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Feb 23 2026

No. 2026-000383

S.C. SUPREME COURT

The Supreme Court of South Carolina

CHRISTOPHER E. MILLS; SPERO LAW LLC, PETITIONERS,
v.
ACTING CIRCUIT JUDGE JEAN H. TOAL, RICHLAND COUNTY CIRCUIT COURT,
RESPONDENT.

**REPLY BY RESPONDENT ACTING CIRCUIT COURT JUDGE JEAN H. TOAL
TO PETITIONER CHRISTOPHER E. MILLS, SPERO LAW LLC'S
PETITION FOR WRIT OF PROHIBITION
AND EMERGENCY MOTION FOR ADMINISTRATIVE STAY
IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT**

Jean Hoefler Toal
Chief Justice Retired, Senior Active
Acting Circuit Court Judge
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Columbia, SC 29205
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Respondent

BACKGROUND

The following is a timeline of the matters which have occurred regarding *Welch v. Advanced Auto Parts* since its remittal to me.

On May 21, 2025, the South Carolina Supreme Court issued its opinion in *Welch v. Advanced Auto, et al.*, Op. No. 28284, affirming in part and reversing in part this Court's earlier decision. On June 6, 2025, the Supreme Court remitted the case to this Court for trial.

On August 18, 2025, a Petition for Certiorari to the United States Supreme Court in a matter styled *Atlas Turner, Inc., Petitioner, v. Donna B. Welch, individually and as Personal Representative of the Estate of Melvin G. Welch, and Peter D. Protopapas, in his Capacity as Receiver for Atlas Turner, Inc., Respondents*, signed by Christopher E. Mills, Counsel of Record for the Petitioner, was filed. This petition asked the U.S. Supreme Court to review the South Carolina Supreme Court's opinion above-referenced in *Welch v. Advanced Auto Parts* and to overrule certain South Carolina Supreme Court rulings.

After receiving extensive briefing by Respondents and Amicus Curiae briefing by many Amici, the United States Supreme Court on January 12, 2026, denied Atlas Turner, Inc.'s Petition for Certiorari.

The Welch matter was originally set by me for trial in Richland County, commencing April 24, 2023. After the U.S. Supreme Court's denial of certiorari, discovery in the *Welch* matter recommenced with the issuance on January 21, 2026 by Plaintiff of a subpoena to Mr. Wells and his law firm as attorney for Atlas Turner, the defendant in the *Welch* case.

Mr. Mills, in response to this subpoena, on February 2, 2026 at 3:18 pm commenced an action in the Ninth Circuit entitled *In re: Christopher E. Mills, Spero Law LLC, Subpoena Duces Tecum*, and filed a Motion to Quash Subpoena Duces Tecum and Motion for Protective Order and Request for Sanctions.

On February 5, 2026 at 9:21 am, I received an email request from Attorney Theile McVey, counsel for the Welch Plaintiffs, asking that I hear Mr. Mills' Motion to Quash. At 9:36 am that day, I replied to Ms. McVey, copied to Mr. Mills and others, indicating that I would hear the Motion to Quash and asking Ms. McVey to suggest times for her response and Mr. Mills' Reply. I indicated that I would hear the matter as soon as possible. At 9:53 am, Ms. McVey responded that she would file her response by February 12, and suggesting that Mr. Mills file his response by February 19 and further indicating that she had the *Tibbs* Supreme Court oral argument on February 25, 2026 and requesting that a hearing on this matter be set for the following week. On February 5, 2026, 2:07 pm, I filed an Order setting out the response times as per Ms. McVey's suggestions and setting both the Fifth Circuit Matter and the Ninth Circuit matter for hearing before me on March 5, 2026, at 9:30 am in the Richland County Judicial Center. On February 6, 2026 at 12:26 pm, I received from Mr. Mills an Emergency Motion for Hearing on Motion to Quash and for Order of Protection in the Ninth Circuit *In re: Christopher E. Mills* matter, Case No. 2026-CP-10-00563.

On February 6, 2026 at 12:26 pm, I immediately filed in the Ninth Circuit case my Order of February 5, 2026, setting response times and a hearing on March 5, 2026 at 9:30 am of these matters and any other subsequent filings. Thereafter on February 6, 2026 at 2:52 pm, I received an inquiry from Angela Rigney, Charleston County Clerk of Courts's Office, regarding Mr. Mills' Emergency Motion to Quash in the Ninth Circuit Matter. I replied to Ms. Rigney at 3:36 pm, copied to Mr. Mills, Ms. McVey and Ms. Mowen, indicating that inasmuch as Ms. McVey's subpoena was issued in the Richland County matter of *Welch v. Advanced Auto Parts* was remitted to me by the South Carolina Supreme Court and inasmuch as Ms. McMey's subpoena arises out of the *Welch* case, I would be hearing both the McVey Motion and Mr. Mill's Motion to Quash in Richland County. I directed Ms. Rigney to hold in abeyance any further activity in the Charleston matter until I conducted the hearings.

On February 10, Mr. Mills filed a Supplement to Motion to Quash in *In re: Christopher E. Mills* at 11:51 am.

On February 12, 2026, Ms. McVey filed the Plaintiffs' Objection to Motion for Protection in both the *Welch v. Advanced Auto Parts* and *In re: Christopher E. Mills*. On February 19, 2026, Mr. Mills filed his Reply in Support of his Motion to Quash.

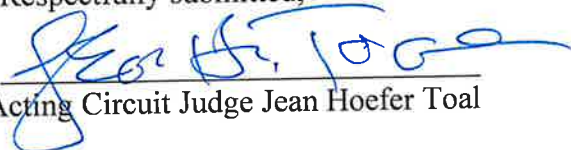
On February 20, 2026, Mr. Mills filed an Amended Motion to Quash in the *In re: Christopher E. Mills* matter. At 3:52 pm that day, I received a copy of a matter to be filed in the Supreme Court of South Carolina, styled *Christopher E. Mills; Spero Law, LLC, Petitioners, v. Acting Circuit Judge Jean H. Toal, Richland County Circuit Court, Respondent*. This matter is entitled *Petition For Writ Of Prohibition and Emergency Motion for Administrative Stay In The Original Jurisdiction Of The Supreme Court*, submitted by Kelly Calder Mowen of Orndoff Mowen PLLC and Christopher E. Mills of Spero Law LLC.

On February 23, 2026, Chief Justice Kittredge entered an Order regarding *In re: Christopher E. Mills, Spero Law LLC, Subpoena Duces Tecum*, 2026-CP-10-00563, attached as Exhibit A. This Order vests exclusive jurisdiction with The Honorable Jean Hofer Toal to decide all matters pertaining to this case and pursuant to this assignment retain jurisdiction over this case regardless of where she may be assigned to hold court, and providing that pursuant to this assignment she shall have all powers and duties of a circuit court judge of the Ninth Judicial Circuit while presiding over this matter. Additionally, on February 23, 2026, Chief Justice Kittredge issued an Order directing that a motions term be held for the Fifth Judicial Circuit for the day of March 5, 2026 be held, and that Jean Hofer Toal be assigned as a circuit court judge to preside over this term. This Order further provides that a motions term for the court of common pleas for the Ninth Judicial Circuit be held, and that Jean Hofer Toal be assigned to preside over this term. The Order further provides that she is to exercise all powers and duties pertaining to a judge of the Fifth and Ninth Judicial Circuits. This Order is attached as Exhibit B. The following is submitted as my reply to this petition.

SUBSTANTIVE REPLY TO THE PETITION

I would ask that the Court withhold action on the Petition for Writ of Prohibition and Motion for Stay until I have had the chance to conduct the March 5, 2026 hearing on this matter. I will then have a chance to hear arguments on both Ms. McVey's motions and Mr. Mills' motions, create a record as to their contentions, factual and by way of legal argument, and render a decision in these matters. I will perform this duty promptly. It is generally my practice in motions regarding the asbestos docket to rule from the bench and direct that proposed orders be submitted promptly, whereupon I then file a more formal Order than my Form 4 bench ruling. I have presided over the consideration of many pre-trial motions involving materials sought from the files of attorneys representing litigants before me in asbestos cases. I have certainly faced questions regarding attorney-client privilege in other matters in connection with hearing these motions. I believe I will be able to fairly and promptly rule on these matters. The Supreme Court can then decide whether to proceed with the Petition for Writ of Prohibition and Stay or whether to review these matters in the normal course of consideration of an appeal of trial court rulings after the case is tried to conclusion.

Respectfully submitted,


Acting Circuit Judge Jean Hofer Toal

Columbia, South Carolina
February 23, 2026