

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

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Aug 17 2026

SC Court of Appeals

**APPEAL FROM WILLIAMSBURG COUNTY
COURT OF COMMON PLEAS
THE HONORABLE PAUL M. BURCH
CIRCUIT COURT JUDGE**

**APPELLATE CASE NO. 2026-001162
CIVIL ACTION NO. 2024-CP-45-00505**

Teavis Young,

APPELLANT,

versus

Williamsburg County,

RESPONDENT.

**RESPONDENT'S
MOTION TO DISMISS APPEAL**

Respondent Williamsburg County hereby moves for an order dismissing the above-captioned appeal as premature. Respondent moves for this relief upon the following grounds:

On April 30, 2026, Appellant filed a Motion to Alter or Amend Judgment pursuant to the South Carolina Rules of Civil Procedure with the circuit court. The motion is attached hereto as Exhibit "A." This motion has not been ruled upon by the circuit court as of the date of this motion to dismiss.

Appellant then filed her Notice of Appeal with this Court on May 14, 2026 even

though the circuit court had not yet ruled upon the Motion to Alter or Amend Judgment.

Pursuant to Hudson v. Hudson, 290 S.C. 215, 349 S.E.2d 341 (1986), an appeal must be dismissed without prejudice when a motion pursuant to Rule 59, SCRPC is pending in the circuit court.

For the reasons set forth herein, Respondent Williamsburg County therefore respectfully requests this Court to dismiss without prejudice the appeal of Teavis Young as premature due to the Rule 59(e) motion pending in the circuit court.

Respectfully submitted,

/s/ Carmen V. Ganjehsani

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Attorneys For Respondent

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August 17, 2026.

EXHIBIT “A”

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE THIRD JUDICIAL CIRCUIT
COUNTY OF WILLIAMSBURG	)	
	)	Case No.: 2024-CP-45-00505
Teavis Young,	)	
	)	
Plaintiff,	)	
	)	PLAINTIFF'S MOTION ALTER OR
v.	)	AMEND JUDGMENT PURSUANT
	)	TO SOUTH CAROLINA RULES OF
Williamsburg County,	)	CIVIL PROCEDURE
	)	
Defendant.	)	
_____	)	

COMES NOW Plaintiff Teavis Young who respectfully submits this Motion to Alter or Amend Judgment pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure. This motion is filed within ten days of receipt of written notice of entry of the Court's Order Granting Defendant Williamsburg County's Motion for Summary Judgment, entered on April 28, 2026.

The Court's Order contains manifest errors of law and fact. A Rule 59(e) motion serves not only as a vehicle to request the trial court to alter or amend the judgment, but also as a vehicle to seek reconsideration of issues and arguments. A party may file such a motion when the party believes the court has misunderstood, failed to fully consider, or failed to rule on an argument or issue.

The Court's decision rests upon foundational findings that are either unsupported by citation to specific record evidence or are contradicted by Plaintiff's pleaded allegations and submitted evidence. Specifically, the Court: (1) found undisputed evidence of critical facts without identifying any such evidence or adequately addressing Plaintiff's contrary allegations and the McKnight affidavit; (2) summarily dismissed Plaintiff's affidavit evidence based solely on the timing of employment termination, without analyzing its actual content or relevance to material facts regarding building maintenance and control; (3) failed to address Plaintiff's specific allegation that the entrance's design or arrangement caused distraction preventing perception of the alleged hazard; (4) misapplied the South Carolina Tort Claims Act immunity provision without considering whether Plaintiff's allegations describe an affirmative negligent act; and (5) violated the

summary judgment standard by failing to view evidence and reasonable inferences in the light most favorable to Plaintiff.

These errors deprive Plaintiff of her right to present her case to a fact finder and warrant reconsideration and alteration of the judgment.

FACTUAL BACKGROUND

On October 12, 2023, Plaintiff Teavis Young traveled to the Williamsburg County Economic Development Building located at 130 West Main Street, Kingstree, South Carolina, for the purpose of paying her water bill. At that time, significant precipitation in the form of rain was occurring in the area.

Plaintiff alleges that the weather conditions created a hazardous situation whereby an unnatural accumulation of water formed at the entrance to the building, creating a slipping hazard. Critically, Plaintiff alleges that the manner in which the entrance was arranged caused her to be distracted, thereby preventing her from seeing the unnatural accumulation of water. As a result of these conditions, Plaintiff slipped and fell on the accumulated water and sustained severe injuries.

Plaintiff further alleges that Defendant Williamsburg County was responsible for the maintenance and upkeep of its facilities, including the entrance area where the incident occurred.

On December 5, 2024, Plaintiff filed her Summons and Complaint against Defendant. Contemporaneously with its Answer, Defendant moved to dismiss Plaintiff's claims pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. The Court heard Defendant's motion to dismiss on May 29, 2025, and denied it by Form 4 Order on June 2, 2025, allowing the case to proceed to discovery.

On February 11, 2026, Defendant filed its Motion for Summary Judgment. In support of her opposition to the motion, Plaintiff submitted an affidavit from Ruby McKnight, a former employee of Williamsburg County. The Court heard oral arguments from both parties and considered the memoranda, evidence, and legal authorities submitted.

On April 28, 2026, the Court entered its Order Granting Defendant's Motion for Summary Judgment and dismissing the case with prejudice. The Court found that undisputed evidence established that Defendant did not own, maintain, manage, or control the entrance area where the incident occurred. The Court further found that Defendant was

immune from liability under the South Carolina Tort Claims Act based on the weather-related, temporary nature of the condition and the absence of any affirmative negligent act. Finally, the Court concluded that the condition of tracked-in rainwater was open and obvious and did not impose liability on Defendant.

In reaching these conclusions, the Court summarily dismissed Plaintiff's affidavit from Ruby McKnight on the ground that her employment with Williamsburg County ended in 2020, three years before the incident, and therefore her statements were not relevant to the facts presented. The Court did not specify what Ms. McKnight's affidavit actually stated or analyze whether her statements regarding building maintenance, control, or design would be relevant to the material facts in dispute.

ARGUMENT

I. The Trial Court Committed Manifest Error in Finding Undisputed Evidence of No Control Without Adequate Record Support or Analysis of the McKnight Affidavit

The trial court's order asserts that undisputed evidence establishes the County did not own, maintain, manage, or control the entrance area. However, the order does not identify which specific record evidence supports this finding. This approach prevents meaningful review and fails to comply with the requirement that the trial court draw all reasonable inferences in favor of the non-moving party when ruling on summary judgment.

When reviewing a grant of summary judgment, the evidence and all reasonable inferences must be viewed in the light most favorable to the non-moving party. Even if evidentiary facts are not disputed, summary judgment should be denied where the conclusions or inferences to be drawn from the undisputed facts conflict. The trial court's bare assertion of undisputed evidence without tying it to specific record materials fails to demonstrate that no genuine issue of material fact exists regarding the County's control and duty.

A. South Carolina Law Imposes Duty Based on Control, Not Ownership

South Carolina law recognizes that liability for dangerous premises conditions depends upon control of the premises, not necessarily ownership. A party who operates premises but is neither an owner nor a lessee may have a duty of reasonable care with respect to an allegedly dangerous condition. Such liability depends on control, rather than

ownership, of the premises. Higgins v. Galleria Shopping Center 2019 S.C. C.P. LEXIS 9849 (2019).

When evaluating whether a person has sufficient control to impose a duty to inspect the premises for dangerous conditions, a court should consider the person's power or authority to manage, direct, superintend, restrict, regulate, govern, administer, or oversee the management of the property. Vera Ford v. K & W Cafeterias 2019 S.C. C.P. LEXIS 9587 (2019). This multi-factor inquiry is distinct from a determination of title or ownership.

The trial court's order appears to treat the County's lack of title as conclusively negating any control or duty. This reasoning improperly conflates two separate legal concepts. Even if the County does not hold title to the entrance area, the County may still exercise sufficient control over the entrance to the Economic Development Building to impose a duty of reasonable care. The order's failure to engage in the control analysis required by South Carolina law constitutes manifest error.

B. The Court Improperly Excluded the McKnight Affidavit Based on Employment Status

The trial court discounted Plaintiff's affidavit from Ruby McKnight solely because her County employment ended in 2020. This categorical exclusion is improper and prevents the affidavit from creating a genuine issue of material fact.

An affiant's employment status does not automatically render testimony irrelevant to longstanding maintenance responsibility allocations, historical control of the building and entrance, structural or arrangement features that likely persisted through 2023, or County policies and practices. McKnight's knowledge of how the County historically maintained and controlled the entrance area, and of the building's structural features and entrance arrangement, would remain relevant and probative even after her employment ended. Such information speaks to the County's control and duty, matters that do not change simply because an affiant's employment relationship has terminated.

Under Rule 56(e), affidavits must be made on personal knowledge and set forth facts that would be admissible in evidence. The trial court's approach effectively weighed the credibility and relevance of the affidavit rather than determining whether the affidavit creates a triable issue of fact. This is precisely the type of credibility determination that must be left to the factfinder, not resolved on summary judgment. By categorically excluding the affidavit based on employment status, the trial court improperly removed from consideration evidence that could support Plaintiff's theory that the County controlled and maintained the entrance area.

C. Plaintiff's Allegations Support Reasonable Inferences of Control and Duty

Plaintiff alleged that the County was responsible for maintenance and upkeep of the Economic Development Building and that a hazardous entrance condition existed at this County-related facility used for bill payment. These allegations, when viewed in the light most favorable to Plaintiff, support reasonable inferences that the County exercised control over the entrance area and owed a duty to maintain it in a reasonably safe condition.

The County held the building open to the public for governmental business. The entrance to such a facility is integral to the County's operation of the building. A reasonable factfinder could infer from Plaintiff's allegations and from the evidence in the record that the County maintained, managed, or controlled the entrance area sufficiently to impose a duty of reasonable care. The trial court's summary judgment order precludes this inference and thus prevents the case from reaching a factfinder.

II. The Trial Court Committed Manifest Error in Applying SCTCA Immunity Without Addressing the Affirmative Negligent Act Exception

The trial court's grant of summary judgment based on immunity under the South Carolina Tort Claims Act contains manifest error because it resolves disputed factual characterizations in favor of the defendant without addressing whether Plaintiff's allegations describe an affirmative negligent act that would fall outside the immunity provision.

The SCTCA provides that a governmental entity is not liable for loss resulting from temporary or natural conditions on a public way or other public place due to weather conditions, unless the condition is affirmatively caused by a negligent act of an employee. This statutory exception creates a meaningful boundary between conditions the government need not remedy and those it must address when employee conduct has contributed to or exacerbated the hazard.

A. Plaintiff's Allegations Implicate the Affirmative Negligent Act Exception

Plaintiff's allegations present a factual dispute directly relevant to this exception. She contends that the water accumulation at the entrance was not merely a temporary natural condition passively resulting from rainfall, but rather an unnatural accumulation at a specific location. More significantly, she alleges that the entrance arrangement itself, its

design, configuration, or maintenance, distracted her and prevented her from detecting the hazard. These allegations, if credited, would establish that the condition was created or worsened by affirmative acts or omissions in the design, arrangement, or operational setup of the entrance.

By granting summary judgment, the court necessarily rejected Plaintiff's characterization and adopted the defendant's version: that the water was simply tracked-in rainwater, a temporary natural condition. However, summary judgment is appropriate only when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. The characterization of the condition, whether it was a natural accumulation of rainwater or an unnatural accumulation created or worsened by how the entrance was configured and maintained, is precisely the type of factual dispute that must be resolved by a fact-finder, not by the court at the summary judgment stage.

B. The Statutory Exception Analysis Cannot Be Resolved as a Matter of Law

Plaintiff's allegations implicate affirmative acts and omissions that fall outside the scope of the immunity provision. She does not merely allege that rain fell and water accumulated; she alleges that the entrance arrangement contributed to the risk and prevented her from seeing the hazard. These allegations suggest that the condition resulted from or was exacerbated by decisions regarding entrance design, arrangement, or maintenance, matters that constitute affirmative employee conduct.

The statute's exception for conditions affirmatively caused by a negligent act of the employee contemplates precisely these scenarios. When a plaintiff alleges that the manner in which a public entrance was designed, arranged, or maintained contributed to the creation or concealment of a hazard, the question of whether an affirmative negligent act occurred cannot be resolved on summary judgment without first permitting discovery and fact development on the design, arrangement, and maintenance practices at issue.

The court's order acknowledges Plaintiff's allegations but then concludes, as a matter of law, that no affirmative negligent act occurred. This approach improperly forecloses Plaintiff's theory without allowing her to develop evidence regarding the entrance arrangement, its design choices, and how those choices may have contributed to the unnatural accumulation or prevented detection of the hazard.

III. The Trial Court Committed Manifest Error in Applying the Open-and-Obvious Doctrine Without Addressing the Distraction Exception

The trial court's order grants summary judgment based in part on the finding that the tracked-in rainwater constituted an open and obvious condition. However, the order does not address Plaintiff's specific allegation that the entrance arrangement distracted her so that she could not see the hazard. This omission constitutes manifest error because it fails to apply the controlling legal standard established by South Carolina precedent.

A. South Carolina Law Recognizes a Distraction Exception to the Open-and-Obvious Rule

South Carolina has adopted Restatement (Second) of Torts section 343A, which provides that a possessor of land is not liable to invitees for physical harm caused by any activity or condition on the land whose danger is known or obvious to them, unless the possessor should anticipate the harm despite such knowledge or obviousness. The critical language, unless the possessor should anticipate the harm, establishes that open and obvious status is not dispositive. Rather, it is merely the starting point for a more nuanced analysis that requires consideration of whether the property owner should have foreseen that the invitee would encounter the condition or be distracted despite its alleged obviousness.

The South Carolina Supreme Court has explicitly recognized that an owner may be required to warn an invitee or take other reasonable steps to protect the invitee if the possessor has reason to expect that the invitee's attention may be distracted, so that the invitee will not discover what is obvious or will fail to protect themselves against it. This principle reflects the understanding that even conditions that might be objectively apparent can pose a genuine hazard to invitees whose attention is diverted by the circumstances of their visit.

In Meadows v. Heritage Village Church & Missionary Fellowship, 305 S.C. 375 (1991) the South Carolina Supreme Court addressed a plaintiff who slipped on wet grass while walking to her hotel. Although the wet grass constituted an open and obvious danger, the court did not treat this as an automatic bar to liability. Instead, the court recognized that the plaintiff could potentially recover if she demonstrated that the property owner should have anticipated that she would nevertheless encounter the condition or that she would be distracted. This holding demonstrates that South Carolina law does not permit summary judgment based solely on a finding that a condition is open and obvious.

B. The Court Failed to Address Plaintiff's Distraction Theory

Under South Carolina law, the question of whether a property owner should anticipate that an invitee will be distracted is a fact-intensive determination that ordinarily cannot be resolved on summary judgment. The trial court was obligated to consider whether, given the entrance arrangement and the circumstances of Plaintiff's visit, a reasonable property owner should have foreseen that invitees would be distracted and thus unable to perceive the hazard despite its alleged obviousness.

Plaintiff has alleged facts that, if proven, would establish that the property owner should have anticipated harm despite the condition's alleged obviousness. First, Plaintiff alleges that the entrance was being used for an official purpose, bill payment, making it foreseeable that invitees would proceed through the entrance regardless of rain conditions. A property owner who knows that invitees will necessarily traverse a particular entrance during inclement weather should reasonably anticipate that some invitees may encounter hazardous conditions at that location.

Second, Plaintiff alleges that the entrance arrangement itself distracted her, preventing her from perceiving the hazard. This allegation directly implicates the distraction exception recognized in South Carolina law. Whether the entrance arrangement was sufficiently distracting to prevent a reasonable invitee from perceiving the hazard is a question of fact that cannot be resolved on summary judgment without evidence establishing that no reasonable jury could find in Plaintiff's favor.

Third, Plaintiff's allegation of an unnatural accumulation of water suggests that the hazard may not have been equally apparent to all invitees. The obviousness of a condition depends on whether a reasonable person exercising ordinary perception, intelligence, and judgment would recognize both the condition and the risk it poses. An unnatural accumulation of water, combined with the distraction caused by the entrance arrangement, may not have been equally obvious to Plaintiff as it might have been to an observer not engaged in the act of entering the building.

The trial court's order does not engage with this fact-intensive analysis. Instead, it treats the open-and-obvious characterization as sufficient to warrant summary judgment. This approach is inconsistent with South Carolina precedent, which requires consideration of whether the property owner should have anticipated harm despite the condition's alleged obviousness. By failing to address Plaintiff's theory that the entrance arrangement would distract a reasonable invitee, the trial court has applied the open-and-obvious doctrine in a manner that is manifestly erroneous as a matter of law.

CONCLUSION

Plaintiff Teavis Young respectfully requests that this Court:

1. GRANT Plaintiff's Motion to Alter or Amend Judgment pursuant to Rule 59(e), South Carolina Rules of Civil Procedure;
2. VACATE the Order Granting Defendant Williamsburg County's Motion for Summary Judgment, entered on April 28, 2026;
3. REINSTATE Plaintiff's Complaint and allow this action to proceed to trial on the merits;
4. ALTERNATIVELY, if the Court determines that additional development of the record is necessary, REOPEN the case to permit:
 - Targeted discovery regarding the entrance design, arrangement, and maintenance practices;
 - Depositions of Defendant's representatives and relevant County employees;
 - Production of maintenance records, inspection logs, and prior incident reports;
 - Any other discovery material to the issues of ownership, control, maintenance responsibility, and the foreseeability of distraction; and
 - Renewed summary judgment briefing following completion of such discovery, if appropriate;
 - PRESERVE Plaintiff's right to proceed to trial on her premises liability claim against Williamsburg County; and

5. GRANT such other and further relief as the Court deems just, proper, and equitable.

SIGNED at Kingstree, South Carolina, this 30th day of April, 2026.



/s/ Cezar E. McKnight
ATTORNEY FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO RULE 59(e), SOUTH CAROLINA RULES OF CIVIL PROCEDURE upon all counsel of record via electronic mail and certified mail, as follows:

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This the 30th day of April, 2026

/s/ Cezar E. McKnight

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CERTIFICATE OF SERVICE

I, the undersigned, attorney for Respondent Williamsburg County, do hereby certify that I have this date served the foregoing Motion to Dismiss Appeal dated August 17, 2026, by personally serving the same pursuant to Section (d)(1) of the Supreme Court's Amended Order dated April 24, 2024, on the following counsel of record using the primary email addresses listed in the Attorney Information System (if applicable):

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A copy of the sent email is enclosed with this Certificate of Service.

/s Carmen V. Ganjehsani
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Date: August 17, 2026.

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From: [Carmen Ganjehsani](#)
To: ["kimberly@hodgellawfirm.org"; "cezar@cezarmcknight.com"](#)
Cc: [David Anderson](#); [Ashwin Sanzgiri](#); [Lindsey Birchmore](#)
Subject: Appellate Case No. 2026-001162 Young v. Williamsburg County
Date: Monday, August 17, 2026 12:09:00 PM
Attachments: [2026-001162 Young v. Williamsburg Cty. \(Mtn. to Dismiss\) \(4287416\).pdf](#)

Please find served upon you the attached Motion to Dismiss Appeal by Respondent Williamsburg County in the above-referenced case.

Thank you,
Carmen Ganjehsani

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