

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**Mar 06 2026**

APPEAL FROM THE COURT OF COMMON PLEAS  
Sumter County

**SC Court of Appeals**

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

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

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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,

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

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Appellant respectfully submits this response in opposition to Respondents' motion to dismiss the appeal. The motion is based on incorrect assumptions, an improper calculation of the appeal period, and a disregard for the procedural protections afforded to pro se litigants under the South Carolina Appellate Court Rules. Appellant timely filed and served the Notice of Appeal in full compliance with Rule 203(b)(1), SCACR, after receiving written notice of entry of the Circuit Court's order on November 29, 2025.

Respondents' attempt to substitute the electronic filing date for the required written notice date is contrary to the plain language of the rule and unsupported by any proof of earlier service.

Moreover, Respondents' filing goes beyond a procedural motion and improperly includes substantive argument on the merits, creating unfair prejudice against Appellant. The record demonstrates that Appellant acted diligently, followed the rules governing appeals, and met every applicable deadline. For these reasons, and as further explained below, the appeal should proceed, and Respondents' motion should be denied and stricken to the extent it exceeds the scope of a motion to dismiss.

### **Argument Supporting Timeliness of Appellant's Notice of Appeal**

#### **I. The Notice of Appeal Was Timely Under Rule 203(b)(1), SCACR**

1. Appellant's Notice of Appeal was timely filed pursuant to Rule 203(b)(1), SCACR. Appellant received *written notice of entry* of the Circuit Court's order via U.S. First Class Mail on **Saturday, November 29, 2025**. This receipt date is the triggering event for calculating the 30-day appeal period.

2. Under **Rule 6(a), SCRCF**, when the triggering event occurs on a weekend or legal holiday, the computation of time begins on the next business day. Because November 29, 2025, fell on a Saturday, the 30-day period began on **Monday, December 1, 2025**.

#### **II. Proper Computation of Time Under Rule 6(a), SCRCF**

3. Rule 6(a) excludes weekends and legal holidays **when they fall at the end of the prescribed period**. Within the 30-day period at issue:

- **December 24-26, 2025** – Federal holidays (**Exhibit A**-Extended Christmas Holidays-)
- **December 27-28, 2025** – Weekend
- **January 1, 2026** – Federal holiday (New Year's Day)

4. The thirtieth day fell on **January 4, 2026**.

5. Appellant served Respondents with the Notice of Appeal on **December 30, 2025**, and filed the Notice of Appeal with the Court of Appeals on the same day. This was well within the permissible filing window.

#### **III. Appellant Relied on the Only Notice Available: Written Notice by Mail**

6. Appellant is a **pro se litigant**. Unlike attorneys, pro se parties do not receive electronic notifications of orders or filings. The Circuit Court does not email orders to pro se litigants; instead, all documents are sent via **First Class Mail**, which:

- Has **no guaranteed delivery date**, and
- Typically takes **1–5 days** for delivery (USPS First Class Mail standards).

7. The envelope containing the order was **postmarked November 29, 2025**, the Saturday after Thanksgiving. Given the holiday mail delays, Appellant’s receipt of the order on November 29 is entirely consistent with USPS delivery timelines (**Exhibit B and C** – Envelope and USPS First Class Mail Memo).

8. Respondents have provided **no proof of service** establishing any earlier delivery date to Appellant.

#### **IV. Respondents’ Attempt to Use the Electronic Filing Date Is Improper**

9. Respondents argue that the appeal period should run from the **electronic filing date** of November 21, 2025 (**Exhibit D**). This argument ignores the plain language of Rule 203(b)(1), which states:

“The notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment.”

10. The rule does **not** require pro se litigants to monitor the electronic docket or guess when an order might have been filed. The appeal period begins only upon **receipt of written notice**, which in this case occurred on November 29.

#### **V. Response to Respondents’ Argument Regarding Proof of Service**

Respondents’ argument misstates both the facts and the governing appellate rules. Appellant fully complied with Rule 203(b)(1), SCACR, and Rule 262, SCACR. The record demonstrates that service was timely, properly executed, and supported by documentation. Respondents’ attempt to manufacture a defect in service is unsupported and should be rejected.

##### **1. Service on December 30, 2025, Was Timely Under Rule 203(b)(1), SCACR**

Respondents concede that they received actual notice of the Notice of Appeal on **December 30**,

**2025.** This date is **within the jurisdictional deadline**, which—after proper computation under Rule 6(a), SCRCP—expired on **January 4, 2026**.

Respondents’ assertion that December 30 was “one day after the jurisdictional deadline” is based on their incorrect assumption that the appeal period began on the **electronic filing date** of November 21, 2025. Rule 203(b)(1) does not support that position. The rule is explicit:

“The notice of appeal shall be served... within thirty (30) days after **receipt of written notice of entry** of the order or judgment.”

Appellant received written notice on **November 29, 2025**, and the 30-day period began on **December 1, 2025**. Service on December 30 was therefore timely.

## **2. Respondents Misapply Rule 262 and Ignore the Plain Language of the Rule**

Respondents argue that Appellant failed to file “sufficient proof of service,” but their argument overlooks the actual requirements of Rule 262.

### **Rule 262(b)**

Requires that any document filed with the appellate court be accompanied by proof of service.

Appellant complied by including a Certificate of Service with the Notice of Appeal.

### **Rule 262(c)**

Provides multiple permissible methods of service, including:

- **U.S. Mail**, with service complete upon mailing; and
- **Electronic service**, when sent in a manner authorized by the Supreme Court.

Appellant served Respondents by **email** on December 30, 2025, and mailed a copy the same day.

Both methods are expressly permitted. Service was complete upon mailing, and Respondents admit they received the email on December 30. Respondents’ argument that service was “insufficient” is unsupported by any rule.

## **3. The Certificate of Service Is Valid and Not Contradicted**

Respondents claim the Certificate of Service is “improper” because it is dated December 29, 2025, and because Appellant’s email stated she “will also mail a copy today.” This argument fails for several reasons:

1. **A Certificate of Service is not invalid merely because the mailing occurred the next morning or later the same day.** The certificate reflects the date the document was prepared and executed.
2. **The email does not contradict the certificate.** The email confirms Appellant’s intent to mail the document on December 30, which she did.
3. **Respondents received actual notice on December 30,** which is the only date that matters for timeliness.
4. **Respondents have produced no evidence**—postal records, envelopes, or otherwise—to show that mailing occurred later than December 30.

Respondents’ argument is speculative and unsupported.

#### **4. Appellant Has Met the Burden Under Rule 203(d)(1)(B)**

Rule 203(d)(1)(B) requires that the Notice of Appeal filed with the appellate court be accompanied by proof of service. Appellant satisfied this requirement by filing:

- A Certificate of Service,
- Email documentation showing service on December 30, 2025, and
- Fax and mailing confirmations (**Exhibit E and F – Email and Fax Confirmations**).

Respondents’ claim that there is “no filed Proof of Service” is simply incorrect.

#### **5. Dismissal Is Not Warranted**

Dismissal is an extreme remedy reserved for clear, jurisdictional defects. Here:

- The Notice of Appeal was timely.
- Service was timely.
- Proof of service was filed.
- Respondents suffered no prejudice.
- Respondents received actual notice within the appeal period.

Their argument relies on a misreading of the rules and an incorrect assumption about the appeal deadline. It should be rejected.

### **VI. Appellant’s Filing of the Initial Brief Is Also Timely**

11. Appellant received the transcript on **February 10, 2026 (Exhibit G)**. Under Rules 208 and 209, the initial brief is due **30 days after receipt of the transcript**, excluding the federal holiday on **February 16, 2026** (Washington’s Birthday). The deadline for the initial brief is therefore **March 12, 2026**.

12. Respondents’ request to dismiss the appeal for failure to file the initial brief is premature and without merit.

## VII. Respondents' Motion to Dismiss Is Procedurally Improper and Prejudicial

13. Respondents submitted a document styled as a motion to dismiss but included extensive argument on the merits of the underlying case. This exceeds the scope of a procedural motion and is prejudicial to Appellant.

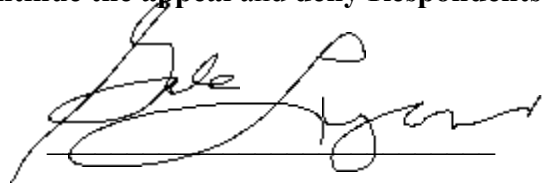
14. Appellant respectfully requests that the Court:

- **Deny Respondents' motion to dismiss,**
- **Strike any improper argument** included in Respondents' filing, and
- **Allow the appeal to proceed on the merits.**

### Conclusion

Appellant complied with all applicable rules governing the filing and service of the Notice of Appeal. The appeal was timely under Rule 203(b)(1), SCACR, and the computation of time under Rule 6(a), SCRCR. Respondents' arguments rely on assumptions unsupported by the rules and unsupported by any proof of earlier service.

Appellant respectfully requests that the Court **continue the appeal and deny Respondents' request for dismissal.**

A handwritten signature in black ink, appearing to read "Gale Lyons", written over a horizontal line.

Gale Lyons, *Pro Se* Appellant  
1969 Golfair Rd  
Sumter, SC 29154

March 5, 2026

Attachments - Exhibits

# Exhibit A

## Working Days Calculator: Business Days Between Two Dates

How many business days or non-working days are there between two dates, including or excluding weekends or [public holidays](#)?

[Count Days](#)   [Add Days](#)   **[Workdays](#)**   [Add Workdays](#)   [Weekday](#)   [Week No](#)

From and including: **Monday, December 1, 2025**  
To, but **not** including **Sunday, January 4, 2026**  
Excluding Federal holidays (not in weekends)  
in **United States – South Carolina**. [Change Country /](#)  
[Change State](#)

**Result: 30 days**

**34 calendar days –**

**Excluded 4 holidays:**

- [Christmas Eve](#) (Wednesday, December 24, 2025)
- [Christmas Day](#) (Thursday, December 25, 2025)
- [Day After Christmas Day](#) (Friday, December 26, 2025)
- [New Year's Day](#) (Thursday, January 1, 2026)

December 2025						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

January 2026						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

= Not included in results (Skipped)    = First day included (Dec 1, 2025)    = Last day included (Jan 3, 2026)



### Calendar with Logo (PDF)

Add your company logo to our printable calendars.



### Date Calculator API

Find a specific business date and calculate the working days in a given period.

Advertising

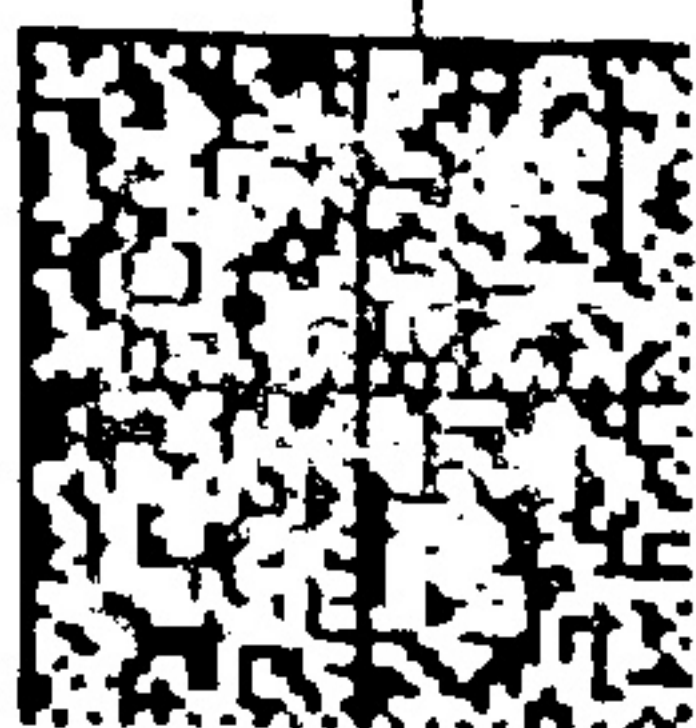
Exhibit B

JAMES C. CAMPBELL  
CLERK OF COURT  
215 N. Harvin Street, Room 303  
Sumter, South Carolina 29150

Gale Lyons  
1969 Golfair Rd  
Sumter, SC 29150

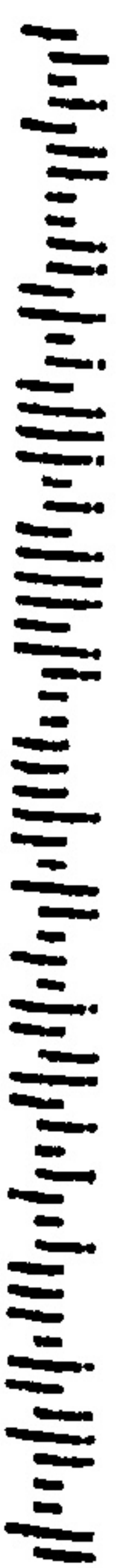
COLUMBIA SC 290  
26 NOV 2025 PM 4 L

FIRST-CLASS



ZIP 29150 \$000.74<sup>0</sup>  
02 7M  
0008028397 NOV 26 2025

29154-613663



# Exhibit C



## First-Class Mail

### Mail in 1–5 Days

First-Class Mail<sup>®</sup> service is an affordable and easy way to send envelopes and postcards. First-Class Mail Forever<sup>®</sup> stamps cost \$0.78 (the current 1 oz price) and will never expire, even if the First-Class<sup>™</sup> postage rate goes up.

To send packages, see [USPS Ground Advantage<sup>®</sup> service](#).

[Buy Stamps](#)

[First-Class Mail Prices](#)

## Features & Pricing

- Mail delivered in 1–5 days
- Our best-priced service for items up to 13 oz



- Postmarking & Proof of Mailing:
  - If you want to ensure that your mail receives a postmark on the day you mail it, ask a retail associate at a Post Office retail counter to hand-cancel it for free. [Learn more](#).
  - To get an official record that you sent an item on a specific date, you can pay an extra service fee for a Certificate of Mailing. [See all insurance and extra services](#).
- Proof of Delivery: First-Class Mail items are eligible for Delivery Confirmation<sup>™</sup> services such as Certified Mail<sup>®</sup>.
- One price for up to 3.5 ounces with commercially priced letters and cards
- Prices based on shape and weight

[Standard Letter & Postcard Sizes](#)

[See Insurance & Extra Services](#)

## Letters

- Standard-sized, rectangular envelope stamps start at **\$0.78**.
- Square, oversized, or unusually shaped envelope stamps start at **\$1.27**.

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.

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# Exhibit D - Page 2 of 3



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

Electronically signed on 2025-11-21 09:12:59 page 3 of 3

**Exhibit D - Page 3 of 3**

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

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From: JeBria K. Wilson ([REDACTED])

To: [REDACTED]

Date: Tuesday, December 30, 2025 at 02:57 PM EST

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Thank you for your email. JeBria Wilson is no longer with Collins & Lacy. Please contact Robert Blain (rblain@collinsandlacy.com).

# Exhibit F



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## Your fax has been delivered

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Pdffiller <noreply@pdffiller.com>

Tue, Dec 30, 2025 at 2:45 PM

To: "[REDACTED]"



[Contact Support →](#)

Hello,

A fax that you recently sent with pdfFiller has been delivered.

Fax Details:

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

Result Code: **SUCCESS**

Recipient #: **(803) 790-8841**

Pages Sent: **4**

Please note that it may take a few minutes for the fax to finish processing and be available to your recipient.

Thank you for using pdfFiller, and please don't hesitate to contact [support](#) if you have any questions!

– Best regards,  
Sarah from the pdfFiller Team



Connect pdfFiller with the tools and services you already use

Fw: Gale Lyons vs Walmart Inc.

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From: Joy Holston ([REDACTED])  
To: gwrightlyon ([REDACTED])  
Date: Tuesday, February 10, 2026 at 11:34 AM EST

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Ms. Lyons,  
Attached is your transcript of Gale Lyons vs Walmart, Inc., et al.

Thank you,  
Joy E. Holston  
JH Reporting LLC

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**From:** GALE LYONS <[REDACTED]>  
**Sent:** Monday, February 2, 2026 1:19 PM  
**To:** Joy Holston <[REDACTED]>  
**Subject:** Re: Gale Lyons vs Walmart Inc.

Ok thank you.  
Sent from my iPhone

On Feb 2, 2026, at 11:35 AM, Joy Holston <lakerjh1@hotmail.com> wrote:

Ms. Lyons,  
I have received your money order and will begin working on your transcript.  
I will be in touch.

Thank you,  
Joy Holston  
JH Reporting LLC

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**From:** GALE LYONS [REDACTED]  
**Sent:** Tuesday, January 27, 2026 4:57 PM  
**To:** Joy Holston <[REDACTED]>  
**Cc:** Transcripts <transcripts@sccourts.org>; Cordelia Coath <ccoath@sccourts.org>  
**Subject:** Re: Gale Lyons vs Walmart Inc.

Hi Ms. Holston:

I hope this email finds you well. I will mail the check to you tomorrow.

Thanks, Gale  
Sent from my iPhone

On Jan 22, 2026, at 5:23 PM, Joy Holston <lakerjh1@hotmail.com> wrote:

Ms. Lyons,

# Christmas Holidays Dec. 24-26, 2025

## PRESIDENTIAL ACTIONS

PROVIDING FOR THE CLOSING OF EXECUTIVE DEPARTMENTS AND AGENCIES OF THE FEDERAL GOVERNMENT ON DECEMBER 24, 2025, AND DECEMBER 26, 2025

Executive Orders

December 18, 2025



2025, the day before and the day following Christmas Day, respectively.

Sec. 2. The heads of executive departments and agencies may determine that certain offices and installations of their organizations, or parts thereof, must remain open and that certain employees must report for duty on December 24, 2025, or December 26, 2025, or both, for reasons of national security, defense, or other public need.

Sec. 3. December 24, 2025, and December 26, 2025, shall be considered as falling within the scope of Executive Order 11582 of February 11, 1971, and of 5 U.S.C. 5546 and 6103(b) and other similar statutes insofar as they relate to the pay and leave of employees of the United States.

Sec. 4. The Director of the Office of Personnel Management shall take such actions as may be necessary to implement this order.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The costs for publication of this order shall be borne by the Office of Personnel Management.

DONALD J. TRUMP

THE WHITE HOUSE,  
December 18, 2025.

#### Related

Continuance of the Federal Emergency Management Agency Review Council

Presidential Actions, Executive Orders | January 23, 2026  
Implementing The President’s “Department of Government Efficiency” Workforce Optimization Initiative

Presidential Actions | February 11, 2025  
Implementing the President’s “Department of Government Efficiency” Cost Efficiency Initiative

Presidential Actions | February 26, 2025  
Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Regulatory Initiative

Presidential Actions | February 19, 2025  
Eliminating the Federal Executive Institute

Presidential Actions | February 10, 2025