THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Christine Jernigan, Appellant,

v.

Kershaw County South Carolina, Respondent.

Appellate Case No. 2024-002127

Appeal From Kershaw County
Jocelyn Newman, Circuit Court Judge

Unpublished Opinion No. 2026-UP-418
Heard June 2, 2026 – Filed August 19, 2026

AFFIRMED

Justin A. Jernigan, of Seneca, for Appellant.

Andrew F. Lindemann, of Lindemann Law Firm, P.A., and David Leon Morrison, of Garfield Spreeuwers Law Group, LLC, both of Columbia; and Cameron W. DeBoy, of McCutchen McLean, LLC, of Lexington, all for Respondent.

PER CURIAM: Christine Jernigan (Jernigan) appeals the circuit court's order dismissing her action against Kershaw County (the County). Jernigan also appeals

the circuit court's denial of her motion for scheduling and equitable relief. We affirm.

Jernigan contends the circuit court erred in granting the County's motion to dismiss her action for failure to prosecute. We disagree. "Whether an action should be dismissed for failure to prosecute is left to the discretion of the trial court judge, and his decision will not be disturbed, except upon a clear showing of an abuse of discretion." *McComas v. Ross*, 368 S.C. 59, 62, 626 S.E.2d 902, 904 (Ct. App. 2006). "The plaintiff has the burden of prosecuting her action, and the trial court may properly dismiss an action for plaintiff's unreasonable neglect in proceeding with her cause." *Id.* After filing her complaint and various motions, including a motion for scheduling, Jernigan and her attorney, who was also her son (Son), failed to appear at the respective bench trial, which occurred a year after the filing of the pleadings. The record shows that Jernigan and Son received notice of the trial and failed to request a continuance. Further, counsel for the County informed the circuit court that he texted Son a few days before trial to give him notice of the motions the County planned to make at trial. Accordingly, we affirm the circuit court's dismissal of Jernigan's action for failure to prosecute.

Alternatively, Jernigan argues the circuit court erred in granting the County's motion for judgment on the pleadings.[1] We disagree. "In evaluating a Rule 12(c)[, SCRCP,] motion, the court must consider that 'a complaint is sufficient if it states any cause of action or it appears that the plaintiff is entitled to any relief whatsoever.'" *Pope v. Wilson*, 427 S.C. 377, 384, 831 S.E.2d 442, 445–46 (Ct. App. 2019) (quoting *Falk v. Sadler*, 341 S.C. 281, 287, 533 S.E.2d 350, 353 (Ct. App. 2000))). "[A] judgment on the pleadings is considered to be a drastic procedure by our courts." *Id.* (quoting *Russell v. City of Columbia*, 305 S.C. 86, 89, 406 S.E.2d 338, 339 (1991)). Pursuant to section 30-4-100 of the South Carolina Freedom of Information Act (FOIA),[2] a South Carolina citizen may seek declaratory or injunctive relief for violations of the Act. § 30-4-100(A) ("A *citizen of the State* may apply to the circuit court for a declaratory judgment, injunctive relief, or both, to enforce the provisions of this chapter in appropriate cases if the application is made no later than one year after the date of the alleged violation or one year after a public vote in public session, whichever comes later." (emphasis

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[1] Jernigan attached the FOIA request to her complaint. *See Brazell v. Windsor*, 384 S.C. 512, 516, 682 S.E.2d 824, 826 (2009) ("A copy of a document which is an exhibit to a pleading is a part of the pleading for all purposes if a copy is attached to such a pleading." (citing Rule 10(c), SCRCP)).

[2] S.C. Code Ann. § 30-4-10 to -165 (2007 & Supp. 2025).

added)). Jernigan's complaint contains numerous fatal issues. First, Jernigan never filed a FOIA request with the County or any other entity; Son made the FOIA request at issue, and he did not assert that he was making the request in a representative capacity. Son was listed as the "requestor" and utilized first-person language throughout the request. Thus, *Jernigan* has nothing to enforce under the FOIA. Moreover, Son is not a party to this action, and even if he was, he would not be able to pursue relief under FOIA because he is not a South Carolina citizen. On the FOIA request, Son provided a North Carolina address for himself and additionally provided a North Carolina address on Jernigan's complaint as her attorney. Therefore, we hold the circuit court properly granted the County judgment on the pleadings, and we also affirm the circuit court's dismissal on this ground.

AFFIRMED.[3]

WILLIAMS, C.J., and KONDUROS and VINSON, JJ., concur.

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[3] Because our findings above are dispositive of the appeal, we decline to address Jernigan's remaining arguments. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (providing that an appellate court need not address remaining issues on appeal when its determination of a prior issue is dispositive).