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Feb 24 2026

S.C. SUPREME COURT

Case No. 2026-000383

The Supreme Court of the State of South Carolina

CHRISTOPHER E. MILLS; SPERO LAW LLC,
PETITIONERS

v.

ACTING CIRCUIT JUDGE JEAN H. TOAL,
RICHLAND COUNTY CIRCUIT COURT,
RESPONDENT.

v.

DONNA B. WELCH, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE
ESTATE OF MELVIN G. WELCH, DECEASED

PLAINTIFF BELOW

**DONNA WELCH'S MOTION TO INTERVENE AND FOR LEAVE TO FILE RETURN
TO PETITION FOR WRIT OF ADMINISTRATIVE STAY IN THE ORIGINAL
JURISDICTION OF THE SUPREME COURT**

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INTRODUCTION

Petitioners Christopher E. Mills and Spero Law LLC have filed a Petition for Writ of Administrative Stay, seeking to have this Court preclude the Honorable Jean Hoefer Toal, retired Chief Justice of the Supreme Court, and acting Chief Judge for Administrative Purposes over all asbestosis and asbestos litigation filed within the South Carolina state court system from adjudicating Petitioners' motion to quash a subpoena issued by Intervening Respondent Donna B. Welch. Although Ms. Welch and her attorneys are the adverse targets in the underlying Motion to Quash, Petitioners failed to name her as a Party to this original action. As such, Ms. Welch is respectfully requesting leave to intervene.

Petitioners' Petition concerns the adjudication of a motion to quash a subpoena issued in the matter of *Welch v. Advance Auto Parts, et. al.*, Richland County, South Carolina case no. 2022-CP-40-03834. (See, Exhibit A to Petition for Writ of Prohibition and Emergency Motion for Administrative Stay ("Mills Petition")). As this Court is aware from previous appeals, *Welch* is an asbestos matter. Ms. Welch, through her attorneys, served that subpoena. In response and without consulting with Ms. Welch's counsel, Petitioners filed an original action in Charleston County, seeking to quash the subpoena, a protective order, and sanctions against Ms. Welch. (Mills Petition, Ex. B).

Upon receiving notice of the motion to quash, Ms. Welch's counsel subsequently alerted Justice Jean Toal in her capacity as Chief Judge over all asbestosis and asbestos cases pending in South Carolina. (Mills Petition, Ex. C). In response, Justice Toal ordered that the motion to quash would be heard before her on March 5, 2026. (Mills Petition, Ex. D). Petitioners subsequently filed this original action with this Court, seeking to preclude Justice Toal from adjudicating the

motion to quash. Despite being the Plaintiff in the underlying matter, and the party issuing the subpoena in question, Petitioners failed to name Ms. Welch as a party in this action.

Given Ms. Welch's undeniable interest in the adjudication of her subpoena issued in her case, and the fact that resolution of the Mills Petition would have direct and obvious consequences on Ms. Welch,¹ her subpoena, and her case, she now requests leave to intervene in this action, and respectfully requests this Court consider the accompanying Intervening Respondent Donna Welch's Return to Petition for Writ of Administrative Stay.

CONCLUSION

For the foregoing reasons, Donna Welch respectfully requests leave to intervene in this matter, and for the Court to consider her accompanying Intervening Respondent Donna Welch's Return to Petition for Writ of Administrative Stay in the Original Jurisdiction of the Supreme Court.

Respectfully submitted, February 24, 2026

Is/ Charles W. Branham, III

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¹ See Rule 19, Joinder of Persons Needed for Just Adjudication.

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