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SC Court of Appeals

By electronic mail

The Honorable H. Bruce Williams
The Honorable John D. Geathers
The Honorable Matthew P. Turner
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201
ctappfilings@sccourts.org

Re: *April Jones v. Tim Ringer et al.*
Appellate Case No. 2022-000303
Our file no. 013782/01651

Chief Judge Williams and Judges Geathers and Turner:

We represent Appellants Wal-Mart Stores, Inc. and Wal-Mart Stores East, L.P. (together “Walmart”), in the above-referenced matter. The appeal was argued before the Court on May 7, 2025. Following the oral argument, counsel for Respondent April Jones asked counsel for Walmart to write the Court to clarify a colloquy between the Court and the parties’ counsel regarding *Garrison v. Target Corp.*—a case discussed by both sides during oral argument.

The request relates to an assertion made by Ms. Jones’ counsel, who stated that, when the lower court denied Walmart’s Motion for Directed Verdict, the judge was aware of the Court of Appeals’ ruling in *Garrison*. See *Jones v. Ringer*, No. 2022-000303, video recording of Court of Appeals arguments at 38:06 to 38:16, available at https://media.sccourts.org/COA_Videos/2022-000303.mp4 (Ms. Hearn: “Clearly, Judge Nettles was aware of this Court’s decision in *Target* at the time he ruled on the motions.”). That assertion is correct: on November 10, 2021, Ms. Jones’ trial counsel argued against Walmart’s Motion for Directed Verdict, relying in part on the Court of Appeals’ ruling in *Garrison*, but acknowledging that certiorari had been granted and that the Supreme Court had heard, but not yet decided, the appeal. See R. 3028 and 3208:10–24.

In rebuttal, Walmart’s counsel agreed that the lower court may, at the time it decided Walmart’s Motion for Directed Verdict, have been aware that *Garrison* was an ongoing case. Counsel correctly explained, however, the lower court could not have been aware of the Supreme Court’s ruling in *Garrison* since the Supreme Court had not yet issued its opinion:

[Mr. Coleman:] Opposing counsel said that Judge Nettles was clearly aware of *Garrison* at the time of this trial. I don’t believe that to be true because this case was tried in 2021, post-trial motions were made in 2021, and *Garrison* was not decided by the Supreme

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Court until 2022. Judge Nettles may have been aware that the case was ongoing, but there was no *Garrison* final conclusive appellate holding of which it could have been aware.

Jones v. Ringer, No. 2022-000303, video recording of Court of Appeals arguments at 51:03 to 51:24, available at https://media.sccourts.org/COA_Videos/2022-000303.mp4; see also *Garrison v. Target Corp.*, 435 S.C. 566, 869 S.E.2d 797 (2022) (reversing in part, affirming in part as modified, and noting the case was argued on May 26, 2021, and the Opinion was filed on January 26, 2022). Walmart's counsel's assertion regarding the timing of *Garrison* and this case was correct.

In sum, Ms. Jones' counsel correctly stated that the trial court was aware of the Court of Appeals' ruling in *Garrison* when it considered Walmart's Motion for Directed Verdict. So, too, Walmart's counsel correctly stated that certiorari was then pending regarding *Garrison* before the Supreme Court, and the trial judge could not yet have been aware of the Supreme Court's not-yet-released ruling in *Garrison*. Both parties' counsel were correct, and the assertions quoted above should not be taken to imply or infer that counsel misspoke or misapprehended the Record on this point.

Appellants stand by their arguments that *Garrison* is factually distinguishable from this matter.

Sincerely,


Miles Coleman, Esq.

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