

RECEIVED

Feb 25 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
Sumter County

The Honorable George M. McFaddin, Jr., Circuit Court Judge

Appellate Case No. 2025-002582
Civil Action No. 2023-CP-43-00462

Gale Lyons.....Appellant,

v.

Walmart, Inc., Walmart Real Estate Business Trust, Steve McCane, Keith Lominac, Whitney Nicole Doe Individually and as Employee/Agent of Walmart Supercenter #511, Employee/Agent of Walmart, Inc., Employee/Agent of Walmart Real Estate Business Trust, Employee/Agent of Walmart Stores East, Inc. and Employee/Agent of Walmart Stores East, LP, Jane Doe #1, Jane Doe #2, Jane Doe #3 Individually and as Employee/Agent of Walmart Supercenter #511, Employee/Agent of Walmart, Inc., Employee/Agent of Walmart Real Estate Business Trust, Employee/Agent of Walmart Stores East, Inc., and Employee/Agent of Walmart Stores East, L.P., Jane Doe #3, Individually and as Employee/Agent of Walmart Supercenter #511, and John Doe, customer of Walmart.....Respondents,

**RESPONDENTS' MOTION TO DISMISS
APPELLANT'S APPEAL**

Respondents respectfully move this Court for an order dismissing Appellant Gale Lyons' appeal. Appellant's appeal must be dismissed because the Notice of Appeal was not timely served as required by Rule 203(b)(1), SCACR. Timely service of a Notice of Appeal is a strict jurisdictional prerequisite to appellate review. Because Appellant failed to comply with this mandatory requirement, this Court lacks subject matter jurisdiction and dismissal is required.

PROCEDURAL POSTURE

Plaintiff/Appellant filed the Summons and Complaint on April 3, 2023, alleging claims against Defendants/Respondents (hereinafter “Walmart”). On November 18, 2024, Walmart filed its Motion for Summary Judgment. (Ex. A, MSJ & Memo in Support). A hearing on Walmart’s Motion was held on September 15, 2025, before the Honorable Judge George M. McFaddin, Jr. in the Sumter County Court of Common Pleas. Contemporaneously with the hearing, Plaintiff/Appellant filed her motion to amend the pleadings. Judge McFaddin issued his decision to grant summary judgment in favor of Walmart and to deny Plaintiff’s motion to amend via letter dated September 22, 2025. (Ex. B, McFaddin Letter). A formal order was entered on November 18, 2025. (Ex. C, Order Granting MSJ). The Order Granting MSJ was mailed first class to Plaintiff/Appellant Gale Lyons by the Sumter County Clerk of Court on November 18, 2025. (See Ex. C; see also Rule 77(d), SCRCP).

Plaintiff/Appellant filed a motion to reconsider on November 3, 2025, which was denied by Judge McFaddin denied via Form 4 Order entered on November 21, 2025. (Ex. D, Order Denying Reconsideration).¹ The Order Denying Reconsideration was mailed first class to Plaintiff/Appellant Gale Lyons by the Sumter County Clerk of Court. (See Ex. D). Additionally, Walmart counsel sent an email to the court copying Plaintiff/Appellant on November 24, 2025, to request clarification on the Order Denying Reconsideration, which was “attached to this email for review.” (Ex. E, Email from Walmart Counsel JeBria Wilson). Plaintiff/Appellant responded to the Email from Walmart Counsel on the same day regarding the Order Denying Reconsideration.

¹ This Order Denying Reconsideration was subsequently amended on November 25, 2025, “[a]mended only to reflect the Order Information to mark as ‘This Order ends this case.’” A copy of this amendment was mailed first class to Plaintiff/Appellant Gale Lyons by the Sumter County Clerk of Court on 11/25/2025.

Plaintiff/Appellant first served her Notice of Appeal on Walmart’s counsel on December 30, 2025, via electronic mail. (Ex. F, Email from Gale Lyons). In her email, Plaintiff/Appellant promised to “also mail a copy to the Columbia office today [December 30, 2025].” Also, on December 30, 2025, Plaintiff/Appellant filed her Notice of Appeal and accompanying documents with the South Carolina Court of Appeals. That same day, Plaintiff/Appellant also requested a transcript of the hearing conducted on September 15, 2025. The following day, December 31, 2025, Plaintiff/Appellant’s Notice of Appeal was filed with Sumter County.

Plaintiff/Appellant’s Notice of Appeal contends that she received two documents from the Sumter Clerk of Court on November 29, 2025, which include: (1) the Order Granting MSJ entered on November 18, 2025; and (2) the *amended* Order Denying Reconsideration entered on November 25, 2025. (Ex. G, Notice of Appeal). The Notice of Appeal is silent as to the date Plaintiff/Appellant received the Order Denying Reconsideration entered on November 21, 2025.

As of the date of this filing, Plaintiff/Appellant’s initial brief has not yet been filed or served on Walmart or its counsel. Respondents respectfully request this Court dismiss Appellant’s appeal for lack of jurisdiction and for the reasons set forth herein.

ARGUMENT

I. Plaintiff/Appellant Failed to Timely Serve the Notice of Appeal.

Rule 203(b)(1), SCACR, governs the time for perfecting an appeal and provides in relevant part: “To appeal from an order or judgment, a party must serve on all respondents a notice of appeal within thirty (30) days after receipt of written notice of entry of the order or judgment.”

When a party files a timely motion pursuant to Rule 59(e), SCRCP, the thirty-day period for service of the Notice of Appeal runs from receipt of written notice of the order disposing of that motion. Rule 203(b)(1), SCACR.

South Carolina appellate courts have consistently held that strict compliance with Rule 203(b)(1), SCACR is required. The South Carolina Supreme Court has held that timely service of a notice of appeal is jurisdictional and cannot be waived, extended, or excused. In Mears v. Mears, the Supreme Court explained: “The timely service of the notice of appeal is a jurisdictional requirement, and the appellate courts have no authority to extend or expand the time in which the notice of appeal must be served.” 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985). Similarly, in Elam v. S.C. Dept. of Transp., the court reaffirmed that: “The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to ‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.” 361 S.C. 9, 14–15, 602 S.E.2d 772, 775 (2004). Moreover, the Court of Appeals has likewise recognized that failure to timely serve a notice of appeal “divests this court of subject matter jurisdiction and results in dismissal of the appeal.” Canal Ins. Co. v. Caldwell, 338 S.C. 1, 5, 524 S.E.2d 416, 418 (Ct. App. 1999). These authorities make clear that compliance with Rule 203(b)(1) is not a mere procedural technicality. Rather, it is a mandatory jurisdictional requirement that determines whether an appellate court has the power to hear the case at all.

A. Plaintiff/Appellant served her Notice of Appeal 36 days after receipt of the Order.

Plaintiff/Appellant failed to comply with the jurisdictional requirements of Rule 203(b)(1) because her service of the Notice of Appeal on Walmart was tardy. The Order Denying Reconsideration was entered on November 21, 2025, and served on Plaintiff/Appellant by mail from the Sumter County Clerk of Court. (See Ex. D). Further, Plaintiff/Appellant actually received this Order Denying Reconsideration on November 24, 2025, through email correspondence from counsel for Walmart. (See Ex. E).

According to Rule 203(b)(1), SCACR, Plaintiff/Appellant had thirty (30) days from her receipt on November 24, 2025, in order to serve her notice of appeal on respondents. Rule 263(a), SCACR, governs computation of “any period of time prescribed or allowed by these Rules, by order of court, or by any applicable statute...” Relevant here, the rule extends the last day of the period so that it does not land on “a Saturday, Sunday or a state or federal holiday.” *Id.* December 24, 2025, and the following two days were holidays; therefore, the prescribed period for Plaintiff/Appellant to serve her notice of appeal is computed so that it does not land on a holiday, Saturday, or Sunday. Reading Rule 263(a), SCACR, in concert with Rule 203(b)(1), SCACR, Plaintiff/Appellant’s deadline to serve the Notice of Appeal on Respondent Walmart was December 29, 2025.

Plaintiff/Appellant served the Notice of Appeal one day too late—on December 30, 2025. Even with the extensions to the prescribed period allowed under Rule 263, SCACR, Plaintiff/Appellant missed the critical, jurisdictional requirement of service as set forth in Rule 203(b)(1), SCACR.

B. Receipt of the *Amended* Order Denying Reconsideration does not cure Plaintiff/Appellant’s untimely service of the Notice of Appeal.

Walmart contends that the Order Denying Reconsideration entered on November 21, 2025, is the operative order to compute Plaintiff/Appellant’s time for service of the Notice of Appeal. (See Ex. D). However, even if the deadline is computed from Plaintiff/Appellant’s receipt of the *amended* Order Denying Reconsideration, the Notice of Appeal was still not served in time.

The Order Denying Reconsideration was amended on November 25, 2025, “only to reflect the Order Information to mark as ‘This Order ends this case.’” The original Order, which was entered on November 21, 2025, made clear that Plaintiff’s Rule 59 motion for reconsideration was denied without any indication that any other order would follow. See Rule 203(b)(1), SCACR

("[T]he time for appeal for all parties ... shall run from receipt of written notice of entry of the order granting or denying such motion"). Therefore, this Court need not consider the amended Form 4 entered on November 25, 2025 ("Amended Order").

Nevertheless, assuming *arguendo* that the Amended Order could be applicable, Plaintiff/Appellant's Notice of Appeal was still not served within the jurisdictional prescribed thirty-day period. The Amended Order was mailed first class to Plaintiff/Appellant Gale Lyons by the Sumter County Clerk of Court on November 25, 2025. According to her Notice of Appeal, "Appellant received entry of order denying Plaintiff's [Motion for Reconsideration] on November 29, 2025." (Ex. G).

Plaintiff/Appellant confirmed her "receipt of written notice of entry of the order" occurred on November 29, 2025. See Rule 203(b)(1), SCACR; see also Ex. G. Therefore, Appellant's deadline to serve respondents with the Notice of Appeal was December 29, 2025. Plaintiff/Appellant served the Notice of Appeal one day too late—on December 30, 2025, thereby missing the critical, jurisdictional requirement of service as set forth in Rule 203(b)(1), SCACR.

Moreover, Plaintiff/Appellant's service by U.S. mail was also late. In her email sent on December 30, 2025, to Defendants/Respondents, she provided a copy of the Notice of Appeal, and she further stated "a copy will be mailed today [December 30, 2025]." (Ex. F). Therefore, regardless of if you consider Plaintiff/Appellant's service via electronic means or by U.S. mail, her service on Walmart was still untimely.

Accordingly, Plaintiff failed to serve her Notice of Appeal within the time required by Rule 203(b)(1). Although Rule 262(b), SCACR, allows certain extensions of time, the rule explicitly prohibits extensions of time "*for serving the notice of appeal under Rules 203...*" (emphasis added). This Court cannot rescue the delinquent Plaintiff/Appellant, and this Court lacks

jurisdiction to consider the appeal. See Elam, 361 S.C. at 14–15, 602 S.E.2d at 775. Therefore, this Court should grant Walmart’s motion to dismiss the appeal.

II. Plaintiff/Appellant Failed to Satisfy Filing Requirements.

Plaintiff/Appellant has failed to file sufficient proof of service on Respondents. Walmart does not dispute that it received actual notice of the Notice of Appeal on December 30, 2025; however, this service was after the prescribed time period and there is insufficient proof of service.

Rule 262(b) requires that “[a]ny document filed with the appellate court shall be accompanied by proof of service showing the document has been served on all parties.” Under Rule 262(c), service may be made by “(2) Depositing a copy in the U.S. mail ... with sufficient first-class postage attached [and] Service is complete upon mailing; or, (3) Serving a copy on the person by electronic means in a manner provided by order of the Supreme Court of South Carolina.” Additionally, Rule 203(d)(1)(B) states, “the notice filed with the appellate court shall be accompanied by the following: (i) proof of service showing notice has been served on all respondents....”

Plaintiff/Appellant served the Notice of Appeal via an electronic message to Walmart’s counsel on December 30, 2025. (Ex. F, Email from Gale Lyons). Within this email message, Plaintiff/Appellant expressly stated, “I will also mail a copy to the Columbia office *today*.” (Ex. F, emphasis added). By her own acknowledgement, Plaintiff/Appellant’s service on Walmart by U.S. mail and electronic mail both occurred on December 30, 2025—one day after the jurisdictional deadline.

Plaintiff/Appellant’s Notice of Appeal includes a Certificate of Service, which is purportedly dated December 29, 2025. This Certificate of Service claims that “Respondents counsels of records were served via email and USPS Priority Mail. Proof of Service attached.”

(Ex. G). However, there is no filed Proof of Service. Moreover, the Certificate of Service is contradicted by Plaintiff/Appellant's own email. (See Ex. F, Email from Gale Lyons).

Plaintiff has the burden to demonstrate proof of service of the notice of appeal pursuant to Rule 203(d)(1)(B), SCACR ("The notice filed with the appellate court shall be accompanied by the following: (i) Proof of service showing that the notice has been served on all respondents"). Plaintiff/Appellant has merely filed a purported Certificate of Service that sets forth an incorrect date prior to actual service on Respondents, which was not completed until December 30, 2025.

This certificate is improper and it fails to comply with the proof of service requirements set forth in Rules 203 and 262, SCACR. Consequently, this Court should dismiss Plaintiff/Appellant's appeal.

III. Plaintiff/Appellant's Pro Se Status Does Not Excuse Noncompliance.

Although Plaintiff/Appellant is proceeding pro se, her self-represented status does not relieve her of the obligation to comply with applicable rules of procedure. South Carolina courts have consistently held that pro se litigants are bound by the same rules as represented parties. See, e.g. State v. Burton, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 (2003) ("A pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law.")

The jurisdictional nature of Rule 203(b)(1), SCACR, leaves no room for discretionary leniency based on a party's status. As the Supreme Court made clear in Mears and Elam, appellate courts have no authority to extend, waive, or ignore the deadline for service of a Notice of Appeal, regardless of the circumstances. Accordingly, Plaintiff/Appellant's pro se status cannot cure her failure to timely serve her Notice of Appeal.

CONCLUSION

Plaintiff/Appellant did not timely serve her Notice of Appeal within the prescribed period as required by Rule 203(b)(1), SCACR; therefore, this Court lacks subject matter jurisdiction over the appeal. Moreover, Plaintiff/Appellant's filed Notice of Appeal is defective for insufficient proof of service required under Rules 203 and 262, SCACR. Under South Carolina procedural rules and controlling common law precedent, dismissal of this appeal is mandatory. For these reasons, Walmart respectfully requests that Plaintiff/Appellant's appeal be dismissed in its entirety.

Respectfully submitted,

s/Robert C. Blain
Robert C. Blain, Esquire
Bar Number: 100024
rblain@collinsandlacy.com
Danielle C. Wilson, Esquire
Bar Number: 106467
dwilson@collinsandlacy.com
COLLINS & LACY, P.C.
1330 Lady Street, Sixth Floor
Columbia, SC 29201
(803) 256-2660

Attorneys for Respondents

February 25, 2026

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

Gale Lyons,

Plaintiff,

vs.

Walmart, Inc., Walmart Real Estate Business Trust, Steve McCane, Keith Lominac, Whitney Nicole Doe Individually and as Employee/Agent of Walmart Supercenter #511, Employee/Agent of Walmart, Inc., Employee/Agent of Walmart Real Estate Business Trust, Employee/Agent of Walmart Stores East, Inc. and Employee/Agent of Walmart Stores East, LP, Jane Doe #1, Jane Doe #2, Jane Doe #3 Individually and as Employee/Agent of Walmart Supercenter #511, Employee/Agent of Walmart, Inc., Employee/Agent of Walmart Real Estate Business Trust, Employee/Agent of Walmart Stores East, Inc., and Employee/Agent of Walmart Stores East, L.P., Jane Doe #3, Individually and as Employee/Agent of Walmart Supercenter #511, and John Doe, customer of Walmart,

Defendants.

COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

Civil Action No. 2023-CP-43-00462

**DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

YOU WILL PLEASE TAKE NOTICE that Defendants Walmart, Inc., Walmart Real Estate Business Trust, Steve McCane, and Keith Lominac (hereinafter "Defendants"), by and through their undersigned counsel, hereby move this Court for an Order granting summary judgment in their favor on all of Plaintiff's claims against Defendants. Defendants bring this Motion pursuant to Rule 56, SCRPC, on the grounds that there are no genuine issues of material fact as to any of Plaintiff's claims, and, therefore, Defendants are entitled to judgment as a matter of law.

This Motion is based on the pleadings, discovery, deposition testimony, the controlling law, a supporting memorandum to be filed before any hearing on this Motion, counsel's argument at any hearing on this Motion, and such further material as the Court may deem appropriate. Defendants will show they are entitled to summary judgment on Plaintiff's causes of action for assault and battery, defamation, intentional infliction of emotional distress, and negligence. Therefore, Defendants respectfully request that the Court grant their Motion for Summary Judgment.

s/Stephen M. Foster

Randi Lynn Roberts, SC Bar No. 78888

rlroberts@lbrlawfirm.com

Stephen M. Foster, SC Bar No. 102709

sfoster@lbrlawfirm.com

LEWIS, BLAIN & ROBERTS, LLC

3700 Forest Drive, Suite 400

Columbia, South Carolina 29204

(803) 790-8838 Phone (803) 790-8841 Fax

November 18, 2024

Attorneys for Walmart Defendants

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

Gale Lyons,

Plaintiff,

vs.

Walmart, Inc., Walmart Real Estate Business Trust, Steve McCane, Keith Lominac, Whitney Nicole Doe Individually and as Employee/Agent of Walmart Supercenter #511, Employee/Agent of Walmart, Inc., Employee/Agent of Walmart Real Estate Business Trust, Employee/Agent of Walmart Stores East, Inc. and Employee/Agent of Walmart Stores East, LP, Jane Doe #1, Jane Doe #2, Jane Doe #3 Individually and as Employee/Agent of Walmart Supercenter #511, Employee/Agent of Walmart, Inc., Employee/Agent of Walmart Real Estate Business Trust, Employee/Agent of Walmart Stores East, Inc., and Employee/Agent of Walmart Stores East, L.P., Jane Doe #3, Individually and as Employee/Agent of Walmart Supercenter #511, and John Doe, customer of Walmart,

Defendants.

COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

Civil Action No. 2023-CP-43-00462

**DEFENDANTS' MEMORANDUM IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT**

Defendants Walmart, Inc., Walmart Real Estate Business Trust, Steve McCane, and Keith Lominac (hereinafter "Defendants"), by and through their undersigned counsel, submit this Memorandum in Support of Walmart's Motion for Summary Judgment. Defendants respectfully request this Court to grant their motion for summary judgment on all claims.

INTRODUCTION

This lawsuit arises out of Plaintiff's allegation that she was threatened by another Walmart *customer* ("John Doe Customer") while picking up her groceries on the day of the alleged incident. Exhibit A, Plaintiff's Compl. ¶¶ 13-17. It is undisputed that Plaintiff was not threatened in any

manner by a Walmart employee at any time while she was at the subject store on the day of the alleged incident. According to her Complaint, Plaintiff's only interaction with Walmart employees occurred in the parking lot, where Plaintiff demanded that the employees get a manager. Exhibit A, Plaintiff's Compl. ¶¶ 19-20. Plaintiff called law enforcement in response to John Doe Customer's alleged conduct and discussed the matter with law enforcement once officers were on the scene. Exhibit A, Plaintiff's Compl. ¶¶ 21-22. Plaintiff alleges that a Walmart employee suggested to law enforcement that the incident did not occur as Plaintiff claimed. Exhibit A, Plaintiff's Compl. ¶ 23.

The preceding allegations are the entire basis for Plaintiff's causes of action for assault and battery, defamation/slander, intentional infliction of emotional distress (hereinafter "IIED"), and negligence against Defendants. Plaintiff has offered no additional evidence whatsoever in support of her claims. Indeed, Plaintiff's deposition demonstrates that the entirety of her case rests on unsupported, self-serving assertions. Because Plaintiff's deposition testimony establishes all the material facts necessary to dispose of the matter, there are no material facts in dispute; therefore, Defendants are entitled to judgment as a matter of law.

STATEMENT OF FACTS

On April 3, 2020, Plaintiff went to the Walmart store in Sumter, South Carolina, to pick up groceries from her online order. Exhibit B, Pl.'s Dep. Tr. 34:1-10. Plaintiff testified she parked in the designated online pickup area and began to remove her groceries from the plastic bags and place them into personal crates that Plaintiff brought with her to the store. Exhibit B, Pl.'s Dep. Tr. 37:4-8. Plaintiff claimed that as she was picking up her crates, John Doe Customer began walking aggressively towards her while yelling. Exhibit B, Pl.'s Dep. Tr. 37:10-23. Plaintiff told

him to stop because COVID protocols were in place at that time and that she would call law enforcement if he did not stop. Exhibit B, Pl.'s Dep. Tr. 37:18-38:1.

Plaintiff testified that while she waited for law enforcement to arrive on the scene, three unidentified Walmart employees—named Jane Doe 1, 2, and 3—exited the store and approached the online pickup area. Exhibit B, Pl.'s Dep. Tr. 38:2-7. Plaintiff claimed she asked one of the Jane Does to get a store manager. Exhibit B, Pl.'s Dep. Tr. 38:13-16. However, Plaintiff stated that Jane Doe did not go back inside but instead went to speak with John Doe Customer. Exhibit B, Pl.'s Dep. Tr. 38:17-21. Prior to the arrival of law enforcement, John Doe Customer left the store after allegedly speaking with two of the Jane Does. Exhibit B, Pl.'s Dep. Tr. 38:22-39:2. Plaintiff expressly testified that her allegations of assault and battery were based on John Doe Customer's actions toward her. Exhibit B, Pl.'s Dep. Tr. 39:3-6.

Plaintiff testified that after law enforcement arrived on the scene, she spoke with two officers regarding the incident and explained what happened. Exhibit B, Pl.'s Dep. Tr. 40:2-5. Plaintiff further testified that “when the officer arrived and I was explaining to him what happened and that [John Doe Customer] had left, [one of the Jane Does] ran over to the police officer and said the incident never occurred.” Exhibit B, Pl.'s Dep. Tr. 40:4-7. Plaintiff explained that “for [Jane Doe] to do that, that's defaming me and making seem as though I'm calling the police and, you know, asking for a false police report, and that she knows definitively that the incident didn't occur.” Exhibit B, Pl.'s Dep. Tr. 40:7-12. Plaintiff averred that Jane Doe could not have known how the incident occurred because she was not present at the time of Plaintiff's interaction with John Doe Customer. Exhibit B, Pl.'s Dep. Tr. 40:12-14. Plaintiff testified that she did not hear Jane Doe's entire conversation with the police officer but *only* heard the phrase, “That never occurred.” Exhibit B, Pl.'s Dep. Tr. 40:23-41:5. In explaining how Walmart could have

intentionally inflicted emotional distress on her, Plaintiff testified that Jane Doe “tried to scrutinize” the situation and tried to cause additional conflict by telling police Plaintiff was fabricating the story. Exhibit B, Pl.’s Dep. Tr. 45:11-20.

The interaction between Plaintiff and law enforcement was captured via bodycam footage from the two officers who responded to the scene. Exhibit C, City of Sumter Police Department Bodycam Video 1; Exhibit D, City of Sumter Police Department Bodycam Video 2. While watching the video during her deposition, Plaintiff admitted that John Doe Customer was indeed a customer and not a Walmart employee. Exhibit B, Pl.’s Dep. Tr. 52:13-21; 53:10-16. In the video, Plaintiff told one of the officers that she wanted to press charges against John Doe Customer. Exhibit B, Pl.’s Dep. Tr. 53:3-5; Exhibit D, City of Sumter Police Department Bodycam Video 2 at 16:11:59. The officer told Plaintiff that there was nothing about the incident for which Plaintiff could press charges. Exhibit B, Pl.’s Dep. Tr. 53:6-20; Exhibit D, City of Sumter Police Department Bodycam Video 2 at 16:12:03. Most importantly, the bodycam footage from each officer shows they walked back to their cruisers to leave after explaining to Plaintiff that there was nothing they could do without any interaction with a Walmart employee. Exhibit C, City of Sumter Police Department Bodycam Video 1 at 16:15:16-28; Exhibit D, City of Sumter Police Department Bodycam Video 2 at 16:15:16-28. As the officers were leaving, one of them asked Plaintiff if she needed anything else, to which she replied no. *Id.*

In her deposition, Plaintiff testified she provided two videos taken from her phone purporting to support her assertions. Exhibit B, Pl.’s Dep. Tr. 59:13-16; Exhibit E, Plaintiff’s Cell Phone Video Footage 1; Exhibit F, Plaintiff’s Cell Phone Video Footage 2. However, one video depicts Plaintiff from inside her car yelling in an aggressive manner at John Doe Customer, who is quietly standing by a vehicle in the parking lot. Exhibit E, Plaintiff’s Cell Phone Video Footage

1. When shown this video, Plaintiff conceded the man was John Doe Customer, and that he did not speak to her. Exhibit B, Pl.'s Dep. Tr. 61:3-5; 21-24. Plaintiff also conceded that both of the videos were taken prior to the arrival of law enforcement. Exhibit B, Pl.'s Dep. Tr. 62:9-21.

In discussing her alleged damages, Plaintiff testified that her physical and mental injuries were a result of having to “run from John Doe [Customer] and jump into [her] car[.]” Exhibit B, Pl.'s Dep. Tr. 74:20-23. Plaintiff further testified that a “contributing factor for [her] is to not feel safe and then not be feel [sic] safe by employees working for Walmart who should have made sure that I was safe as well, because they have an obligation to me as a customer.” Exhibit B, Pl.'s Dep. Tr. 65:19-24. Plaintiff stressed that her legal claims against Walmart were based on her belief that “[Defendants] have an obligation to me as a customer to ensure my safety” because she “shouldn't feel unsafe shopping or picking up [her] groceries.” Exhibit B, Pl.'s Dep. Tr. 66:5-7; 67:7-12. Plaintiff explained that by not keeping her “safe,” Walmart “traumatized” her and should have kept her safe even though she expressly conceded no Walmart employee actually witnessed the alleged interaction with John Doe Customer. Exhibit B, Pl.'s Dep. Tr. 68:3-5; 70:2-6.

STANDARD OF REVIEW

The purpose of summary judgment is “to expedite disposition of cases which do not require the services of a factfinder.” *S. Glass & Plastics Co. v. Duke*, 367 S.C. 421, 427, 626 S.E.2d 19, 22 (Ct. App. 2005) (citing *George v. Fabri*, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001)). Summary judgment is proper when there is no genuine issue as to any material fact, and the moving party is entitled to judgment as a matter of law. *Ellis v. Davidson*, 358 S.C. 509, 517-18, 595 S.E.2d 817, 821 (Ct. App. 2004); *Rumpf v. Mass. Mut. Life Ins. Co.*, 357 S.C. 386, 392, 593 S.E.2d 183, 186 (Ct. App. 2004).

In determining whether a genuine issue of fact exists, a court must assume as true the evidence of the nonmoving party and draw all *reasonable* inferences in favor of that party. *David v. McLeod Reg'l Med. Ctr.*, 367 S.C. 242, 247, 626 S.E.2d 1, 3 (2006); *Rumpf*, 357 S.C. at 392, 593 S.E.2d at 186. Summary judgment is appropriate “where the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” *Ellis*, 358 S.C. at 517-18, 595 S.E.2d at 821. Thus, when plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted. *Id.* at 518, 595 S.E.2d at 822; *Rumpf*, 357 S.C. at 393, 593 S.E.2d at 186.

ARGUMENT

The material facts in this case are very simple and not in dispute. Rather, the entirety of the material facts in this case were provided by Plaintiff in her deposition or established by objective video evidence. Therefore, no further fact-finding is necessary. Plaintiff relies on unsupported assertions to support her case, which cannot defeat summary judgment. Further, Plaintiff's theories of liability with respect to each of her causes of action are flatly contrary to the law. Therefore, summary judgment is proper.

I. Defendants are entitled to summary judgment as to Plaintiff's claims of assault and battery because Plaintiff admitted this claim arises from the conduct alleged against John Doe Customer rather than Defendants.

Plaintiff's own testimony provides the totality of the facts necessary to dispose of Plaintiff's claim of assault and battery by summary judgment. Plaintiff *admitted* in her deposition that this cause of action arises from the alleged conduct of John Doe Customer. Exhibit B, Pl.'s Dep. Tr. Exhibit B, Pl.'s Dep. Tr. 39:3-6; 74:20-75:1. Therefore, it is undisputed that Defendants did not engage in conduct that placed Plaintiff in reasonable fear of bodily harm or engage in any

forcible contact with Plaintiff. See *Mellen v. Lane*, 377 S.C. 261, 276, 659 S.E.2d 236, 244 (Ct. App. 2008); *Gathers v. Harris Teeter Supermarket, Inc.*, 282 S.C. 220, 230, 317 S.E.2d 748, 754 (Ct. App. 1984). Accordingly, Defendants are entitled to summary judgment as to this claim.

II. Defendants are entitled to summary judgment as to Plaintiff's defamation/slander claim because there is no genuine issue of material fact, and Plaintiff has failed to show any defamatory statement was made by Defendants.

There is no genuine issue of material fact as to Plaintiff's claim for defamation/slander because any alleged communications made by Defendants in this case are protected as a matter of law both by privilege and by the precedent set forth in *Huffman v. Sunshine Recycling, LLC*, 426 S.C. 262, 826 S.E.2d 609 (2019). Further, Plaintiff fails to provide any evidence that a false and/or defamatory statement was ever made about her; therefore, she has failed to provide any evidence to support a claim for defamation.

To prove defamation, "the plaintiff must show (1) a false and defamatory statement was made; (2) the unprivileged publication was made to a third party; (3) the publisher was at fault; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication." *McBride v. Sch. Dist. of Greenville Cty.*, 389 S.C. 546, 559–60, 698 S.E.2d 845, 852 (Ct. App. 2010) (emphasis added). "A communication is defamatory if it tends to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating with him." *Parrish v. Allison*, 376 S.C. 308, 321, 656 S.E.2d 382, 389 (Ct. App. 2007) (quoting *Holtzscheiter v. Thomson Newspapers, Inc.*, 332 S.C. 502, 530, 506 S.E.2d 497, 513 (1998)). With this first element of defamation, the trial court must initially determine if the communication is reasonably capable of conveying a defamatory meaning. *Id.* at 530, 506 S.E.2d at 513; *White v. Wilkerson*, 328 S.C. 179, 183, 493 S.E.2d 345, 347 (1997). "Some statements are so clearly innocent or defamatory the court is justified in determining the question

itself.” *Id.* (citing *Holtzscheiter*, 332 S.C. at 530, 506 S.E.2d at 512).

“In a defamation action, the defendant may assert the affirmative defense of conditional or qualified privilege.” *Swinton Creek Nursery v. Edisto Farm Credit, ACA*, 334 S.C. 469, 484, 514 S.E.2d 126, 134 (1999). Under a qualified privilege defense, “one who publishes defamatory matter concerning another is not liable” if there is a conditional privilege that is not abused. *Id.* It is the duty of the court to determine if the statement is privileged as a matter of law. *Murray v. Thornton*, 344 S.C. 129, 140, 542 S.E.2d 743, 749 (Ct. App. 2001). Communications made in a criminal investigation for the purpose of detecting the suspects are privileged. *Bell v. Bank of Abbeville*, 208 S.C. 490, 494, 38 S.E.2d 641, 643 (1946).

As a threshold matter, Plaintiff’s defamation claim is facially meritless because *all* alleged communications at issue are both privileged and subject to *Huffman* since the communications at issue were made to law enforcement as part of an independent investigation into the matter. *See Huffman*, 426 S.C. at 273, 826 S.E.2d at 615 (holding witnesses and victims who act in good faith in assisting law enforcement are not subject to civil liability); Exhibit B, Pl.’s Dep. Tr. 40:4-7. Therefore, even taking Plaintiff’s allegations as true, Walmart associates limited their publications to only information related to the suspected crime being reported by Plaintiff and published those communications only to the responding law enforcement officers. Accordingly, these communications are both privileged and subject to the protection afforded under *Huffman*. *See Huffman*, 426 S.C. at 273, 826 S.E.2d at 615; *Swinton*, 334 S.C. at 484, 514 S.E.2d at 134.

Most importantly, the only material fact relevant to Plaintiff’s defamation claim is whether a defamatory or false statement was even published. By Plaintiff’s own testimony, the *only* statement Plaintiff witnessed was Jane Doe telling law enforcement, “That never occurred.”

Exhibit B, Pl.'s Dep. Tr. 40:23-41:5.¹ By definition, such a statement does not meet the threshold conditions of defamatory. *See Parrish*, 376 S.C. at 321, 656 S.E.2d at 389 (“A communication is defamatory if it tends to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating with him.”).

Accordingly, Plaintiff has failed to provide any evidence that a defamatory statement was ever published about her and Defendants are entitled to summary judgment as to this claim.

III. Plaintiff’s claim of IIED fails as a matter of law because Plaintiff fails to establish any evidence that Defendants’ conduct was so extreme and outrageous that it permits recovery.

Plaintiff fails to present any genuine issue of material fact as to each element of IIED; thus, Defendants are entitled to summary judgment on this claim. Under well-established South Carolina law, to recover for IIED, a plaintiff must establish:

- (1) the defendant intentionally or recklessly inflicted severe emotional distress, or was certain, or substantially certain, that such distress would result from his conduct;
- (2) the defendant’s conduct was so extreme and outrageous so as to exceed all possible bounds of decency and must be regarded as atrocious, and utterly intolerable in a civilized community;
- (3) the actions of the defendant caused Plaintiff’s emotional distress; and
- (4) the emotional distress suffered by Plaintiff was severe such that no reasonable man could be expected to endure it.

Hansson v. Scalise Builders of S.C., 374 S.C. 352, 356, 650 S.E.2d 68, 70-71 (2007) (quoting *Ford v. Hutson*, 276 S.C. 157, 162, 276 S.E.2d 776, 778 (1981) (internal quotation marks omitted)).

Whether a defendant’s conduct may be reasonably regarded as so extreme and outrageous to permit

¹ Further, objective bodycam footage from both officers shows the officers only spoke with Plaintiff and then immediately returned to their cruisers to leave the scene. Exhibit C, City of Sumter Police Department Bodycam Video 1; Exhibit D, City of Sumter Police Department Bodycam Video 2. The incident report likewise makes no mention of any interaction with a Walmart employee. Exhibit G, City of Sumter Police Department Case Report.

recovery is initially one for a court, and only where reasonable persons might differ is it a question for a jury. *Hawkins v. Greene*, 311 S.C. 88, 91, 427 S.E.2d 692, 693 (Ct. App. 1993). “Where evidence is undisputed that the defendant acted in good faith and in a reasonable manner, his conduct cannot be characterized as so extreme and outrageous as to exceed all possible bounds of decency and atrocious and utterly intolerable in a civilized community.” *Id.*

Here, Plaintiff fails to proffer any evidence to support her claim for IIED. In her Complaint, Plaintiff simply asserts that Defendants’ behavior was “extreme and outrageous, exceeding all possible boundaries.” Exhibit A, Plaintiff’s Compl. ¶ 26. In her deposition testimony, Plaintiff provided little more than she did in her Complaint, testifying that Jane Doe’s alleged conversation with law enforcement was the basis for this claim. Exhibit B, Pl.’s Dep. Tr. 45:11-20; 46:6-10; 47:14-18; 48:6-7. This is wholly insufficient to support even a single element of IIED.

By Plaintiff’s own admission, the “extreme” conduct that she attributes to a Walmart employee was an alleged conversation with law enforcement that Plaintiff largely did not hear. Exhibit B, Pl.’s Dep. Tr. 40:23-41:5. Further, Plaintiff has described no emotional distress such that no reasonable person could be expected to endure it. *Id.* Indeed, *Huffman* explicitly protects individuals who provide information to law enforcement, *even if the information later turns out to be mistaken*. See *Huffman*, 426 S.C. at 272-73, 826 S.E.2d at 615; *Id.* at 274-74, 826 S.E.2d at 616. Therefore, even if Defendants engaged in the conduct alleged by Plaintiff, our Supreme Court has protected this conduct as a matter of law, and any distress suffered by Plaintiff as a result is, by definition, tolerable under the law.

IV. Plaintiff’s claim negligence fails as a matter of law because Plaintiff has provided no evidence that Defendants violated any duty to her, and *Huffman* protects Defendants’ actions.

Plaintiff’s negligence cause of action, as set for in her Complaint, is predicated on a single

line of text: “The Defendants owed Plaintiff a duty of care.” Exhibit A, Plaintiff’s Compl. ¶ 27. In her deposition, Plaintiff testified her claims against Defendants are based on Defendants’ “obligation to [her] as a customer to ensure [her] safety.” Exhibit B, Pl.’s Dep. Tr. 66:5-7; 67:7-12. The Court must not allow Plaintiff’s speculation on the *law* to defeat summary judgment. Summary judgment considers only whether there is a genuine issue of material *fact* for which a fact finder is necessary. Here, there is none.

To establish a cause of action for negligence, “a plaintiff must show ... three essential elements: (1) a duty of care owed by the defendant to the plaintiff; (2) a breach of that duty by negligent act or omission; and (3) damage proximately resulting from the breach of duty.” *Trotter v. State Farm Mut. Auto. Ins. Co.*, 297 S.C. 465, 474, 377 S.E.2d 343, 348 (Ct. App. 1988).

Plaintiff’s theory of the case imputes a duty to Walmart that does not exist; namely, that a business has a duty to ensure the safety of its customers. A business has no such duty in this state. *See Garvin v. Bi-Lo, Inc.*, 343 S.C. 625, 628, 541 S.E.2d 831, 832 (2001) (holding “[a] merchant is not an insurer of the safety of his customer” (citing *Pennington v. Zayre Corp.*, 252 S.C. 176, 165 S.E.2d 695 (1969))). Rather, Defendants owed Plaintiff a duty of ordinary care to keep the subject store in a reasonably safe condition. *See Richardson v. Piggly Wiggly Cent., Inc.*, 404 S.C. 231, 743 S.E.2d 858 (Ct. App. 2013) (“In South Carolina, a merchant owes a customer a duty of ordinary care to keep his premises in a reasonably safe condition.”) (citing *Wimberley v. Winn-Dixie Greenville, Inc.*, 252 S.C. 117, 120-21, 165 S.E.2d 627, 628 (1969))). Plaintiff has not alleged, much less provided evidence, that the subject store was not a reasonably safe place to shop. Rather, Plaintiff has alleged—without evidence—that an anonymous customer threatened her. There is no basis in the law for which Defendants can be held liable for the actions of John Doe Customer under the facts as alleged by Plaintiff. Therefore, there is no evidence in the record that Defendants

breached any duty to Plaintiff, and her negligence claim fails as a matter of law.

Further, under a cause of action for negligence, a plaintiff may not recover damages for mental anguish or emotional distress absent a physical injury. *Dooley v. Richland Memorial Hosp.*, 283 S.C. 372, 322 S.E.2d 669 (1984); *see also Babb v. Lee Cty. Landfill SC, LLC*, 405 S.C. 129, 141, 747 S.E.2d 468, 474 (2013) (South Carolina jurisprudence does not permit recovery for sheer annoyance and discomfort); *accord Andrews v. Piedmont Air Lines*, 297 S.C. 367, 370, 377 S.E.2d 127, 129 (Ct. App. 1989) (emotional discomfort is not an actionable damage in tort even if it results from the defendant's negligence). Plaintiff testified that she did not suffer any physical injuries as a result Defendants' conduct. Exhibit B, Pl.'s Dep. Tr. 74:20-75:12. This fact alone entitles Defendants to summary judgment on Plaintiff's negligence cause of action.

V. Alternatively, Defendants are entitled to summary judgment on the issue of punitive damages because Plaintiff fails to establish by clear and convincing evidence that Defendants' conduct was willful, wanton, reckless, or malicious.

Alternatively, the Court should grant partial summary judgment in favor of Defendants on the question of punitive damages because Plaintiff fails to put forth clear and convincing evidence of willful, wanton, reckless, or malicious conduct on the part of Walmart or any of its employees. *See Gamble v. Stevenson*, 305 S.C. 104, 110, 406 S.E.2d 350, 354 (1991); *see also Clark v. Cantrell*, 339 S.C. 369, 378, 529 S.E.2d 528, 533 (2000).

It is unquestionable that no conduct of Defendants was willful, wanton, reckless, or malicious because there is no evidence in the record that Defendants acted unreasonably towards Plaintiff or in any manner such that their actions constituted an intentional or conscious disregard for the rights of others. *See S.C. Farm Bureau Mut. Ins. Co. v. Love Chevrolet. Inc.*, 324 S.C. 149, 152, 478 S.E.2d 57, 58 (1996); *Cartee v. Leslev*, 290 S.C. 333, 337, 350 S.E.2d 388, 390 (1986); *Mellen v. Lane*, 377 S.C. 261, 290, 659 S.E.2d 236, 251 (Ct. App. 2008). Because Plaintiff

fails to put forth any evidence of willful, wanton, reckless, or malicious conduct on the part of Defendants to create a genuine issue of material fact, nor will she be able to prove this by clear and convincing evidence, the Court should grant summary judgment in favor of Defendants on the question of punitive damages. *See* S.C. Code Ann. § 15-33-135.

CONCLUSION

For the foregoing reasons, Defendants are entitled to judgment as a matter of law on all of Plaintiff's claims. Accordingly, Defendants respectfully request that this Court grant their Motion for Summary Judgment and dismiss Plaintiff's Complaint with prejudice.

s/Stephen M. Foster

Randi Lynn Roberts, SC Bar No. 78888

rlroberts@lbrlawfirm.com

Stephen M. Foster, SC Bar No. 102709

sfoster@lbrlawfirm.com

LEWIS, BLAIN & ROBERTS, LLC

3700 Forest Drive, Suite 400

Columbia, South Carolina 29204

(803) 790-8838 Phone (803) 790-8841 Fax

November 18, 2024

Attorneys for Walmart Defendants

EXHIBIT A

RECORDED

2023 APR -3 PM 5:07

2023 CP-43 462

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

CIVIL CASE NUMBER

STATE OF SOUTH CAROLINA

COUNTY OF

Sumter

Gale Lyons
PLAINTIFF(S)

IN THE MAGISTRATE'S COURT

Common Pleas
3rd Judicial

SUMMONS

vs.

Walmart Inc Walmart
Super Center #511
DEFENDANT(S)

Walmart Inc Walmart Super Center #511
TO THE DEFENDANT

YOU ARE SUMMONED and required to answer the allegations of the attached complaint and present any appropriate counterclaims/crossclaims to the attached Complaint within 30 days from the first day after receipt of this summons. Your answer must be received by the ~~Magistrate's~~ Court located at:

Gale Lyons
P. Box 6204
Columbia, SC 29360

Common Pleas
3rd Judicial

If you fail to answer within the prescribed time, a judgment by default may be rendered against you for the amount or other remedy requested in the attached complaint, plus interest and costs. If you desire a jury trial, you must request one in writing at least five (5) working days prior to the date set for trial. If no jury trial is timely requested, the matter will be heard and decided by the Judge.

Given under my hand, this 3 day of April 2023

Gale Lyons
MAGISTRATE

ELECTRONICALLY FILED - 2024 Nov 18 4:17 PM - SUMTER - COMMON PLEAS - CASE#2023CP4300462

ELECTRONICALLY FILED - 2024 Nov 18 4:17 PM - SUMTER - COMMON PLEAS - CASE#2022CP4300462

STATE OF SOUTH CAROLINA)

COUNTY OF Sumter)

Gale Lyons)

Plaintiff(s))

vs.)

Walmart, Inc., Walmart Real Estate Business Trust, Steve McCane, Individually and as Employee/Agent of Walmart Supercenter #511, Employee/Agent of Walmart, Inc., Employee/Agent of Walmart Real Estate Business Trust, Employee/Agent of Walmart Stores East, Inc., and Employee/Agent of Walmart Stores East, LP, Keith Lominac, Individually and as Employee/Agent of Walmart Supercenter #511 and as Employee/Agent of Walmart, Inc., Employee/Agent of Walmart Real Estate Business Trust, Employee/Agent of Walmart Stores East, Inc., and Employee/Agent of Walmart Stores East, LP, Walmart Stores East, Inc., and Walmart Stores East, LP, Walmart Supercenter #511, Jane Doe, Individually and as Employee/Agent of Walmart Supercenter #511, Employee/Agent of Walmart, Inc., Employee/Agent of Walmart Real Estate Business Trust, Employee/Agent of Walmart Stores East, Inc., and Employee/Agent of Walmart Stores East, LP.

Defendant(s))

Submitted By: Gale Lyons, Pro SE
Address: PO Box 6204, Columbia SC 29260

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2023-CP - 43- 162

RECORDED
2023 APR -3 PM 5:08
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

SC Bar #: _____
Telephone #: 803-565-9158
Fax #: _____
Other: _____
E-mail: gwrightlyons@aol.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Certificate Attached)

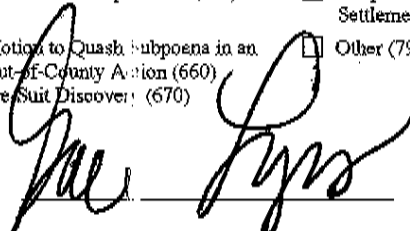
NATURE OF ACTION (Check One Box Below)


- | | | | |
|--|--|---|---|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) _____ <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Incident Case #
20____-NI-____-____ <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) _____ <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input checked="" type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) _____ <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) _____ <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) |
|--|--|---|---|

<input type="checkbox"/> Other (599)	<input type="checkbox"/> Permanent Injunction (830)	<input type="checkbox"/> Minor Settlement (730)	<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Forfeiture-Petition (840)	<input type="checkbox"/> Forfeiture—Consent Order (850)	<input type="checkbox"/> Transcript Judgment (740)	<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> Other (899)		<input type="checkbox"/> Lis Pendens (750)	<input type="checkbox"/> SCDOT (950)
		<input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)	<input type="checkbox"/> Worker's Comp (960)
		<input type="checkbox"/> Confession of Judgment (770)	<input type="checkbox"/> Zoning Board (970)
		<input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)	<input type="checkbox"/> Public Service Comm. (990)
		<input type="checkbox"/> Incapacitated Adult Settlement (790)	<input type="checkbox"/> Employment Security Comm (990)
		<input type="checkbox"/> Other (799)	<input type="checkbox"/> Other (999)

Special/Complex /Other

<input type="checkbox"/> Environmental (600)	<input type="checkbox"/> Pharmaceuticals (630)
<input type="checkbox"/> Automobile Arb. (610)	<input type="checkbox"/> Unfair Trade Practices (640)
<input type="checkbox"/> Medical (620)	<input type="checkbox"/> Out-of State Depositions (650)
<input type="checkbox"/> Other (699)	<input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)
<input type="checkbox"/> Sexual Predator (510)	<input type="checkbox"/> Pre-Suit Discovery (670)
<input type="checkbox"/> Permanent Restraining Order (680)	
<input type="checkbox"/> Interpleader (690)	

Submitting Party Signature:  _____

Date:  _____

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR under ADR Rule 3(b) upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals;
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.

5. Cases may also be exempt from ADR under ADR Rule 3(c) upon motion to and approval by the court.
6. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
7. Application of a party to be exempt from payment of neutral fees due to indigency should be filed with the Clerk of Court prior to the scheduling of the ADR conference.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

ELECTRONICALLY FILED - 2024 Nov 18 4:17 PM - SUMTER - COMMON PLEAS - CASE#2023CP4300462

3. That upon information and belief Defendants Steve McCane and Keth Lominac are citizens and residents of Sumter County, South Carolina.
4. That upon information and belief Defendant Whitney Rose Doe is citizen and resident of Sumter County, South Carolina, is an agent of Defendants, and was on duty on April 3, 2020.
5. That Defendant Walmart, Inc. is a corporation incorporated and existing under the laws of the State of Delaware doing business and owning real property in Sumter County.
6. That Defendant Walmart Store East, Inc. is a corporation incorporated and existing under the laws of the State of Delaware doing business and owning real property in Sumter County.
7. That Defendant Walmart Stores East, LP is a limited partnership incorporated and existing under the laws of the State of Delaware doing business and owning real property in Sumter County. 13. That Defendant Walmart Supercenter #511 is a corporation incorporated and existing under the laws of the State of Delaware doing business and owning real property in Sumter County. 14.
8. That at all times relevant, Defendant Steve McCane was a manager of Defendant Walmart, Inc., and Defendant Walmart Supercenter #511 with responsibility for cleaning, monitoring, and maintaining the Premises to ensure that they were safe, clean, and not dangerous to persons such as Plaintiff.
9. That at all times relevant, Defendant Keith Lominac was a manager and/or General Manager of Defendant Walmart, Inc., and Defendant Walmart Supercenter #511 with responsibility for cleaning, monitoring, and maintaining the Premises to ensure that they were safe, clean, and not dangerous to persons such as Plaintiff.
10. That at all times relevant, Defendant Whitney Rose Doe, Jane Doe #1, Jane Doe #2, and Jane Doe #3 were an employees/agents of Defendant Walmart, Inc., and Defendant Walmart Supercenter #511 with responsibility for cleaning, monitoring, and maintaining the Premises to ensure that they were safe, clean, and not dangerous to persons such as Plaintiff.
11. That as Store Manager of Walmart, Inc., Defendant Walmart Store East, Inc., Defendant Walmart Store East, LP, and Walmart Real Estate Business Trust, Walmart Supercenter #511, Defendant Steve McCane had power, authority, and responsibility to manage, direct, superintend, restrict, regulate, govern, administer, and/or oversee the management of the Premises to ensure that they were safe, clean, and not dangerous to persons such as Plaintiff.
12. That this Court has jurisdiction over the parties and the subject matter of this action.

FIRST CAUSE OF ACTION (ASSAULT/BATTERY)

13. Plaintiff was lawfully picking up grocery at the online pick-up area (number 1 parking) at Walmart Supercenter #511 located at 1283 Broad St, Sumter, SC 29150 on April 3, 2020 during Covid19 statewide shutdown.
14. After Plaintiff removed all groceries out of Walmart plastic bags to place in her personal plastic crates, she sprayed Lysol on the plastic gloves prior to removing to discard in one of the plastic bags.
15. As Plaintiff was picking up the crates with the groceries, Defendant John Doe (Black male) begin walking aggressively and briskly towards Plaintiff in a threatening manner and attempted to assault the Plaintiff.
16. Defendant John Doe begin yelling as he is walking towards the Plaintiff, Plaintiff told him not advance towards her in violation of the Center for Disease of Control and Governor Henry McMaster Covid19 social distancing protocols, or she would call the police.
17. After Plaintiff warned Defendant John Doe that she was calling the police, he continued to behave threatening and berated her with verbal assaults.
18. While waiting for the police to arrive, three Walmart employes, Defendants Jane Doe #1, Jane Doe #2, and Jane Doe #3 exited the building's door at the online pickup area.

SECOND CAUSE OF ACTION (DEFAMATION/SLANDER)

19. Plaintiff requested for Defendants Jane Doe #1 and Jane Doe #2 to get a store manager. Both Defendants ignored and refused Plaintiff's pleas for safety. Instead, Defendants Jane Doe #1 and Jane Doe #2 walked over to talk to Defendant John Doe. Defendant Jane Doe #3 went to a vehicle to deliver an online order.
20. Both Jane Doe #1 and Jane Doe #2 refused to inform a store manager of the incident and continued to engaged in a conversation with Def John Doe as he continued to berate, hurl profanity, and threatened the Plaintiff.
21. Defendant John Doe waited a few minutes for police to arrive but fled the scene a few minutes after talking to Defendants Jane Doe #1 and Jane Doe #2 prior to the arrival of two City of Sumter police officers.

22. Plaintiff provided the City of Sumter police officers details of the physically and verbally threatening incident and was instructed to call the police department for a supervisor's report of the incident.
23. As the police officer was leaving the scene, Defendant Jane Doe #1 ran over to stop the police officer to talk to him.
24. Defendant Jane Doe slander the Plaintiff suggesting that the incident did not occur.
25. Over 30 minutes after the incident with Defendant John Doe, Defendant Whitney Rose Doe came outside yelling to the Plaintiff that she will have to come inside in the future to pick up my groceries.

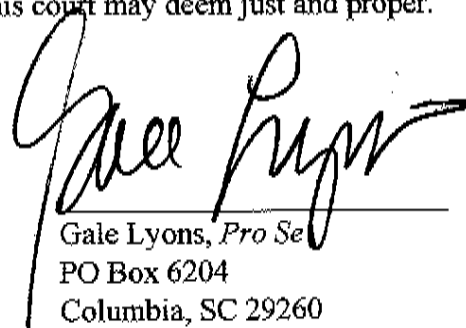
THIRD CAUSE OF ACTION (INFLICTION OF EMOTIONAL DISTRESS)

26. The Defendants intentionally inflicted emotional distress and their conducts were extreme and outrageous exceeding all possible boundaries.

FOURTH CAUSE OF ACTION (NEGLIGENCE)

27. The Defendants owed Plaintiff a duty of care.

WHEREFORE, the Plaintiff prays for judgment against the Defendants for an amount to be ascertained by the jury at the trial of this action for all damages, punitive and actual, for the cost and disbursements of this action, and both prejudgment and post judgment interest, and for such other and further relief, in law or in equity, as this court may deem just and proper.



Gale Lyons, *Pro Se*
PO Box 6204
Columbia, SC 29260
(803) 565-9158

April 3, 2023.

EXHIBIT B

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
 COUNTY OF SUMTER) C/A NO: 2023-CP-43-00462

Gale Lyons,)
 Plaintiff,)
)
 v.)
 Walmart, Inc., Walmart Real)
 Estate Business Trust, Steve)
 McCane, Keith Lominac,)
 Whitney Nicole Doe)
 Individually and as)
 Employee/Agent of Walmart)
 Supercenter #511,)
 Employee/Agent of Walmart,)
 Inc., Employee/Agent of)
 Walmart Real Estate Business)
 Trust, Employee/Agent of)
 Walmart Stores East, Inc.,)
 and Employee/Agent of Walmart)
 Stores East, LP, Jane Doe #1,)
 Jane Doe #2, Jane Doe #3)
 Individually and as)
 Employee/Agent of Walmart)
 Supercenter #511,)
 Employee/Agent of Walmart,)
 Inc., Employee/Agent of)
 Walmart Real Estate Business)
 Trust, Employee/Agent of)
 Walmart Stores East, Inc.,)
 Employee/Agent of Walmart)
 Stores East, L.P., Jane Doe)
 #3, Individually and as)
 Employee/Agent of Walmart)
 Supercenter #511, and John)
 Doe, customer of Walmart,)
)
 Defendants.)

1 Q. And the alleged incident occurred on April 3rd,
2 2020, correct?

3 A. Is that the date? I'm not sure. I'm honestly
4 not sure because, as I said, I didn't prep for
5 it in terms of looking at the dates to confirm.
6 I mean, I can pull it up, you know, on my laptop
7 or phone to see what the dates are to confirm.

8 Q. Okay. Well, I'll represent to you that that's
9 the date that it occurred.

10 A. Okay.

11 Q. Just so that we have the -- we're operating in
12 the same time when we're talking about timelines
13 and things. Have you been ever been in that
14 Walmart prior to April 3rd, 2020?

15 A. Yes, of course. I always shop there, but I
16 normally -- before COVID, I would shop later at
17 night to avoid the crowd in Walmart due to lupus
18 and due to physical disabilities so that way I'm
19 not -- let me say this. Even before COVID, I
20 had to be cautious. So COVID didn't make a
21 difference how I move in society because of my
22 illness. So I would go late at night to get
23 groceries. I changed to pickup a lot of times
24 during the winter months because that's when the
25 most challenging for me with rheumatoid

1 won't go through all the beginning of the
2 complaint, but according to your first cause of
3 action, which is for assault and battery, you
4 were picking up your grocery, your online
5 grocery order in the parking lot at the Broad
6 Street store in Sumter. After you got your
7 groceries out of the plastic bags and into your
8 personal crates, you had sprayed Lysol on the
9 plastic gloves to remove, to discard in one of
10 the plastic bags. And it says that as you were
11 picking up the crates, a defendant, who you
12 named John Doe and who you put in parentheses as
13 a black male, began walking aggressively and
14 briskly towards you in a threatening manner and
15 attempted to assault you. Is that still
16 correct, you stand by those allegations?

17 A. Yes.

18 Q. And this John Doe was yelling at you as he was
19 walking towards you, even though you told him
20 not to advance towards you given the COVID
21 protocols that were in place at the time; is
22 that correct?

23 A. Yes.

24 Q. And you told him you would call the police,
25 correct?

1 A. Correct.

2 Q. Now, you also say that when you're waiting for
3 police to arrive that three Walmart employees,
4 who you named Jane Doe one, two, and three
5 exited the building and came out to the online
6 pickup area, correct?

7 A. Correct.

8 Q. And you don't know who these people are?

9 A. I don't. The black shorter female, I've had
10 some encounter with her maybe in customer
11 service, but I don't know her personally and I
12 don't even know her name.

13 Q. You don't know her name, okay. Now, it also
14 says you did request a Jane Doe one or Jane Doe
15 two to get a store manager; is that correct?

16 A. Correct.

17 Q. You also say that they didn't do that but
18 instead went and talked to John Doe, the person
19 who assaulted you, according to your
20 allegations, correct?

21 A. Correct.

22 Q. And according to your allegations, John Doe
23 waited a few minutes for police to arrive, but
24 fled the scene after talking to Jane Doe one and
25 two prior to the police arriving; is that

1 correct?

2 A. Correct.

3 Q. And so your first cause of action for assault
4 and battery is based on John Doe's actions
5 towards you, correct?

6 A. Correct.

7 Q. And then you allege defamation and slander, and
8 your defamation and slander allegations are
9 based on conversations that Jane Doe one and
10 Jane Doe two had with who?

11 A. Are you referring to Jane Doe number one, the
12 shorter black female?

13 Q. Well, whoever that is. I don't know about
14 descriptions because I don't know these people,
15 but I'm just reading your complaint. According
16 to your complaint, Jane Doe one and Jane Doe two
17 are the the females mentioned in your defamation
18 allegations.

19 A. I sent you all a picture, and those pictures
20 showed who Jane Doe -- who I was referring to in
21 terms of Jane Doe one, two, and three.

22 Q. And what are you alleging --

23 A. And it may have been four, because it was a
24 white female. I'm sorry?

25 Q. Well, I was going to say what are -- what are

1 you alleging that Jane Doe one and two said?

2 A. Well, I'm not sure it was -- which one is Jane
3 Doe one or two, but the shorter black female,
4 when the officer arrived and I was explaining to
5 him what had happened and that the man had left,
6 and she ran over to the police officer and said
7 that the incident never occurred. So for her to
8 do that, that's defaming me and making it seem
9 as though I'm calling the police and, you know,
10 asking for a false police report, and that she
11 knows definitively that the incident didn't
12 occur. And she wasn't -- she wasn't present
13 when the incident was happening because they
14 came out after the incident had occurred. He
15 walked back over to his car. So that --

16 Q. You could hear her conversation with the police?

17 A. Yes, I heard her, and I addressed her and said,
18 why would you tell him that when you weren't --
19 you wasn't present to see what had happened.
20 And she didn't know that the incident was
21 recorded that he admitted to what he had, you
22 know, tried to do and he tried to accost me and
23 I had to, you know, hurriedly pick up carts.
24 Mind you, now I'm picking up carts with food in
25 it. I have arthritis in my hands as well, can

1 barely bend down to pick up things. I thought
2 at first when he was walking toward me that he
3 was actually coming to help me, and then he
4 started -- I don't know what he was cursing, but
5 I could see the aggression in his face and him
6 charging at me. And that's what really kind of
7 like made me take a step back like what is he
8 doing, like what did I do for him to do that.
9 Like I thought at first I was like greeting him,
10 you know, to say hey, and then like if he was
11 going to ask me if I needed help. But that
12 didn't occur. But my point of saying this is
13 that the whole incident that occurred she was
14 never present. So for her to do that when she
15 knows the black community has a distrust of
16 police officers and being protected, but for her
17 to do that and say that I'm calling the police
18 for something that never occurred, that's
19 defaming me and making it seem as though I'm
20 playing with the police and I'm wasting
21 taxpayers' money and that wasn't -- that wasn't
22 the case.

23 Q. Do you recall, like, her exact words to the
24 police?

25 A. She said, "That never occurred."

1 gun was in the car and that I could protect
2 myself. So that's why I got into the car
3 quickly and locked the doors. So, at this
4 point, I didn't have that fear of being outside
5 of my car. So those -- that incident is in
6 there. But then when I got in the car and I
7 already warned him I was calling the police,
8 that's when I started recording, and that's when
9 I caught on camera where he admitted to what he
10 had done to me.

11 Q. Okay. Now, your third cause of action in your
12 complaint is intentional infliction of emotional
13 distress. What did a Walmart employee do to you
14 that you would say inflicted emotional distress
15 on you?

16 A. When she tried to scrutinize what had occurred
17 outside, and she wasn't present. And then she
18 tried to cause even more conflict with the
19 police as if I was, you know, fabricating an
20 incident that didn't happen. I don't want to
21 get emotional, but just to have that kind of
22 conflict with black people somebody mirroring
23 your own image and for her to -- I mean, I'm a
24 woman. She saw a handicap tag. You didn't even
25 come to check on me to see what actually

1 happened, so for you to do that with everything
2 we've seen that's been happening with black on
3 black crime, this is a big man. Like I have
4 many of my family are tall, but this guy was
5 maybe 6'4", 6'5", maybe 300 pounds, and I'm like
6 5'6" and you see a handicap tag and you couldn't
7 even come to me to say, are you okay, like what
8 happened. She didn't do that. Not one of those
9 employees came to my car, and they're females.
10 That hurt more. But the fact that you've got
11 three black people out there and I'm older than
12 them and you don't come to see if I'm okay, like
13 I'm a -- I don't make up stuff. I don't call
14 the police and prank the police. As I said, I
15 have friends that work for the police
16 department. I don't play with taxpayers' money
17 and the last thing I'm going to do is lie and
18 say let me call the police because if he had
19 came over and just said that to me, none of this
20 would have occurred. But for you to come over
21 to me charging me like a raging bull as if I
22 commit a crime, but I had done something that I
23 -- it was like my first time taking my groceries
24 and telling them not to put in bags, but
25 normally do it anyway, so I usually take the

1 bags out because I don't want to throw the bags
2 away if they can use them, they do. But I
3 always let them know, if you see the bag tied
4 that the gloves are in there, just trash them
5 because you don't have a trash can outside. So
6 I didn't do anything different that day that I
7 didn't do every other day when I pick my
8 groceries up. But for somebody to stand there
9 watching me and then coming to attack me and
10 then you've got three females, not one came and
11 said, are you okay; what happened out there?
12 Not one.

13 Q. Okay. Ms. Lyons --

14 A. Yet she goes to the police officer and says oh,
15 that never happened.

16 Q. So that's what you're alleging is causing
17 emotional distress, correct?

18 A. A lot of emotional distress. As I said, I
19 couldn't even watch that video at all.

20 Q. And it's because -- I'm sorry. Go ahead.

21 A. He's attacking me. He's calling --

22 Q. And by he, you mean John Doe, correct?

23 A. Yes. He's attacking me. He's calling me all
24 sorts of names. He's antagonizing me. They're
25 standing there antagonizing me with him having

1 conversation while he's antagonizing me.

2 Q. But they didn't see the incident, correct?

3 A. They didn't -- they didn't witness the incident
4 at all.

5 Q. Okay.

6 A. But they witnessed him continue to antagonize
7 me. That should have been validation enough
8 that something had occurred, because the way he
9 was acting with them present and they still
10 didn't say why would you do that? Or let me
11 check on her and see what happened? You engaged
12 this man and seemed like they were endorsing the
13 abuse.

14 Q. Okay. By talking to him?

15 A. By talking to him while he was actually berating
16 me.

17 Q. Okay.

18 A. Suggesting that I was a derogatory word for even
19 calling the police.

20 Q. Now, do you have any evidence that they were
21 with him when he was allegedly berating you?

22 A. That's on the video. And I took pictures with
23 them standing there while he was kind of
24 gesturing, and you could obviously see on the
25 picture that he's saying something and they're

1 Q. Here we go. All right. Ms. Lyons, I'm going to
2 play this again. Let me know if you can hear
3 this.

4 (Video playing)

5 Q. Can you hear that, Ms. Lyons?

6 A. Yes, I can. I can.

7 Q. Okay. And you recognize that this is a clip of
8 you speaking with the Sumter police, correct?

9 A. Correct.

10 Q. I'm going to back it up just a little so we can
11 capture what you're saying.

12 (Video playing)

13 Q. Now, when the police just asked you who it was,
14 your response was a black guy picking up his
15 groceries, correct?

16 A. Correct.

17 Q. And you're referring to John Doe, correct?

18 A. Yes. Yes.

19 Q. This is another Walmart customer at the store,
20 correct?

21 A. Correct.

22 Q. I'm going to do a different one. This is the
23 same incident. Obviously this is police body
24 camera from a different officer so there's going
25 to be some repetition, but we can hear this one

1 a little better.

2 (Video playing)

3 Q. So, Ms. Lyons, you said to the officer you
4 wanted to press charges, correct?

5 A. Correct.

6 Q. And he responded to you that there was nothing
7 about the incident for which you could press
8 charges, correct?

9 A. Correct.

10 Q. And based on this video, you agree that it was
11 not a Walmart associate that walked up to your
12 vehicle aggressively, correct?

13 A. It was a Walmart customer.

14 Q. It was a Walmart customer, not an associate,
15 correct?

16 A. Not an associate.

17 Q. And just to reiterate, law enforcement in the
18 video said they couldn't assert or press any
19 charges, correct?

20 A. Correct. They said that, but that's to be
21 expected.

22 Q. He also said Walmart has the right to limit what
23 people can throw away in the trash can, correct?

24 A. I didn't hear that.

25 (Video playing)

1 A. I don't recall what it was labeled as. I think
2 all of it was on the -- that SIM card I sent.
3 But yeah, that -- yeah. And I took a picture of
4 her going back in there yelling and saying
5 things to me. The interaction between her and
6 I, it was -- it was -- it was brutal on her part
7 of things she was saying, and it was just
8 strange, ignorant of her. But that is some of
9 the climate in Sumter with a lot of people and
10 something due to lack of education and morals.

11 Q. My apologies, I'm trying to pull up a couple of
12 videos and see if there's anything here, because
13 I have two videos from you, and they both show
14 you videoing from your vehicle. Are those
15 videos you've provided to us?

16 A. Yes.

17 Q. And are these the videos that you say show a
18 Walmart employee talking to the police?

19 A. It should be one video that shows her at the
20 police car having a conversation with the police
21 officer when I overheard her say telling him
22 that nothing happened. That --

23 Q. And you were -- you were recording that?

24 A. I recorded that and I took a picture of her
25 going back into Walmart, and I was addressing

1 coming to see what had happened from my
2 perspective or to see whether I was okay.

3 Q. Yes, ma'am, but this is John Doe, correct, in
4 this video?

5 A. Correct, that's John Doe.

6 Q. And you recognize, at least in this video, he's
7 standing at his car not talking to you? He's
8 just standing there, correct?

9 A. No, he was standing to his car making -- I don't
10 know whether you can hear the comments. Well, I
11 don't know what that's --

12 Q. He's --

13 A. No, I think when he was --

14 Q. He is just standing at his car, correct?

15 A. When they came outside talking to him, because
16 you see the door is ajar, he was standing at his
17 car. And this is after the incident with him
18 walking toward me aggressively. He's at his car
19 at this point. The door is ajar. You can see
20 somebody he's talking to at the door.

21 Q. Correct. But he's not talking to you, correct?

22 A. At this point, is he talking to me? I don't --

23 Q. Yes, in this video.

24 A. In that video, I don't -- I don't think so. I'm
25 not sure.

1 Q. Okay.

2 A. I'm not sure what he's saying --

3 Q. So I have these two.

4 A. -- to me or talking, or referring to me talking.

5 Q. So I have those two videos, but that video, the
6 videos you sent are videos prior to police
7 arriving, correct?

8 A. Yes. Yes.

9 Q. Okay. And those are the two videos you sent us,
10 correct?

11 A. Yes.

12 Q. And you sent just --

13 A. It should be -- is that all the videos that you
14 have?

15 Q. Correct.

16 A. Then there should be another video on there
17 showing where the employees, or either pictures
18 showing the employees outside talking to him.

19 Q. There is a second video, but that's before
20 police arrive?

21 A. Correct.

22 Q. And you sent two videos to us before depicting
23 the situation prior to police arriving, correct?

24 A. Right.

25 Q. And no other videos, correct?

1 think, on average to Walmart?

2 A. I don't really -- I don't really go to Walmart
3 like that anymore.

4 Q. Okay.

5 A. I order stuff to be delivered. I don't, like,
6 shop a whole lot in the stores like that
7 anymore.

8 Q. Well, Ms. Lyons, we'll move to your claimed
9 damages and talk a little bit about that now.
10 What injuries are you claiming as a result of
11 this incident?

12 A. Besides that anxiety, besides the fact that I
13 had to move very quickly to get into my car away
14 from that man, that's what caused some of the
15 aggravation with my knee. But also, the most
16 part is this anxiety and the depression that go
17 with seeing that and experiencing that and
18 trying to relive that. That's why I won't watch
19 those videos. But, you know, the contributing
20 factor for me is to not feel safe and then not
21 be feel safe by employees working for Walmart
22 who should have made sure that I was safe as
23 well, because they have an obligation to me as a
24 customer.

25 Q. You froze up. I'm sorry to interrupt you --

1 A. -- them patronizing --

2 Q. You froze up and I didn't hear that part. They
3 have an obligation to you. Could you start back
4 there and repeat?

5 A. Yes. I said that they have obligation to me as
6 a customer to ensure my safety. And I shouldn't
7 feel unsafe shopping or picking up groceries.
8 Especially for female employees to do that and
9 for them never to even get a manager to come out
10 because I know, not personally know this
11 particular manager of that store, but I have
12 seen him numerous times and he's, you know,
13 spoken to me. And I don't know if he was
14 working that day, but I knew, you know, some of
15 the managers and their presence and what they
16 look like and who they are. So for somebody not
17 to even get a manager to even explain to them,
18 and Lou is one of the male managers there. So,
19 you know, I'm just -- I don't even know how to
20 even express how hurt I was, hurt I am by that
21 and those women, but also a man who looked like
22 me in terms of mirroring my image, when men are
23 supposed to protect women, you're doing
24 something to try to harm me, and you think it's
25 laughable and something to berate me and call me

1 all sorts of racist, stereotypical names to try
2 to protect --

3 Q. Who called you those things?

4 A. The customer.

5 Q. Okay. John Doe, okay.

6 A. Said those things. Yes.

7 Q. Well, so would you -- if you could sum it up,
8 would you say that your, you know, your
9 allegations against Walmart are based on your
10 feeling that, or your belief that Walmart has an
11 obligation to keep you safe?

12 A. Yes, Walmart has obligation to keep me safe.
13 Every customer should feel safe to shop at
14 Walmart. But we know that's not the case
15 because that incident that happened, we could be
16 having a whole different narrative without me
17 being involved with one of my family members.
18 We know how many killings have happened at
19 Walmart, how many attacks. I say these
20 employees are ignorant because you have to be
21 ignorant to know that violence, something even
22 more traumatic could have happened, but to
23 traumatize me even mentally and emotionally with
24 that incident and you're not getting involved
25 and you making it seem like I am the perpetrator

1 when he's standing next to you, that's just
2 crazy to me. Insane.

3 Q. So by not keeping you safe, they've traumatized
4 you; is that fair?

5 A. Yes, they did. Yes, they did.

6 Q. Okay. Now, have you saw any -- I'm sorry, go
7 ahead.

8 A. I don't want to cut you off, but they seemed to
9 encourage his behavior. And I don't know why
10 you don't have that video, but I will find that
11 and send that to you today. But they encouraged
12 the behavior. So they were endorsing it. And
13 that made me feel even worse because, you know,
14 it happened that day, things happened so fast,
15 just like when I broke my arm, I didn't -- I
16 didn't realize I broke my arm until I had to
17 actually sit down for a minute and then realize
18 my arm was broken. It's the same thing when I
19 got back home when I was talking to Willie, I
20 was talking to Bernadette about the incident,
21 and as time kept progressing and I kept thinking
22 about the danger I was in and how that made me
23 feel and thinking, you know, I can never go back
24 to that Walmart anymore because of that incident
25 and then berated that way as a woman. Because

1 little bit again.

2 Q. Okay. I've been able to hear you fine. And so
3 you feel like they didn't keep you safe even --
4 and they didn't see, they did not witness the
5 incident, correct, none of them?

6 A. No.

7 Q. Okay. Now, Ms. Lyons, did you seek any medical
8 treatment solely as a result of this incident?

9 A. I did.

10 Q. Okay. Where did you seek treatment?

11 A. Orthopedic and -- I mean, counseling and [REDACTED]
12 [REDACTED]. And I spoke to my doctor about the
13 incident that occurred. And I think he was the
14 one that said something to the effect that, you
15 know, the kind of trauma sent around that,
16 because when I get stressed, it also aggravates
17 my lupus. So I have to stay out of stressful
18 situation. I try to avoid conflict. And I
19 wasn't able to do that that day. And so I'm
20 also in counseling and also take anxiety
21 medication because of it.

22 Q. Okay. So at [REDACTED] -- I'm sorry, you're
23 freezing up on me.

24 A. Okay. let me see if I can -- let me try to set
25 up --

1 that these are still your answers at least on
2 one or two of these things. So the injuries,
3 the mental and physical injuries that you just
4 described, are those the injuries you're
5 claiming for this incident?

6 A. Yes.

7 Q. Okay. And you're not claiming any other
8 injuries, correct?

9 A. No.

10 Q. And then in your interrogatories to us, you say
11 -- because we asked you to describe the manner
12 in which the incident occurred and what was
13 injured, and in response, you say at the time of
14 the incident, you had preexisting conditions
15 that were exacerbated from the physicality that
16 it took to run and leap into your SUV to escape
17 John Doe's charging at you like a raging bull;
18 is that fair?

19 A. Yes.

20 Q. So your physical and mental injuries are a
21 result of having to run from John Doe and jump
22 into your car?

23 A. Correct.

24 Q. And because of his actions, that aggravated your
25 preexisting conditions, correct?

1 A. Correct, physical.

2 Q. And his conduct caused you mental and emotional
3 stress as well, correct?

4 A. As well as Walmart employees, yes.

5 Q. And the mental stress that the Walmart employees
6 caused to you was based on their failure to keep
7 you safe, correct?

8 A. Failure to keep me safe and also trying to
9 indicate that the story or the incident was
10 frivolous or it didn't occur. That plays a role
11 in that as well.

12 Q. Okay.

13 A. You know, you're making it seem as though I'm
14 not trustworthy or that, you know, I am, you
15 know, toying with the police department, and
16 that's something that I wouldn't do because when
17 you put somebody in that kind of position and
18 say, oh, well, the incident didn't occur, that's
19 not what happened, then if I'm in a position
20 where I'm calling the police to protect me and
21 these particular cops would remember that or
22 account for that and believe her, who's to say
23 if I call, they'll think that I'm also playing a
24 game, you know, calling the police just to play
25 with the police. That's not something I would

EXHIBIT C

**(Police body cam video 1 will be submitted to
the Presiding Judge)**

EXHIBIT D

**(Police body cam video 2 will be submitted to
the Presiding Judge)**

EXHIBIT E

**(Plaintiff's cell phone video 1 will be
submitted to the Presiding Judge)**

EXHIBIT F

(Plaintiff's cell phone video 2 will be submitted to the Presiding Judge)

EXHIBIT G



City of Sumter Police Department
 Russell F. Roark, III, Chief of Police
 335 North Lafayette Drive
 Sumter, SC 29150
 Phone (803) 436-2700
 FAX (803) 436-2084



A NATIONALLY ACCREDITED
 LAW ENFORCEMENT AGENCY

Commitment to Service

Case 20049612

Printed on May 19, 2023

Status	Approved
Report Type	Patrol
Primary Officer	Unknown
Investigator	None
Records Technician	
Reported At	04/03/20 11:54
Incident Date	04/03/20 11:54
Incident Code	
Location	
Zone	
Beat	
Disposition	Closed - Converted
Disposition Date/Time	04/03/20 11:54
Disposition Comments	
Review for Gang Activity	None
Status Indicator	
Status Change Date	

Case Comments

Case Description: CAD Entry, 1049 - Civil Disturbance
 Case Type: Miscellaneous

Dispatch Information

CFS # 20049612
Location 1283 BROAD ST, Sumter, SC 29153
Incident Code 1049 : CIVIL DISTURBANCE
Occurred Between 04/03/20 11:52:10 and 04/03/20 12:17:24
Assigned 11:54:44 **Enroute** 11:55:12 **On Scene** 12:03:16 **Completed** 12:17:23

Reporters

Name LYONS, GAYLE
Involvement Initial Reporter
Sex
DOB
Address [REDACTED] - N SECTOR
Report Time 04/03/20 11:52:10
How Reported 911
From Phone [REDACTED]
Contact Phone
Comments

Other Names

Vehicles

Call Details

CFS Responders

A52 (Primary)	1909 - CANNON, JACOB S	SPD (Primary)
A71	1971 - SPORINSKY, NICHOLAS	SPD (Primary)



City of Sumter Police Department
 Russell F. Roark, III, Chief of Police
 335 North Lafayette Drive
 Sumter, SC 29150
 Phone (803) 436-2700
 FAX (803) 436-2084

Commitment to Service



A NATIONALLY ACCREDITED
 LAW ENFORCEMENT AGENCY

CFS - Command Log

Printed on May 19, 2023

CFS # 20049612
 Call Taker CIVEY
 Location 1283 BROAD ST, Sumter, SC 29153
 Location Details Landmark: WALMART
 Primary Incident Code 1049 : CIVIL DISTURBANCE
 Mod
 Priority 4
 Use Caution Yes
 Primary Disposition SUBJECT ADVISED
 Beat SPD 08
 Zone City Area 8
 Call Time 04/03/20 11:52:10
 Completed Time 04/03/20 12:17:23

Reporters

LYONS, GAYLE (Initial Reporter)

Sex
 DOB
 Address [REDACTED] - N SECTOR
 Report Time 04/03/20 11:52:10
 How Reported 911
 From Phone [REDACTED]
 Contact Phone
 Comments

Other Names

Vehicles

Responders

A52 (Primary)	1909 - CANNON, JACOB S	SPD (Primary)
A71	1971 - SPORINSKY, NICHOLAS	SPD (Primary)

Response Times

Assigned 04/03/20 11:54:44
 Enroute 04/03/20 11:55:12
 Arrived 04/03/20 12:03:16
 Leaving
 Arrived At
 Completed 04/03/20 12:17:23

IR / External Agency Numbers

20049612 PO: Unknown

ELECTRONICALLY FILED - 2024 Nov 18 4:17 PM - SUMTER - COMMON PLEAS - CASE#2023CP4300462

Command Log Filter: All Commands | Details: Hidden | Units: All Units | Revised Entries: Shown

04/03/20 11:52:10 | CIVEY | log - Tower ID: 803-511-7281
 04/03/20 11:52:10 | CIVEY | log - Location Comment: Landmark Comment: TRESPASS NOTICE
 Geo Comment: Fire=TS,AD,HQ EMS=81 Additional=SR,1
 04/03/20 11:53:44 | CIVEY | [04/03/2020 11:53:44 : pos8 : Civey] - Landmark Comment: TRESPASS NOTICE
 Landmark: WALMART
 Cross streets: ALICE DR/WALMART BLVD
 Geo Comment: Fire=TS,AD,HQ EMS=81 Additional=SR,1
 STATES SHE IS 1012 IN A BLACK AUDI ROW # 1 IN THE PICKUP AREA IN REF TO A BLACK MALE WEARING
 BLUE JACKET HARASING HER BC SHE PUT GLOVES IN A BAG TO THROW AWAY.
 04/03/20 11:54:44 | CIVEY | A52 | dispatch
 04/03/20 11:55:12 | CIVEY | A52 | 17enroute
 04/03/20 11:55:24 | CIVEY | A71 | 17enroute
 04/03/20 12:03:16 | CIVEY | A71 | 23onscene (Location: 1283 BROAD ST, Sumter)
 04/03/20 12:06:48 | CIVEY | A52 | 23onscene (Location: 1283 BROAD ST, Sumter)
 04/03/20 12:07:19 | CIVEY | [04/03/2020 12:07:19 : pos6 : BWOOTEN] - UNITS C47 ON COMP`S VEH
 04/03/20 12:08:06 | CIVEY | [04/03/2020 12:08:06 : pos6 : BWOOTEN] - PER COMP STATES SUBJ IS IN A WHI VEH
 BEHIND COMP
 04/03/20 12:17:23 | CIVEY | A52 | complete
 04/03/20 12:17:23 | CIVEY | A71 | complete

CLQ

Requested At
Sent To
Status
Received At
Location ,
Accuracy



City of Sumter Police Department
Russell F. Roark, III, Chief of Police
335 North Lafayette Drive
Sumter, SC 29150
Phone (803) 436-2700
FAX (803) 436-2084

Commitment to Service



A NATIONALLY ACCREDITED
LAW ENFORCEMENT AGENCY

Disposition Log - Case 20049612

Printed on May 19, 2023

Date 04/03/20 11:54 Disposition Closed - Converted
Comments

ELECTRONICALLY FILED - 2024 Nov 18 4:17 PM - SUMTER - COMMON PLEAS - CASE#2023CP4300462



City of Sumter Police Department
Russell F. Roark, III, Chief of Police
 335 North Lafayette Drive
 Sumter, SC 29150
 Phone (803) 436-2700
 FAX (803) 436-2084



A NATIONALLY ACCREDITED
 LAW ENFORCEMENT AGENCY

Commitment to Service

CFS - Unit Response Times

Printed on May 19, 2023

CFS # 20049612
 Call Taker CIVEY
 Location 1283 BROAD ST, Sumter, SC 29153
 Location Details Landmark: WALMART
 Primary Incident Code 1049 : CIVIL DISTURBANCE
 Mod
 Priority 4
 Use Caution Yes
 Primary Disposition SUBJECT ADVISED
 Beat SPD 08
 Zone City Area 8
 Call Time 04/03/20 11:52:10
 Completed Time 04/03/20 12:17:23

Reporters

LYONS, GAYLE (Initial Reporter)

Sex
 DOB
 Address 1200 TOWER RD - N SECTOR
 SUMTER, SC 29150
 Report Time 04/03/20 11:52:10
 How Reported 911
 From Phone (803) 565-9158
 Contact Phone
 Comments

Other Names

Vehicles

Responders

A52 (Primary)	1909 - CANNON, JACOB S	SPD (Primary)
A71	1971 - SPORINSKY, NICHOLAS	SPD (Primary)

Response Times

Assigned 04/03/20 11:54:44
 Enroute 04/03/20 11:55:12
 Arrived 04/03/20 12:03:16
 Leaving
 Arrived At
 Completed 04/03/20 12:17:23

IR / External Agency Numbers

20049612 PO: Unknown

ELECTRONICALLY FILED - 2024 Nov 18 4:17 PM - SUMTER - COMMON PLEAS - CASE#2023CP4300462

Unit Response Times

Non Unit Specific Times

04/03/20 11:52:10 | log - Tower ID: 803-511-7281

04/03/20 11:52:10 | log - Location Comment: Landmark Comment: TRESPASS NOTICE

Geo Comment: Fire=TS,AD,HQ EMS=81 Additional=SR,1

04/03/20 11:53:44 | [04/03/2020 11:53:44 : pos8 : Civey] - Landmark Comment: TRESPASS NOTICE

Landmark: WALMART

Cross streets: ALICE DR//WALMART BLVD

Geo Comment: Fire=TS,AD,HQ EMS=81 Additional=SR,1

STATES SHE IS 1012 IN A BLACK AUDI ROW # 1 IN THE PICKUP AREA IN REF TO A BLACK MALE WEARING BLUE JACKET HARASING HER BC SHE PUT GLOVES IN A BAG TO THROW AWAY.

04/03/20 12:07:19 | [04/03/2020 12:07:19 : pos6 : BWOOTEN] - UNITS C47 ON COMP`S VEH

04/03/20 12:08:06 | [04/03/2020 12:08:06 : pos6 : BWOOTEN] - PER COMP STATES SUBJ IS IN A WHI VEH BEHIND COMP

A52

04/03/20 11:54:44 | dispatch

04/03/20 11:55:12 | 17enroute

04/03/20 12:06:48 | 23onscene (Location: 1283 BROAD ST, Sumter)

04/03/20 12:17:23 | complete

A71

04/03/20 11:55:24 | 17enroute

04/03/20 12:03:16 | 23onscene (Location: 1283 BROAD ST, Sumter)

04/03/20 12:17:23 | complete



State of South Carolina
Circuit Court Judge, Third Judicial Circuit, Seat 3

GEORGE M. MCFADDIN, Jr.
JUDGE

215 N. HARVIN STREET
SUMTER, SOUTH CAROLINA 29150

TELEPHONE: (803) 436-2373
FAX: (803) 774-6159
E-MAIL: gmcfaddinjc@sccourts.org
Ashley M. Curtis
Law Clerk
gmcfaddinjsc@sccourts.org
Andrea M. Morris
Administrative Assistant

DATE: 22 SEPTEMBER 2025

TO: GALE LYONS, PRO SE PLAINTIFF.

JEBRIA K. WILSON, ESQ.

ROBERT C. BLAIN, ESQ.

FROM: GEORGE M. MCFADDIN, JR.

RE: GALE LYONS v. WALMART, INC. AND ALL OTHER LISTED DEFENDANTS.

CASE#: 2023-CP-43-00462

DOH: SEPTEMBER 15TH, 2025

There are two motions before this court. Defendants' motion for summary judgment and Plaintiff's motion to amend her complaint.

I deny Plaintiff's motion to amend her complaint. The time to amend the complaint without leave of court has long passed. Thusly, leave of court is required to allow amendment. This case was filed in 2023. It was on the roster for the trial week of September 15, 2025, and, but for the motions being heard that date, the case would have been called for trial.

Defendants' move for summary judgment. I grant summary judgment. I have read the motion and the elements provided therein, and I read Plaintiff's reply to Defendants' motion. I find Defendants' motion to be proper and supported by applicable case law. I wish to add that at the outset of the hearing Plaintiff informed the court that she was aware of the summary judgment motion and that she was prepared to reply to the motion at the hearing.

Plaintiff submitted her written reply and opposition to the motion.

I appreciate the civility of Plaintiff and the Defendants' attorneys. I request that Defendants prepare a formal order addressing the motions and the courts' ruling. Any objections to these rulings must be reserved and asserted only by use of a proper motion.

Respectfully submitted.

/gmmjr

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

Gale Lyons,

Plaintiff,

vs.

Walmart, Inc., Walmart Real Estate Business Trust, Steve McCane, Keith Lominac, Whitney Nicole Doe Individually and as Employee/Agent of Walmart Supercenter #511, Employee/Agent of Walmart, Inc., Employee/Agent of Walmart Real Estate Business Trust, Employee/Agent of Walmart Stores East, Inc. and Employee/Agent of Walmart Stores East, LP, Jane Doe #1, Jane Doe #2, Jane Doe #3 Individually and as Employee/Agent of Walmart Supercenter #511, Employee/Agent of Walmart, Inc., Employee/Agent of Walmart Real Estate Business Trust, Employee/Agent of Walmart Stores East, Inc., and Employee/Agent of Walmart Stores East, L.P., Jane Doe #3, Individually and as Employee/Agent of Walmart Supercenter #511, and John Doe, customer of Walmart,

Defendants.

COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

Civil Action No. 2023-CP-43-00462

**ORDER DENYING PLAINTIFF'S
MOTION TO AMEND COMPLAINT
AND GRANTING DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

This matter came before the Court on Defendants' Motion for Summary Judgment pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, which was filed on November 18, 2024. In her filed Reply to Defendants' Motion for Summary Judgment, Plaintiff Gale Lyons moved this Court to amend the Complaint pursuant to Rule 15 of the South Carolina Rule of Civil Procedure.

On September 15, 2025, the Court held a hearing on both Motions, at which Robert C. Blain and JeBria K. Wilson were present as counsel for Defendants. Plaintiff, *pro se*, appeared in her individual capacity. Having duly considered the Motions, applicable case law, and the submissions and arguments presented by the parties, the Court hereby issues its Order denying

Plaintiff's Motion to Amend the Complaint and granting Defendants' Motion for Summary Judgment for the reasons set forth more fully below.

Factual Background

On April 3, 2020, Plaintiff went to the Walmart store in Sumter, South Carolina, to pick up groceries from her online order during the height of COVID restrictions. Plaintiff testified that she parked in the designated online pickup area and began to remove her groceries from the plastic bags and place them into personal crates that Plaintiff brought with her to the store. According to Plaintiff, an unidentified man ("John Doe Customer") began walking aggressively towards her while yelling as she was transferring her items. Plaintiff called law enforcement due to the actions of John Doe Customer.

Prior to the arrival of law enforcement, John Doe Customer left the store after allegedly speaking with two Walmart associates ("Jane Doe Associates"). Plaintiff spoke with two officers regarding the incident and explained what happened. Plaintiff testified that "when the officer arrived and I was explaining to him what happened and that [John Doe Customer] had left, [one of the Jane Doe Associates] ran over to the police officer and said the incident never occurred." Exhibit B, Pl.'s Dep. Tr. 40:4-7. Plaintiff alleges that "for [Jane Doe Associate] to do that, that's defaming me and making seem as though I'm calling the police and, you know, asking for a false police report, and that she knows definitively that the incident didn't occur." Exhibit B, Pl.'s Dep. Tr. 40:7-12. Plaintiff averred that Jane Doe Associate was not present at the time of Plaintiff's interaction with John Doe Customer. Exhibit B, Pl.'s Dep. Tr. 40:12-14. Plaintiff testified that she did not hear Jane Doe's entire conversation with the police officer but *only* heard the phrase, "That never occurred." Exhibit B, Pl.'s Dep. Tr. 40:23-41:5. In explaining how Walmart allegedly intentionally inflicted emotional distress on her, Plaintiff testified that Jane Doe "tried to

scrutinize” the situation and tried to cause additional conflict by telling police Plaintiff was fabricating the story. Exhibit B, Pl.’s Dep. Tr. 45:11-20.

From the moment law enforcement arrived on scene, they activated body cameras. No conversation between Jane Doe and law enforcement was recorded by body cameras. According to the footage, John Doe Customer was identified as a customer and not a Walmart associate. Plaintiff advised one of the officers that she wanted to press charges against John Doe Customer. The officer told Plaintiff that there was nothing about the incident for which Plaintiff could press charges, after which the law enforcement officers made to depart the store. As the officers were leaving, one of them asked Plaintiff if she needed anything else, to which she replied no and departed Walmart shortly after.

Plaintiff’s Motion to Amend Complaint

The Plaintiff asks the Court to permit amendments to her Complaint pursuant to Rule 15 of the South Carolina Rules of Civil Procedure; however, the Court finds that Plaintiff failed to meet her burden justifying leave to amend, so that motion is denied.

Applicable Legal Standard

The relevant part of the Rule states:

A party may amend his pleading once as a matter of course at any time before or within 30 days after a responsive pleading is served or, if the pleading is one to which no responsive pleading is required and the action has not been placed upon the trial roster, he may so amend it at any time within 30 days after it is served. Otherwise[,] a party may amend his pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires and does not prejudice any other party.

Rule 15(a), SCRPC.

Analysis

Plaintiff commenced this action on or about April 3, 2023, in which she asserted causes of action for assault/battery, defamation/slander, infliction of emotional distress, and negligence

against Defendants. Defendants filed their Answer to Plaintiff's Complaint on April 25, 2023. After a period of exchanging discovery and taking Plaintiff's deposition, Defendants served Plaintiff with their Motion for Summary Judgment on November 18, 2024.

Arguments for the Motion for Summary Judgment were scheduled to be heard on September 15, 2025. On the morning of the motion hearing, Plaintiff filed her Reply to Defendants' Motion for Summary Judgment, which was served on Defendants' counsel pre-hearing. Plaintiff's Reply requested "an Order pursuant to Rule 15 of the South Carolina Rules of Civil Procedure giving Plaintiff leave to amend their Complaint..." Defendants, upon service of the motion, did not consent to amendment to Plaintiff's Complaint. Additionally, this matter was designated number one on the trial roster for the week of September 15, 2025, and was ripe to be called for trial prior to the Court hearing dispositive motions.

I. Plaintiff's motion to amend is untimely and prejudicial; thus, this Court declines to allow the amendment and Plaintiff's motion is denied.

In this matter, Plaintiff requested to amend her Complaint on the morning of September 15th, 2025, more than two years after filing her initial Complaint and after Defendants' Answer. The time to amend the Complaint without leave of court has long passed. Thus, leave of court is required to allow an amendment under Rule 15(a), SCRCF. See, e.g. Stanley v. Kirkpatrick, 357 S.C. 169, 174, 592 S.E.2d 296, 298 (2004). This case was filed in 2023. It was on the roster for the trial week of September 15, 2025, and, but for the motions being heard, the case would have been called for trial. Neither in her brief or at the hearing, did Plaintiff present any significant explanation to justify the considerable gap in time between initial pleading in 2023 and this motion to amend filed years after. See Health Promotion Specialists, LLC v. South Carolina Board of Dentistry, 403 S.C. 623, 632, 743 S.E.2d 808, 813 (2013) (noting that a judge was justified in denying leave to amend after an "inexplicable" lapse in filing a motion to amend complaint.)

Furthermore, as this matter would have been called for jury trial but for these motions being heard, an amended complaint on the eve of trial would have been prejudicial to Defendants. Moreover, Plaintiff's request to amend the Complaint lacked specificity as to exactly what amendment to the pleading was being proposed. As a result, Plaintiff's Motion was untimely and clearly prejudicial to Defendants as a matter of law. Therefore, Plaintiff's Motion to Amend her Complaint is denied.

Defendants' Motion for Summary Judgment

The Court notes that at the outset of the motion hearing on September 15, 2025, Plaintiff affirmed to this Court that she was aware of Defendants' Motion for Summary Judgment, understood the motion, had filed a written reply to the motion, was fully prepared to respond to the motion at hearing, and still wished to proceed pro se in opposition to the summary judgment motion. Further evidencing her sophistication as a pro se plaintiff, Plaintiff presented arguments in addition to preparing and filing a written reply in opposition to Defendants' motion on the morning of the motion hearing.

Defendants ask the Court to dismiss all allegations in Plaintiff's Complaint with prejudice pursuant to Rule 56 of the SCRPC, on the grounds that there are no genuine issues of material fact; the Court grants this motion pursuant to applicable South Carolina case law.

Applicable Legal Standard

The purpose of summary judgment is "to expedite disposition of cases which do not require the services of a factfinder." S. Glass & Plastics Co. v. Duke, 367 S.C. 421, 427, 626 S.E.2d 19, 22 (Ct. App. 2005) (citing George v. Fabri, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001)). Summary judgment is proper when there is no genuine issue as to any material fact, and the moving party is entitled to judgment as a matter of law. Ellis v. Davidson, 358 S.C. 509, 517-18, 595

S.E.2d 817, 821 (Ct. App. 2004); Rumpf v. Mass. Mut. Life Ins. Co., 357 S.C. 386, 392, 593 S.E.2d 183, 186 (Ct. App. 2004).

In determining whether a genuine issue of fact exists, a court must assume as true the evidence of the nonmoving party and draw all *reasonable* inferences in favor of that party. David v. McLeod Reg'l Med. Ctr., 367 S.C. 242, 247, 626 S.E.2d 1, 3 (2006); Rumpf, 357 S.C. at 392, 593 S.E.2d at 186. Summary judgment is appropriate “where the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” Ellis, 358 S.C. at 517-18, 595 S.E.2d at 821. Thus, when plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted. Id. at 518, 595 S.E.2d at 822; Rumpf, 357 S.C. at 393, 593 S.E.2d at 186.

Analysis

Pursuant to Plaintiff’s deposition testimony, filed memoranda, exhibits, oral arguments presented at the hearing, and the applicable case law, Defendants are entitled to judgment as a matter of law on all of Plaintiff’s claims as there is no genuine issue to any material fact in accordance with Rule 56, SCRCP and applicable case law.

- I. Plaintiff’s claim of Assault and Battery fails as a matter of law as Plaintiff admitted that no Walmart associate ever put Plaintiff in reasonable fear of bodily harm nor engaged in any forcible contact with Plaintiff; therefore, there is no genuine issue of material fact, and this claim fails as a matter of law.**

In order to prove assault and battery, a plaintiff must prove that the offending party placed plaintiff in reasonable fear of bodily harm or engaged in forcible contact. See Mellen v. Lane, 377 S.C. 261, 276, 659 S.E.2d 236, 244 (Ct. App. 2008); Gathers v. Harris Teeter Supermarket, Inc., 282 S.C. 220, 230, 317 S.E.2d 748, 754 (Ct. App. 1984). Furthermore, in the civil context, intent is not an essential element to prove assault and battery. Herring v. Lawrence Warehouse Co., 222 S.C. 226.

In the present case, Plaintiff admits that Defendants did not touch her or even approach her in a threatening manner. Defendants are not responsible for the alleged conduct of John Doe Customer. Moreover, Plaintiff was informed by law enforcement that there were no grounds for criminal assault and battery charges against the John Doe Customer. Plaintiff responded “no” when asked if there was any other way police could assist. Additionally, Plaintiff never properly alleged assault and battery against Defendants, instead affirming that the only potential contact she endured was from the unaffiliated John Doe Customer. As a result, Plaintiff’s claim fails as a matter of law.

II. As Plaintiff was unable to evidence any special harm and any statements overheard from Defendants’ conversations with law enforcement by Plaintiff were privileged through Hoffman, Plaintiff’s Defamation and Slander claims fail as a matter of law.

To prove defamation, “the plaintiff must show (1) a false and defamatory statement was made; (2) the unprivileged publication was made to a third party; (3) the publisher was at fault; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication.” McBride v. Sch. Dist. of Greenville Cty., 389 S.C. 546, 559–60, 698 S.E.2d 845, 852 (Ct. App. 2010) (emphasis added). ““A communication is defamatory if it tends to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating with him.”” Parrish v. Allison, 376 S.C. 308, 321, 656 S.E.2d 382, 389 (Ct. App. 2007) (quoting Holtzscheiter v. Thomson Newspapers, Inc., 332 S.C. 502, 530, 506 S.E.2d 497, 513 (1998)). With this first element of defamation, the trial court must initially determine if the communication is reasonably capable of conveying a defamatory meaning. Id. at 530, 506 S.E.2d at 513; White v. Wilkerson, 328 S.C. 179, 183, 493 S.E.2d 345, 347 (1997). “Some statements are so clearly innocent or defamatory the court is justified in determining the question itself.” Id. (citing Holtzscheiter, 332 S.C. at 530, 506 S.E.2d at 512).

“In a defamation action, the defendant may assert the affirmative defense of conditional or qualified privilege.” Swinton Creek Nursery v. Edisto Farm Credit, ACA, 334 S.C. 469, 484, 514 S.E.2d 126, 134 (1999). Under a qualified privilege defense, “one who publishes defamatory matter concerning another is not liable” if there is a conditional privilege that is not abused. Id. It is the duty of the court to determine if the statement is privileged as a matter of law. Murray v. Thornton, 344 S.C. 129, 140, 542 S.E.2d 743, 749 (Ct. App. 2001). Communications made in a criminal investigation for the purpose of detecting the suspects are privileged. Bell v. Bank of Abbeville, 208 S.C. 490, 494, 38 S.E.2d 641, 643 (1946).

In the present case, Plaintiff has only identified a single statement from Walmart to law enforcement that forms the basis of her claims. Plaintiff contends Jane Doe Associate told an officer “That never occurred” after Plaintiff had summoned law enforcement to the location based on an incident between Plaintiff and John Doe Customer. Exhibit B, Pl.’s Dep. Tr. 40:23-41:5. Plaintiff admitted that she *only* heard this isolated statement, and she did not hear the rest of Jane Doe’s conversation with the police officer. Id. Absent further detail or context, there is no evidence this statement could be actionable defamation against Plaintiff. In isolation, even taken in the light most favorable to Plaintiff, the brief statement alone is so clearly innocent that this Court is justified in determining that the statement is not capable of harming Plaintiff’s reputation. Moreover, communications to law enforcement often enjoy a qualified privilege. Based on the evidence in this case, Jane Doe Associate’s statement was within the scope of qualified privilege communication to law enforcement, and the privilege was not abused. Therefore, Plaintiff’s claim fails as a matter of law.

III. Plaintiff has not shown any intentional or reckless action that Defendants committed against Plaintiff for Intentional Infliction of Emotional Distress (IIED), so Plaintiff's claim fails as a matter of law.

To recover for IIED, a plaintiff must establish:

- (1) the defendant intentionally or recklessly inflicted severe emotional distress, or was certain, or substantially certain, that such distress would result from his conduct;
- (2) the defendant's conduct was so extreme and outrageous so as to exceed all possible bounds of decency and must be regarded as atrocious, and utterly intolerable in a civilized community;
- (3) the actions of the defendant caused Plaintiff's emotional distress; and
- (4) the emotional distress suffered by Plaintiff was severe such that no reasonable man could be expected to endure it.

Hansson v. Scalise Builders of S.C., 374 S.C. 352, 356, 650 S.E.2d 68, 70-71 (2007)

(quoting Ford v. Hutson, 276 S.C. 157, 162, 276 S.E.2d 776, 778 (1981) (internal quotation marks omitted)). “Where evidence is undisputed that the defendant acted in good faith and in a reasonable manner, his conduct cannot be characterized as so extreme and outrageous as to exceed all possible bounds of decency and atrocious and utterly intolerable in a civilized community.” *Id.*

In the present case, Plaintiff has not described any severe emotional distress such that no reasonable person could be expected to endure it, nor provided any examples of her distress at the time of the incident or since. Plaintiff has also failed to provide any evidence that Defendants were reckless or intended to upset Plaintiff with their statement to law enforcement. Further, Plaintiff did not show that Defendants were certain or substantially certain that the statement to law enforcement was beyond all possible bounds of decency, noting, in fact, that Plaintiff was unable to hear the statement in its entirety. As a result, Plaintiff's claims fail as a matter of law.

IV. Plaintiff has not shown that Defendants owed her a duty of care in the subject incident, so Plaintiff's remaining negligence claim fails as a matter of law.

To establish a cause of action for negligence, “a plaintiff must show ... three essential elements: (1) a duty of care owed by the defendant to the plaintiff; (2) a breach of that duty by

negligent act or omission; and (3) damage proximately resulting from the breach of duty.” Trotter v. State Farm Mut. Auto. Ins. Co., 297 S.C. 465, 474, 377 S.E.2d 343, 348 (Ct. App. 1988).

Retail store defendants owe the public and customers a duty of ordinary care to keep the subject store in a reasonably safe condition. See Richardson v. Piggly Wiggly Cent., Inc., 404 S.C. 231, 743 S.E.2d 858 (Ct. App. 2013) (“In South Carolina, a merchant owes a customer a duty of ordinary care to keep his premises in a reasonably safe condition.”) (citing Wimberley v. Winn-Dixie Greenville, Inc., 252 S.C. 117, 120-21, 165 S.E.2d 627, 628 (1969)).

Further, under a cause of action for negligence, a plaintiff may not recover damages for mental anguish or emotional distress absent physical injury. Dooley v. Richland Memorial Hosp., 283 S.C. 372, 322 S.E.2d 669 (1984); see also Babb v. Lee Cty. Landfill SC, LLC, 405 S.C. 129, 141, 747 S.E.2d 468, 474 (2013) (South Carolina jurisprudence does not permit recovery for sheer annoyance and discomfort); Andrews v. Piedmont Air Lines, 297 S.C. 367, 370, 377 S.E.2d 127, 129 (Ct. App. 1989) (emotional discomfort is not an actionable damage in tort even if it results from the defendant’s negligence).

Plaintiff’s deposition testimony is clear that she did not suffer any physical injuries in this subject incident. Based on this fact alone, Defendants are entitled to summary judgment on Plaintiff’s negligence cause of action. However, even if Plaintiff did suffer physical injury, Plaintiff has also not provided any evidence that Defendants breached any duty that may have been owed to her thereby proximately causing any actionable damages.

Conclusion

Accordingly, this Court **denies** Plaintiff’s Motion to Amend Complaint and **grants** Defendants’ Motion for Summary Judgment. Plaintiff’s Complaint is **dismissed with prejudice**.

IT IS SO ORDERED.



Sumter Common Pleas

Case Caption: Gale Lyons VS Walmart Inc , defendant, et al

Case Number: 2023CP4300462

Type: Order/Summary Judgment

So Ordered

S/George M. McFaddin, Jr., #2759

Gale Lyons
PLAINTIFF(S)

Walmart Inc et al
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:

Plaintiff's Motion for Reconsideration, filed with the Court on October 31, 2025, is respectfully denied.

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 11/21/2025 .

Doe Jane Individually & and as Employee/Agent
Walmart Agents
Walmart SuperCenter Employees #511
Gale Lyons for Gale Lyons
Employee/Agent of Walmart Stores East Inc
Gale Lyons for Gale Lyons

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), SCRCP.



Sumter Common Pleas

Case Caption: Gale Lyons VS Walmart Inc , defendant, et al

Case Number: 2023CP4300462

Type: Order/Electronic Form 4

So Ordered

S/George M. McFaddin, Jr., #2759

J. Rose Goodson

To: JeBria K. Wilson; 'gwrightlyons@icloud.com'; McFaddin George M. Law Clerk
Cc: Robert C. Blain; George M. Secretary McFaddin
Subject: RE: 2023-CP-43-00462 Gale Lyons v. Walmart - C&L: 5000-104

From: JeBria K. Wilson
Sent: Monday, November 24, 2025 12:36 PM
To: 'gwrightlyons@icloud.com' <gwrightlyons@icloud.com>; McFaddin George M. Law Clerk <gmcfaddinlc@sccourts.org>
Cc: Robert C. Blain <rblain@collinsandlacy.com>; George M. Secretary McFaddin <GMcfaddinSC@sccourts.org>; J. Rose Goodson <rgoodson@collinsandlacy.com>
Subject: RE: 2023-CP-43-00462 Gale Lyons v. Walmart - C&L: 5000-104

Good afternoon all,
I hope you all are well! I just wanted to reach out and clarify the order dismissing this case. It appears from the order submitted on November 21 (attached to this email for review) that although the case was dismissed and the court declined to hear the Motion for Reconsideration, the checkmark for "This order does not end the case" is indicates under the "order information" portion. The Public Index shows it correctly dismissed per the language of the order, but could we please get an updated copy of the order reflecting that this matter is ended when time permits?
Warm regards and happy Thanksgiving,
JeBria

From: gwrightlyons@icloud.com <gwrightlyons@icloud.com>
Sent: Tuesday, November 4, 2025 9:06 AM
To: McFaddin George M. Law Clerk <gmcfaddinlc@sccourts.org>
Cc: Robert C. Blain <rblain@collinsandlacy.com>; George M. Secretary McFaddin <GMcfaddinSC@sccourts.org>; JeBria K. Wilson <jkwilson@collinsandlacy.com>; J. Rose Goodson <rgoodson@collinsandlacy.com>
Subject: Re: 2023-CP-43-00462 Gale Lyons v. Walmart

Caution: This is an external email. Please take care when clicking links or opening attachments.

Good morning Judge George McFaddin (Ms. Ashley Curtis) and Attorneys Robert Blain and JeBria Wilson:

I received the attached order in favor of the Defendants' Motion for Summary Judgement via email on October 30 from Mr. Blain via email. As of the date of this email, I have not received a copy of the unsigned attached order via US mail. I will contact the clerk of court today about future notification on this case.

The following Motion for Reconsideration and Sanction for Failure to Mediate with the exhibits were filed in the Court on Friday, October 31.

Wishing you all a blessed day, Gale Lyons

Sent from my iPhone

On Oct 31, 2025, at 9:51 AM, McFaddin, George M. Law Clerk (Ashley Curtis) <gmcfaddinlc@sccourts.org> wrote:

Received. Thank you sir.

Kind Regards,

Ashley Curtis

Law Clerk to
The Honorable George M. McFaddin, Jr.
215 N. Harvin St.
Sumter, SC 29150
(803) 774-2922

From: Robert C. Blain <rblain@collinsandlacy.com>
Sent: Thursday, October 30, 2025 5:08 PM
To: McFaddin, George M. Secretary (Andrea Morris) <GMcfaddinSC@sccourts.org>; McFaddin, George M. Law Clerk (Ashley Curtis) <gmcfaddinlc@sccourts.org>
Cc: JeBria K. Wilson <jwilson@collinsandlacy.com>; J. Rose Goodson <rgoodson@collinsandlacy.com>; gwrightlyons@icloud.com <gwrightlyons@icloud.com>
Subject: 2023-CP-43-00462 Gale Lyons v. Walmart

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Good afternoon Judge McFaddin,

I represent the Defendants in this case. After the September 15th motions hearing in Sumter, you denied Plaintiff's Motion to Amend the Complaint and granted Defendants' Motion for Summary Judgment. Defense counsel has prepared the attached proposed order. We will e-file to your queue tomorrow morning. Ms. Lyons is copied here. We appreciate the Court's consideration of these matters. Please let us know if you have any questions.

Regards,
Robert Blain

Robert C. Blain

Direct: 803.875.1920
Main: 803.256.2660
Fax: 803.771.4484
Vcard: [download vcard](#)
Web: www.collinsandlacy.com

1330 Lady Street, 6th Floor
Columbia, SC 29201



Confidentiality Note: The preceding email message may be confidential or protected by the attorney-client privilege. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message. Legal advice contained in the preceding message is solely for the benefit of the Collins and Lacy, P. C. client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party.

In light of the Amended Order of the S.C. Supreme Court effective February 4, 2022 (Order 2020-04-03-01), we will be serving discovery via e-mail only.

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

Gale Lyons  
PLAINTIFF(S)

Walmart Inc et al  
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:

Plaintiff's Motion for Reconsideration, filed with the Court on October 31, 2025, is respectfully denied.

**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 11/21/2025 .

Doe Jane Individually & and as Employee/Agent  
Walmart Agents  
Walmart SuperCenter Employees #511  
Gale Lyons for Gale Lyons  
Employee/Agent of Walmart Stores East Inc  
Gale Lyons for Gale Lyons

**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), SCRCP.

---



## Sumter Common Pleas

**Case Caption:** Gale Lyons VS Walmart Inc , defendant, et al

**Case Number:** 2023CP4300462

**Type:** Order/Electronic Form 4

So Ordered

S/George M. McFaddin, Jr., #2759

**J. Rose Goodson**

---

**Attachments:** Lyons v Walmart -Notice of Appeal.pdf

---

**From:** Gale Lyons

**Sent:** Tuesday, December 30, 2025 2:57 PM

**To:** Robert C. Blain ; JeBria K. Wilson

**Subject:** Lyons v Walmart (Civil Action No. 2023-CP-43-00462) - Notice of Appeal

You don't often get email from [gwrightlyons@aol.com](mailto:gwrightlyons@aol.com). [Learn why this is important](#)

**Caution:** This is an external email. Please take care when clicking links or opening attachments.

Good Afternoon Attorneys Robert Blain and JeBria Wilson:

Re: Civil Action No. 2023-CP-43-00462

Please see attached Notice of Appeal. I faxed a copy of the Notice of Appeal to Collins & Lacy's at 803-790-8841. I will also mail a copy to the Columbia office today. Please contact me via phone or email regarding any questions.

Have a Happy and Safe New Year, Gale Lyons

Gale Lyons  
PLAINTIFF(S)

Walmart Inc et al  
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:

\*AMENDED FORM 4 ORDER

Plaintiff's Motion for Reconsideration, filed with the Court on October 31, 2025, is respectfully denied.

\*Amended only to reflect the Order Information to mark as "This Order ends this case".

**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 11/25/2025 .

Doe Jane Individually & and as Employee/Agent  
Walmart Agents  
Walmart SuperCenter Employees #511  
Gale Lyons for Gale Lyons  
Employee/Agent of Walmart Stores East Inc  
Gale Lyons for Gale Lyons

**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), SCRCP.

---



## Sumter Common Pleas

**Case Caption:** Gale Lyons VS Walmart Inc , defendant, et al

**Case Number:** 2023CP4300462

**Type:** Order/Electronic Form 4

So Ordered

S/George M. McFaddin, Jr., #2759