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Mar 17 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Case No. 2026-000079

Tony Williams

Appellant,

v.

Lowe's Home Centers, LLC
and Angie Mills,

Respondent
s.

Response in Opposition to Appellant's
Motion Pursuant to Rule 240 SCACR, To
Proceed Without a Transcript Due to
Procedural Impossibility.

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Attorney for Respondents

Respondents respectfully submit this Response in Opposition to “Appellant’s Motion Pursuant to Rule 240 SCACR, To Proceed Without a Transcript Due to Procedural Impossibility.” Appellant’s Motion is based on a fundamentally incorrect assertion that no transcript can be obtained, and the record does not support any claim of procedural impossibility. Appellant simply failed to take the steps that Rule 207 requires of every appellant, and his noncompliance cannot be excused on the basis he now proposes.

Appellant filed his Notice of Appeal on February 10, 2026. The thirty-day deadline for requesting the transcript expired on March 10, 2026. Appellant’s Motion claims that he cannot comply with the requirement to "order a transcript" or "make written arrangements with a court reporter" because no stenographic or audio record of the proceedings exists. That is not accurate.

A hearing occurred on December 12, 2025 at 9:30 a.m. before the Court of Common Pleas via their Webex program. This hearing requires an official transcript for appellate review. Despite this, Appellant argues that he should be excused from his obligation to request a transcript simply because he asserts, without any supporting documentation, that no record exists and that the Court should therefore deem the transcript requirement optional in his case. Rule 207(a)(2) makes clear that the duty to order the transcript rests squarely on the appellant. The rule provides in full:

The appellant shall, within thirty (30) days after filing the notice of appeal, order from the court reporter a transcript of the proceedings not already on file as the appellant deems necessary for the appeal. The request shall be in writing and shall be delivered to the court reporter. The court reporter shall transcribe and deliver the transcript to appellant no later than sixty (60) days after the date of the request. Records shall be transcribed by the court reporter in the order in which the requests for transcripts are made.

This language unequivocally places the burden on the appellant to initiate the request.

In sum, Appellant did not comply with Rule 207, made no attempt to request a transcript, and now seeks to avoid the consequences of his own failure by labeling it “procedural impossibility,” a characterization that is unsupported and incorrect.¹

For these reasons, Respondents respectfully request that the Court deny Appellant’s motion.

Respectfully Submitted,

/s/ Michelle E. Gaston
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served via U.S. Mail, postage prepaid, this March 17, 2026 addressed as follows:

Tony A. Williams
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Ridgeland, SC 29936
Pro Se

/s/ Michelle E. Gaston, Esq.
COUNSEL FOR RESPONDENTS

¹ Appellant filed the Notice of Appeal on February 10, 2026. Under Rule 208(a)(1), SCACR, if no transcript is ordered, the appellant must serve and file the initial brief within thirty days of the Notice of Appeal. Thirty days from February 10 was March 12, 2026. Appellant did not order any transcript under Rule 207(a)(2), nor did he file an initial brief by the March 12 deadline. Because no transcript was ever requested, the briefing clock began on February 10 and expired without compliance, rendering the appeal subject to dismissal under Rule 208(a)(4).