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SC Court of Appeals

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| STATE OF SOUTH CAROLINA |) | IN THE COURT OF COMMON PLEAS |
| |) | THIRD JUDICIAL CIRCUIT |
| COUNTY OF WILLIAMSBURG |) | C/A NO. 2024-CP-45-00505 |
| Teavis Young, |) | |
| |) | |
| Plaintiff, |) | |
| |) | PROPOSED ORDER GRANTING |
| vs. |) | DEFENDANT WILLIAMSBURG |
| |) | COUNTY'S MOTION FOR SUMMARY |
| Williamsburg County, |) | JUDGMENT |
| |) | |
| Defendant. |) | |
| _____ |) | |

This motion came before the Court on March 11, 2025, upon Defendant Williamsburg County's Motion for Summary Judgment. Cezar McKnight appeared on behalf of Plaintiff; Lindsey Birchmore appeared on behalf of Defendant. After reviewing the memoranda submitted by the parties; considering the applicable statutes, rules, case law, and other legal authorities; hearing the oral arguments; and taking the evidence in the light most favorable to Plaintiff as the non-moving party, the Court **GRANTS** Defendants' Motion for Summary Judgment, and this case is hereby dismissed with prejudice.

FACTUAL BACKGROUND

Pursuant to Plaintiff's Complaint, on or about October 12, 2023, Plaintiff traveled to the Williamsburg County Economic Development Building located at 130 West Main Street, Kingstree, South Carolina for purposes of paying her water bill. Plaintiff claims that there was significant precipitation in the form of rain, thus creating a hazardous condition whereby persons could fall and be injured, that the precipitation resulted in an unnatural accumulation of water that constituted a slipping hazard, and that the manner in which the entrance was arranged caused the Plaintiff to be distracted and thereby not being able to see unnatural accumulation of water.

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Plaintiff claims that she slipped and fell on the unnatural accumulation of water and was severely injured. Plaintiff alleges that Defendant Williamsburg County was responsible for maintenance and upkeep of its facilities.

PROCEDURAL HISTORY

On December 5, 2024, Plaintiff filed her Summons and Complaint. Contemporaneous to its Answer, Defendant moved to dismiss Plaintiff's claims pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. Defendant's motion came before the Court on May 29, 2025 and was denied by Form 4 Order on June 2, 2025 to allow for additional discovery. On February 11, 2026, Defendant filed its Motion for Summary Judgment and the motion came before the Court on March 11, 2025.

STANDARD OF REVIEW

A motion for summary judgment shall be granted if "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." Rule 56(c), SCRPC; *see also Progressive Max Ins. Co. v. Floating Caps, Inc.*, 405 S.C. 35, 42, 747 S.E.2d 178, 181 (2013). "In determining whether any triable issues of fact exist, the trial court must view the evidence and all reasonable inferences that may be drawn therefrom in the light most favorable to the party opposing summary judgment." *Progressive Max Ins. Co.*, 405 S.C. at 42, 747 S.E.2d at 181 ; *Wachovia Bank, N.A. v. Coffey*, 404 S.C. 421, 425, 746 S.E.2d 35, 38 (2013).

"The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder." *Dawkins v. Fields*, 354 S.C. 58, 69, 580 S.E.2d 433, 438 (2003) (citations omitted). "Once the party moving for summary judgment meets the initial burden of

showing an absence of evidentiary support for the opponent's case, the opponent cannot simply rest on mere allegations or denials contained in the pleadings. . . . Rather, the nonmoving party must come forward with specific facts showing there is a genuine issue for trial." *Ellis v. Davidson*, 358 S.C. 509, 518–19, 595 S.E.2d 817, 822 (Ct. App. 2004). "[W]hen 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. When the "success of the proposed actions is a question of law," deciding that question on summary judgment "is appropriate." *Manning v. Quinn*, 294 S.C. 383, 386, 365 S.E.2d 24, 25 (1988).

DISCUSSION and CONCLUSION

The Court has reviewed and considered: the pleadings and filings of record, including Defendant's Motion for Summary Judgment; Defendant's Memorandum in Support; Plaintiff's Response in Opposition; all accompanying Exhibits and Affidavits; and the arguments presented. Based upon this review, the Court finds there are no genuine issues of material fact requiring resolution by a factfinder.

The undisputed evidence establishes that Defendant Williamsburg County is not the owner of the premises and at the time of this incident did not maintain, manage, or control the entrance area where the incident allegedly occurred. Based on the undisputed evidence of ownership and control, the Court concludes as a matter of law that Williamsburg County owed no duty to Plaintiff with respect to the entrance area at issue. Plaintiff, in an attempt to create a disputed fact, submitted an Affidavit from Ms. Ruby McKnight. However, Ms. McKnight states that her employment with Williamsburg County ended in 2020, which was three years before the incident. Therefore, her statements are not relevant to the facts presented.

Additionally, in light of the undisputed weather-related, temporary condition and the

absence of any affirmative, negligent act by a County employee, the Court concludes that Williamsburg County is immune from liability under the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-60(8). Summary judgment is warranted on this independent ground.

Plaintiff alleges the incident occurred during significant precipitation, and the County's memorandum asserts that moisture tracked into the entrance was a condition equally apparent to all entrants. The Court concludes that the alleged condition of tracked-in rainwater was open and obvious and does not, without more, impose liability on Williamsburg County. Summary judgment is appropriate on this ground as well.

Defendant's certificates of service reflect that it served its Answers to Plaintiff's First Set of Interrogatories and Responses to Plaintiff's First Set of Requests for Production on March 27, 2025, and re-served the responses with the original certificates after Plaintiff filed her Response in Opposition to Defendant's Motion for Summary Judgment. Plaintiff's opposition asserted that the motion was premature due to alleged outstanding discovery, but that assertion is contradicted by the record. The Court finds no procedural basis to deny or defer ruling on the motion.

The undisputed evidence establishes that Plaintiff has failed to present admissible evidence creating a genuine issue of material fact under Rule 56, SCRPC. *See* Rule 56(e), SCRPC; *see also* *Lord v. D & J Enterprises, Inc.*, 407 S.C. 544, 553, 757 S.E.2d 695, 699 (2014) ("The initial responsibility may be discharged by pointing out to the trial court that there is an absence of evidence to support the non-moving party's case. . . . Once the moving party carries its initial burden, the opposing party must do more than rest upon the mere allegations or denials of [the opposing party's] pleadings . . ."); *Kitchen Planners, LLC v. Friedman*, 440 S.C. 456, 460, 463-65, 892 S.E.2d 297, 300, 301 (2023) (rejecting "mere scintilla" standard for Rule 56(c), SCRPC, summary judgment motions and reiterating that "it is not sufficient for a party to create an inference

that is not reasonable or issue of fact that is not genuine” (quotation omitted)).

Accordingly, the Court finds that Defendant has met its burden under Rule 56, SCRCP, and that Defendant is entitled to summary judgment as a matter of law.

IT IS THEREFORE ORDERED that Defendant’s Motion for Summary Judgment is GRANTED.

IT IS SO ORDERED.

[JUDGE’S ELECTRONIC SIGNATURE ON FOLLOWING PAGE]



Williamsburg Common Pleas

Case Caption: Teavis Young VS Williamsburg County

Case Number: 2024CP4500505

Type: Order/Summary Judgment

So Ordered

s/Paul M. Burch, Judge #2048