

STATE OF SOUTH CAROLINA  
COUNTY OF Richland  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NO. 2023CP4004099

Lemuel A Giviens  
PLAINTIFF(S)

Sc Dept Of Transportation  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

This matter came before the Court on October 9, 2024, pursuant to Defendant South Carolina Department of Transportation (SCDOT)'s Motion to Dismiss pursuant to Rules 3, 12(b)(6), and 12(b)(8), SCRPC (Motion). The pleadings filed by the Plaintiff, Lemuel Giviens, may generally be read to allege some form of employment discrimination. The Plaintiff failed to file any response to SCDOT's Motion. The Plaintiff appeared, representing himself, pro se. The Defendant was present and represented by Lake Summers Esq.

The Court has carefully evaluated the Defendant's Motion, and the arguments presented during the hearing. The Court hereby GRANTS the Defendant's Motion based upon Rule 3, SCRPC. The Court adopts the Defendant's arguments that Plaintiff has failed to commence his action within the applicable "right to sue" periods provided by the agency notices in that he did not file and serve his lawsuit upon the Defendant timely as contemplated under South Carolina law.

**ORDER INFORMATION**

This order  ends  does not end the case.  See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 02/16/2025 .

Lemuel A Giviens for Lemuel A Giviens  
Lemuel A Giviens for Lemuel A Giviens

**RECEIVED**  
MAR 05 2025  
SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

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The Defendant offered that he did not understand that he was required to serve the summons and complaint upon the Defendant. Unfortunately, this is not a sufficient ground to toll the limitations period.

Defendant's Rule 12(b)(8), SCRPC ground for relief is moot given that Plaintiff's similar action filed in the Orangeburg County Court of Commons Pleas was dismissed prior to the hearing on the Motion. While Defendant's ground for relief under Rule 12(b)(6), SCRPC, has some level of merit because of the form of Plaintiff's pleadings, given that the ruling based upon Rule 3, SCRPC, prevents Plaintiff from refiling his action, the Court declines to rule on the Rule 12(b)(6), SCRPC, ground.

Defendant is requested to prepare a formal order.



Richland Common Pleas

**Case Caption:** Lemuel A Giviens vs Sc Dept Of Transportation  
**Case Number:** 2023CP4004099  
**Type:** Order/Electronic Form 4

IT IS SO ORDERED.

s/Milton G. Kimpson 2783