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Oct 31 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE
Court of Common Pleas

The Honorable Clifton B. Newman, Fifth Judicial Circuit
Case No.: 2022-CP-40-00027

APPELLATE CASE NO.: 2024-001835

Teresa McWilliams.....Appellant,

vs.

South Carolina Department of Health and Environmental Control.....Respondent.

**RESPONDENT'S MOTION IN
OPPOSITION OF RECORD ON APPEAL**

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Appellant, *pro se*

COMES NOW the Respondent, South Carolina Department of Health and Environmental Control (“Respondent” or “SCDHEC”), by and through its undersigned counsel, respectfully submits this Motion in Opposition to the Record on Appeal and Record on Appeal Supplement filed by the Appellant, pursuant to Rule 210, of the South Carolina Appellate Court Rules (“SCACR”).

I. INTRODUCTION

Respondent objects to the Record on Appeal and Record on Appeal Supplement filed by Appellant on October 10, 2025 on the grounds that it is incomplete, in that it fails to include material designated by the parties for inclusion on the record on appeal, includes materials not part of the trial court record, and fails to accurately identify or index certain documents. Given these deficiencies, Respondent’s ability to complete a final brief with references to the record on appeal, as required by Rule 211(b)(1), SCACR, is impaired. Further, proceeding with the record on appeal as submitted by Appellant will materially prejudice Respondent by excluding from the appellate court’s review relevant materials designated by the Respondent.

II. LEGAL ARGUMENT

A. **The Record on Appeal Fails to Include Relevant Materials Properly Designated By Respondent.**

Rule 210(c), SCACR requires that “the Record on Appeal shall include all mater designated to be include by any party under Rule 209.” Respondent’s designation of matter was made pursuant to Rule 209, SCACR, which allows each party to designate relevant matters to be included in the Record on Appeal by setting forth with specificity those parts of the transcript, pleadings, orders, exhibits, or other materials which he proposes to include in the record on appeal. Respondent’s designation included only relevant materials identified with specificity. However, the Record on Appeal as submitted by Appellant omits three motions designated by Respondent. The omitted materials from the Respondent’s Designation include:

MOTIONS:

6. Rule 12 Motion of Respondent dated April 5, 2022.
7. Rule 12 Motion of Respondent SCDHEC In Response to Appellant’s Amended Summons and Complaint dated January 30, 2023.
8. Respondent’s Memorandum of Law in Support of Its Motion to Dismiss dated August 2, 2023.

This material is relevant, material, and necessary for the Court to properly review the trial court’s decision to grant Respondent’s motion to dismiss Appellant’s amended complaint.

B. The Record on Appeal Fails to Include Relevant Materials Designated By Appellant.

In the interest of clarity and consistency, Respondent notes that the Record on Appeal also omits two documents identified by Appellant in their March 7, 2025 designation. The Respondent lacks knowledge as to what specific documents Appellant intended to identify and, therefore, their relevancy. However, for the Court’s information, the omitted documents listed in Appellant’s initial designation include:

7. Answer: Respondent’s Motion to Dismiss
8. Defendant’s Request to Charge Numbers 3, 4, 5

C. The Record on Appeal Includes Materials Not Presented to the Trial Court.

Rule 210(c), SCACR, states that the Record on Appeal “shall not . . . include matter which was not presented to the lower court or tribunal.” However, Appellant has included pleadings and correspondence to and from the appellate court as part of the present Record on Appeal, as well as documents and forms not presented to the trial court below.

The Record on Appeal as submitted by Appellant includes three separate documents not submitted to the trial court below. These documents include the documents identified as SCHAC Assignment to EEOC found on pages 113-115 of the Record on Appeal; EEOC Notice of Right to Sue¹ found on pages 116-119 of the Record on Appeal; and Freedom of Information Responses from SCDHEC found on pages 126-129 of the Record on Appeal.

As it relates to the pleadings and correspondence to and from the appellate court, Appellant first identified these matters as part of her final Record of Appeal. Respondent asserts that those materials, although part of the appellate court’s record of proceedings, are not appropriate for inclusion in the Record of Appeal. These materials include pages 3–16 and 107-112 of the Record on Appeal submitted October 10, 2025.

D. The Record on Appeal Fails to Accurately Identify Certain Materials Through Index Designations And/Or Personal Annotations.

The Index to the Record on Appeal includes “Revision to Amended Complaint: Analysis of SCDHEC FOIA Response,” with the document found on pages 123-125. On January 2, 2024, Appellant filed with the Trial Court a pleading titled “Memorandum: An Analysis of Freedom of Information Response from DHEC.” In the appellate proceedings, Appellant has attempted to reframe and rename the document, including personal annotations and a handwritten title change from the one filed with the trial court. The index and corresponding document should reflect the accurate title and document as filed with the lower court.

Similarly, Appellant has failed to correctly index and separate certain documents identified by both parties. Rule 210(e) requires that “[t]he record shall contain an index listing each document

¹ Respondent recalls that at the November 30, 2022, hearing before Judge Toal, there was discussion regarding the notice of the right to sue dates and the need to include those dates within any amended pleading.

included in the record and the page number where the document begins.” Here, the index provided is incomplete and omits a filing designated by the Respondent. More specifically, Respondent designated “Attachments filed contemporaneously by Appellant with Amended Complaint filed December 30, 2022,” in their original DOM, while Appellant included the matter in their supplemental DOM. While the identified documents are included in the Record on Appeal on pages 36-83, but have not been identified or included in the index.

III. CONCLUSION and REQUEST FOR RELIEF

Appellant’s Record on Appeal and Record on Appeal Supplement is procedurally and substantively defective. Correction of the Record on Appeal is necessary to ensure that the Respondent can complete its Final Brief in compliance with court rules, as well as to ensure that all relevant documents and materials are available for this Court’s review. Therefore, Respondent respectfully requests that this Court:

1. Strike the Record on Appeal and Record on Appeal Supplement;
2. Require Appellant to submit a corrected Record in compliance with Rule 210;
3. Exclude irrelevant or improperly designated materials; and
4. Grant such other relief as the Court deems just and proper.

Respectfully Submitted:

DUFF | FREEMAN | SEIBERT, LLC

By: *s/Meredith L. Seibert*

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PROOF OF SERVICE

The undersigned of Duff Freeman Seibert, LLC, hereby certifies that s/he has served the following party of record with the foregoing, *Respondent's Motion in Opposition of Record on Appeal*, by electronic/email and by mailing a copy of same, postage prepaid and return address clearly indicated, to the following on this 31st day of October 2025:

Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
teresamcwilliams@hotmail.com

I further certify that all parties required by the Rule have been served.

s/Kim Chatman
Kim Chatman, Paralegal
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