the transcript department did not forward the transcript request to a transcriptionist until February 13, 2025. Appellant is requesting 30 days to file her brief after receiving the transcript of the hearing with Judge Toal presiding on November 11, 2022.

Respectfully Submitted;

By:   
Teresa McWilliams

February 14, 2025  
Columbia, South Carolina

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**Re: Over 5 days Fw: Transcript requests**

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**From:** teresa mcwilliams <teresamcwilliams@hotmail.com>  
**Date:** Thu 2/13/2025 5:14 PM  
**To:** Transcripts <transcripts@sccourts.org>

Thank you!

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**From:** Transcripts <transcripts@sccourts.org>  
**Sent:** Thursday, February 13, 2025 4:50:17 PM  
**To:** teresa mcwilliams <teresamcwilliams@hotmail.com>  
**Cc:** Transcripts <transcripts@sccourts.org>  
**Subject:** RE: Over 5 days Fw: Transcript requests

Good afternoon,  
This request was sent to Bethanie Creppon.  
Thank you.  
Court Reporter Sectio

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**From:** teresa mcwilliams <teresamcwilliams@hotmail.com>  
**Sent:** Thursday, February 13, 2025 4:32 PM  
**To:** Transcripts <transcripts@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>; Meredith Seibert <mseibert@dfi-lawfirm.com>  
**Subject:** Fw: Over 5 days Fw: Transcript requests

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Also the date is not April 30, 2022. It is November 30, 2022. (11/30/2022). This hearing took place in physical court. Not on a WebEx.

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**From:** teresa mcwilliams <[teresamcwilliams@hotmail.com](mailto:teresamcwilliams@hotmail.com)>  
**Sent:** Thursday, February 13, 2025 4:10 PM  
**To:** Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>; Court Of Appeals Filings <[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)>; Meredith Seibert <[mseibert@dfi-lawfirm.com](mailto:mseibert@dfi-lawfirm.com)>  
**Subject:** Fw: Over 5 days Fw: Transcript requests

This hearing took place in physical court. Not on a WebEx.

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**From:** Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>  
**Sent:** Thursday, February 13, 2025 11:06 AM  
**To:** teresa mcwilliams <[teresamcwilliams@hotmail.com](mailto:teresamcwilliams@hotmail.com)>

**Cc:** Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>  
**Subject:** RE: Over 5 days Fw: Transcript requests

Good morning

We have searched for the recording for April 30, 2022 (court not held on the weekend) with judge Toal and your hearing is not on the recording. Could this hearing have taken place in front of another judge or on another date? Please let us know as soon as possible.

Thank you,

Court Reporter Section

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**From:** teresa mcwilliams <[teresamcwilliams@hotmail.com](mailto:teresamcwilliams@hotmail.com)>  
**Sent:** Wednesday, February 12, 2025 3:12 PM  
**To:** Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>; Court Of Appeals Filings <[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)>; Meredith Seibert <[mseibert@dfi-lawfirm.com](mailto:mseibert@dfi-lawfirm.com)>  
**Subject:** Over 5 days Fw: Transcript requests

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

It is my understanding that you were to confirm receipt of this transcript request within 5 days. It has been 10 days. I am following up on the status. Thank you.

Teresa McWilliams

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**From:** teresa mcwilliams <[teresamcwilliams@hotmail.com](mailto:teresamcwilliams@hotmail.com)>  
**Sent:** Sunday, February 2, 2025 11:15 PM  
**To:** Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>; Court Of Appeals Filings <[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)>; Meredith Seibert <[mseibert@dfi-lawfirm.com](mailto:mseibert@dfi-lawfirm.com)>; Teresa Mcwilliams <[teresamcwilliams@hotmail.com](mailto:teresamcwilliams@hotmail.com)>  
**Subject:** Transcripts requests

Attached are requests for 2 different transcripts. Please notice the 8/8/2023 is for audio recording. I will send the payment as soon as you let me know the cost. Thank you .

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1 STATE OF SOUTH CAROLINA ) IN THE SOUTH CAROLINA CIRCUIT COURT 5  
2 COUNTY OF RICHLAND ) COURT C.A NO. 2022-CP-40-00027

3  
4 Teresa McWilliams )  
5 Plaintiff,) )  
6 Versus )  
7 Georgette Lee Jackson )  
8 and SC DHEC, et al )  
9 Defendant.)

*Page  
5  
attached*

10  
11 H E A R I N G

12  
13 DATE: August 8, 2023

14  
15 LOCATION: South Carolina Circuit Court 5

16  
17 JUDGE: Clifton Newman

18  
19 TRANSCRIBED BY: ERIN REILLY

20  
21 LEGAL EAGLE  
22 Post Office Box 5682  
23 Greenville, South Carolina 29606

24 864-467-1373

25 [depos@legaleagleinc.com](mailto:depos@legaleagleinc.com)

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APPEARANCES:

Attorney for Plaintiff.  
Teresa McWilliams (Pro Se)  
  
Attorney for Defendant.  
Meredith Seibert, Esquire  
Duff Freeman Lyon, LLC  
3700 Forest Drive, Suite 201  
Columbia, SC 29204

1 DHEC has filed this motion to dismiss Ms. McWilliams amended  
2 complaint. Just to give you a little background of how we got  
3 here. Ms. McWilliams is proceeding pro se. She filed her  
4 original complaint on January 4th, 2022. That was against DHEC  
5 and then two of the district -- sorry, two of DHEC's employees.

6 We filed motions to dismiss on all three defendants  
7 and that was heard on November 30th, 2022 by retired Chief  
8 Justice Toll. At that hearing Chief Justice Toll dismissed our  
9 individual Defendants. Was on the fence. If you have seen the  
10 order on dismissing the allegations against DHEC, but did  
11 provide Ms. McWilliams an opportunity to amend her complaint.  
12 Judge Toll did give her very specific directions as to what  
13 needed to go into that complaint and that was followed by an  
14 order that was filed on January 18th.

15 Prior to that order being filed, Ms. McWilliams did  
16 file her amended complaint on December 30th, 2022. Once Judge  
17 Toll's order was issued, there were no further amendments or  
18 changes to her amended complaint. We went ahead and filed the  
19 present Motion to Dismiss and that's what we have before you  
20 today. And we brought the motion to dismiss on two main  
21 grounds. One is a 12B6, the other is Rule 41B for failure to  
22 abide by Judge Toll's order. And then, you know, to the extent  
23 you would like to hear that, if you are considering allowing  
24 further amendment after our -- after we -- you hear our  
25 argument I would like to address the futility of such



Richland Common Pleas

**Case Caption:** Teresa Mcwilliams vs Georgette Lee Jackson , defendant, et al

**Case Number:** 2022CP4000027

**Type:** Order/Dismissal

So Ordered

s/ Clifton B. Newman, 2127

Electronically signed on 2024-09-27 10:33:56 page 5 of 5

*Page 1  
attached*

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

Teresa McWilliams,

Plaintiff,

vs.

South Carolina Department of Health and  
Environmental Control,

Defendant.

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

C.A. No.: 2022-CP-40-00027

**PROPOSED ORDER**

This matter comes before the Court upon Defendant South Carolina Department of Health and Environmental Control's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Rule 12(b)(6), SCRCF. A hearing was held on August 8, 2023, before Judge Clifton Newman. Meredith L. Seibert, Esquire of Duff Freeman Lyon LLC, now Duff Freeman Seibert, LLC., appeared on behalf of the South Carolina Department of Health and Environmental Control ("Defendant" or "DHEC"). Ms. Teresa Williams appeared *pro se*. After reviewing the pleadings, including the prior order permitting Plaintiff the opportunity to amend her Complaint, Defendant's Motion to Dismiss, the parties' memoranda, the arguments of the parties, and relevant case law, the Court hereby grants Defendant's Motion to Dismiss.

**I. INTRODUCTION**

On January 4, 2022, Plaintiff, who is proceeding *pro se*, filed a Complaint against DHEC. DHEC filed a Motion to Dismiss pursuant to 12(b)(6), SCRCF. On November 30, 2022, the Court, retired Chief Justice Toal presiding, heard arguments from Plaintiff and counsel for the Defendant on the pending Motion. Per the resulting order, Plaintiff stated at the hearing that she wanted to pursue a cause of action for age-based employment discrimination following receipt of a right-to-sue notice from the Equal Employment Opportunity Commission ("EEOC"). While noting that the original Complaint lacked any factual support for, or attempted statement of, a legal cause of