

91213

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Case No. 2019-000-507

Melvina Robinson,

v. Appellant

Walmart Stores, Inc.;  
Walmart Neighborhood Market;  
Walmart Stores East, LP;  
and Walmart Supercenter

Respondent

**RECEIVED**  
OCT 21 2019  
SC Court of Appeals

Motion for Extension of time

Dear Court, To whom It May Concern:  
I am asking the court for an extension of time because on yesterday October 7, 2019 after preparing for Initial Briefing at my neighborhood local library to discovered all of my copies were printed from the printer except the Designation of Matter.

October 8, 2019

Cc: Amy L. Gaffney  
Kelly T. Evans  
3700 Forest Drive Suite 400  
Columbia, S.C. 29204

Melvina Robinson  
110 Gatehouse Dr.  
Summerville S.C.  
29486

Melvina Robinson  
PLAINTIFF(S)

Walmart Stores, 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:

Defendant's Motion for Summary Judgment is 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 01/16/2019 .

Samuel R. Clawson

**RECEIVED**  
OCT 21 2019  
SC Court of Appeals

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals  
The Supreme Court

Case No. 2019-000-507

MOTION WITH NEW  
EVIDENCE

Melvina Robinson Appellate

v.

Walmart Stores, Inc.  
Walmart Neighborhood Market;  
Walmart Stores East, LP; and  
Walmart Supercenter

Dear Court

I, Melvina Robinson the Appellate called and got in touched Human Affairs on September 22, 2015 to get the understanding how to could filed a claim with Human Affair about Walmart harassing me while I shopped and after speaking with Human Affairs I went online to filed my claimed and after investigation Walmart was charged months later.

Then Human Affair contacted Walmart about the charged and Human Affairs was unsuccessful arranging an agreeable mediation with us Walmart because of Walmart noncooperation in their part we were unable to agree to come together to do arbitration with me because Walmart did not feel a need to do mediation with me so Human Affair had to closed my case and told me to contact an attorney to sue Walmart since they were charged so Walmart refused to mediate with me but Human Affair were able to reach out to Walmart and Walmart's Attorney and Walmart's attorney told Human affairs that Walmart did not want to resolved the matter in mediation and I had rights to an attorney so several months later I spoke with Attorney David Popowski from Popowski Law Firm, LLC at Street Address: Suite 110; 171 Church Street Charleston, South Carolina 29401

Then shortly before the trial Attorney David told me he used to represent Walmart's truckers and that was conflict of interest and during the court I saw and heard I was not represented fairly and the day before the court he yelled at me because I disagree with him because he wanted me to settle before court an agreement amount of \$3000 that him and Walmart came up with and I refused to so before court where the judge and attorney meets together Attorney David allowed them to dismissed Human affair claim when I told him I disagree with them dismissing Human affairs claim because that was the only concrete evidence I had to show the Juries members the date I filed and the names who was involved with the Walmart claim and Attorney David did not tell the court my Children's father who was one of my witnesses who could not come up from Houston because he was recovering from Prostate Cancer and we both Clifford Sr. and I asked attorney David to record him for the jury case because he could not come up to S.C. and Attorney David said it was too late

s/Melvina Robinson  
Melvina Robinson  
110 Gatehouse Dr.  
Summerville, S.C. 29486

October 10, 20196

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Motion for a New Evidence has been mailed to following counsel of record this this 10th day of October , 2019:

Amy L. Gaffney  
Kelly T. Evans  
Gaffney Lewis & Edwards, LLC  
3700 Forest Drive, Suite 400  
Columbia, SC 29204

October 10, 2019

s/Melvina Robinson  
Melvina Robinson

**RECEIVED**  
OCT 21 2019  
SC Court of Appeals



STATE OF SOUTH CAROLINA  
HUMAN AFFAIRS COMMISSION



Raymond Buxton, II  
Commissioner

1026 Sumter Street, Suite 101 (29201)  
Post Office Box 4490  
Columbia, South Carolina 29240-4490  
(803) 737-7800 (803) 737-7835 Fax

[www.state.sc.us/schac](http://www.state.sc.us/schac)  
(800) 521-0725 In-State

February 12, 2016

Ms. Melvina Robinson  
110 Gatehouse Drive  
Summerville, SC 29483

RE: In the matter of Melvina Robinson / Walmart Stores Inc.  
SHAC # 1-2-10-16-14

Dear Ms. Robinson:

Enclosed is a copy of your charge of discrimination in the above-referenced matter. Please use the case number listed above when contacting our office about your claim. The South Carolina Human Affairs Commission ("SCHAC") is processing your claim under Section 1-13-90(e) of South Carolina's Human Affairs Law and under Section 45-9-110 of the South Carolina Public Accommodations Law.

SCHAC will contact the other party in this matter and will advise you of the results. Please allow us time to work to resolve your claim. Cases are processed in the order in which they are received in consideration of the Commission's caseload and available resources.

Your full cooperation is needed to process your complaint. You must let SCHAC know if you change your address or telephone number or if you will be away from home for an extended period of time.

Please call me at 1-800-521-0725 or (803) 737-7805 if you have any questions.

Sincerely,

*Erin Wilson*

Erin Wilson  
Investigator

Enclosure

*Our mission is to eliminate and prevent unlawful discrimination in employment, housing and public accommodation.*

SOUTH CAROLINA HUMAN AFFAIRS COMMISSION  
DISCRIMINATION COMPLAINT

COMPLAINT NUMBER

This complaint is filed pursuant to Section

1-13-90(e)

45-9-110

COMPLAINANT: Ms. Melvina Robinson  
110 Gatehouse Drive  
Summerville, SC 29486

RESPONDENT: Walmart Stores Inc.  
1317 North Main Street  
Summerville, SC 29483

Cause of Discrimination Based on:

- Race
- Color
- Sex
- Religion
- National Origin
- Retaliation
- Age
- Disability

Date of Discrimination: September 22, 2015

The Particulars Are:

I was followed by loss prevention (white) in Walmart throughout the store and to self-check-out on or about September 22, 2015. They stood over the counter and watched me, looking at the screen to see if I purchased everything. I also know other black customers's who have been treated the same way. I contend I was treated in this manner because of my race.

I therefore believe I was discriminated against based on my race (black) in violation of the SC Human Affairs Law, as amended and SC Equal Enjoyment and Privileges to Public Accommodations Act.

I swear or affirm that the above information is true to the best of my knowledge and belief.

[Signature]  
Complainant Signature

2/8/16  
Date

Subscribed and sworn to me this 8<sup>th</sup> day of February, 2016

[Signature]  
Notary Signature

My Commission Expires: October 1, 2024



STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

Melvina Robinson,

Plaintiff,

vs.

Wal-Mart Stores, Inc.; Wal-Mart  
Neighborhood Market; Wal-Mart Stores  
East, LP; and Wal-Mart Supercenter;

Defendants.

COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT

Civil Action No. 2017-CP-08-1343

AFFIDAVIT OF  
MELVINA ROBINSON  
IN SUPPORT OF MOTION  
FOR NEW TRIAL OR AMENDMENT  
OF JUDGMENT

Melvina Robinson, after being sworn, deposes and states as follows:

1. I am 51 years of age and reside at 110 Gatehouse Drive, Summerville, South Carolina 29486.
2. On February 27, 2019, the day after the trial in this case in favor of the Defendants where the Defendants' witnesses testified that they did not remember me, my children or the incidents we described in our testimony, I visited the Walmart store at 1317 North Main Street, Summerville, South Carolina 29483 to shop.
3. I came upon Melissa Glover, an employee of Walmart at the register who recognized me from previous visits including in 2015 when the incidents occurred. Unlike the Walmart employees that testified at the trial, she remembered clearly that on September 22, 2015, something happened then involving me and that I complained to Gage at the self-checkout counter. Gage and I then went to the Customer Service Counter and spoke with Walmart Manager named "Heather."
4. She further stated to me that there were problems then with the Asset Protection employees at Walmart, and that they no longer worked there.
5. I have a recording of my conversation with Ms. Glover.

\_\_\_\_\_  
Melvina Robinson

Sworn to and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Notary Public of South Carolina  
My Commission Expires: \_\_\_\_\_

Search your mailbox

Melvina Robinson

Account Info

Go

Sign Out Home

Inbox Contacts Notepad Calendar

Compose

Delete Spam Actions Apply

- Inbox 999+
- Drafts 503
- Sent
- Archive
- Spam
- Trash
- Folders Edit Hide
- + New folder
- Unwanted



Fee-Free Overdraft

me11267@yahoo.com/Inbox



Oct 9 at 12:07 PM

Print Raw message

Melvina Robinson <me11267@icloud.com>  
To: Melvina Robinson <me11267@yahoo.com>

Walmart opening 4 new stores in Tri-County area

By Ann McGill | April 27, 2015 at 3:12 PM EDT - Updated July 25 at 10:56 PM  
NORTH CHARLESTON, SC (WCSC) - Walmart is getting bigger in the Tri-County, by going smaller.

The retail chain is opening four smaller stores called Walmart Neighborhood Markets. Two of these stores will open this year in Goose Creek, and Ladson and Summerville will each get one new store.

Neighborhood Market stores are about 40,000 square feet, which is a quarter of the size of a typical Walmart Supercenter in the United States. They are similar to traditional grocery stores, designed for easy-in and easy-out access for shoppers.

Cassandra Jamison, Career Center Manager for SC Works in North Charleston, says with the four new stores, the center has been contacted to host a major hiring event. Hundreds of jobs are available. The hiring event takes place on Friday from 9 a.m. until 1 p.m. at SC Works Center, 1930 Hanahan Road in North Charleston.

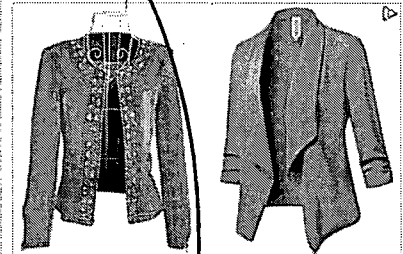
You may contact the SC Works Center at 574-1800 if you have questions. You will also find more information on Facebook by searching and liking Ann McGill Live 5 News. Job information is posted to this site on a regular basis.

Sent from my iPhone

Delete Spam Actions Apply



ANNIE CLOTHUP TO 45% OFF [Shop Now](#)



Berrylook [SHOP NOW >](#)

**GENERAL ALERT** Nancy Pelosi speaks on lower drug prices

## **Wal-Mart to hire 95 at new Ladson store**

by  
Friday, May 8th 2015

AA

LADSON, S.C. (WCIV) -- Wal-Mart is looking to hire as many as 95 people to work at the new Wal-mart Neighborhood Market slated to open this winter in Ladson. A temporary hiring center has opened at 1706 Trolley Road, Suite E in Summerville. Applications will be accepted Monday through Friday from 8 a.m. to 5 p.m. Interested applicants may also apply online at <http://careers.Wal-mart.com>. Through Wal-mart's Veterans Welcome Home Commitment, the company will offer a job to any qualified veteran who has been honorably discharged within the past 12 months. Interested veterans may find out more at <http://walmartcareerswithamission.com>. According to store manager James Greene, the store will be hiring both full- and part-time associates. "We are excited to bring this Wal-mart to Ladson and are looking to build a strong team of associates," he said. Wal-mart provides a benefits program to eligible full- and part-time associates and eligible associates receive a quarterly incentive based on store performance. The majority of new associates will begin work at the new Dorchester Rd. Wal-mart Neighborhood Market in July to help prepare the store for its grand opening. {} Two more will also open this summer in nearby Goose Creek.



1 Q. Okay. So there was no --

2 A. Once they dropped it -- once the judge dropped it, it  
3 was like, okay.

4 Q. All right. Did you have to spend any time in jail?

5 A. Yes. Like maybe a couple hours and my church came and  
6 got me out.

7 Q. Okay. All right. Any other times that you've been  
8 arrested?

9 A. Not ever.

10 Q. In this particular case, Ms. Robinson, my  
11 understanding is that you filed a charge of discrimination with  
12 the Human Affairs Commission in Columbia?

13 A. I did.

14 Q. Okay. And through the Human Affairs Commission's  
15 dealings with your charge, did you ever have a mediation or  
16 anything like that?

17 A. They didn't want one.

18 Q. Who didn't?

19 A. Wal-Mart.

20 Q. Did you -- what happened with your charge of  
21 discrimination?

22 A. What happened to the -- before?

23 Q. No. With the --

24 A. For me to cause it, I mean, to get one?

25 Q. No. After you filed it with Human Affairs, what did

1 Human Affairs do with it?

2 A. They said that there's nothing they can do, that I can  
3 take it -- get a lawyer and go for them through that way.

4 Q. Okay. Did you ever go to Columbia, to the Human  
5 Affairs office --

6 A. Never.

7 Q. -- and meet with anyone there?

8 A. Nobody.

9 Q. Okay. Was that the first time that you had ever  
10 brought a complaint through Human Affairs?

11 A. Yes.

12 Q. Okay.

13 A. Because it was that deep.

14 Q. Uh-huh. Who advised you to pursue something with  
15 Human Affairs?

16 A. Myself.

17 Q. Okay. So you did some research and determined --

18 A. Yes.

19 Q. All right. Did you file complaints -- other than this  
20 lawsuit did you complain about this Wal-Mart treatment with any  
21 other person or state agency or any governmental body?

22 A. No.

23 Q. Okay. So just the present lawsuit that we're here  
24 about today, and then the Human Affairs complaint that you made?

25 A. Right.

1 Q. Okay. And what I hear you saying is that Human  
2 Affairs got back with you at some point and said they weren't  
3 going to do anything with it, is that pretty --

4 A. Because they said -- they told me that if they're  
5 unwilling to, I guess, be legible or eligible for their wrong,  
6 that if they're not agreeing to it, it's nothing they can do.  
7 They can't make -- yeah.

8 MR. POPOWSKI: You should finish your  
9 sentence. Don't let her talk over you.

10 A. Yes. It's nothing that they can do. That I can go and  
11 take them to court, yes.

12 Q. Do you remember the names of anyone you spoke with at  
13 Human Affairs?

14 A. No. I have it on my phone.

15 Q. Okay. Do you have your phone with you?

16 A. Yes.

17 Q. Okay. If you could take a look and let me know, that  
18 would be helpful. Let's just take a break.

19 (Whereupon, a short recess  
20 was taken.)

21 A. Ellis Margaret.

22 Q. Okay.

23 A. And Henley Ellis. I guess that's the same person.  
24 Margaret Henley Ellis.

25 Q. Okay.

1 A. Yes.

2 Q. At the Human Affairs Commission?

3 A. Yes.

4 Q. Do you have a number for them?

5 A. Human -- for South Carolina Human Affairs Commission,  
6 803-737-7782.

7 Q. All right, thank you. Have you worked outside the  
8 home in a job for pay in the last ten years?

9 A. Yeah.

10 Q. Okay.

11 A. Well, not really. I've had like summer jobs where I  
12 was going to bring in my criminal justice field so I can learn  
13 how to work around kids.

14 Q. Okay.

15 A. So it was at my home. So three years for that.

16 Q. You worked out of your home?

17 A. No, it was -- yeah, it was out of my home but in my  
18 home. It was like I set-up camp, summer camp.

19 Q. Okay.

20 A. For three months. Like for three years, but for three  
21 months, summer months.

22 Q. Okay, while the kids were out of school?

23 A. Right.

24 Q. All right. You ran a camp?

25 A. Yes.

1 Q. What did you call it?

2 A. It was -- I just called it -- I can't remember the  
3 name I called it, but it was a camp for the youth in the  
4 neighborhood.

5 Q. Okay. And did you have to be like certified or  
6 licensed through DHEC or any state agency to run a camp?

7 A. No.

8 Q. Okay. So it's not like a daycare?

9 A. It was through the -- no, it was through the summer  
10 program, through like the free lunch program.

11 Q. Uh-huh.

12 A. That came into my -- I used it at my house.

13 Q. When do you think was the last time you've done that  
14 with now being 2018?

15 A. I did it like two years ago. About two or three years  
16 ago.

17 Q. Okay. And did you do it three summers in a row?

18 A. Right.

19 Q. All right. And then you just stopped doing that?

20 A. Right.

21 Q. How many campers would you have?

22 A. About 60 or 70 kids.

23 Q. Okay. And was that something where you would get paid  
24 for doing that?

25 A. I mean, when I got paid, it went back into getting the

Melvina Robinson  
10 Gatehouse Dr  
Summerville SC  
29486

\$1.75<sup>0</sup>  
US POSTAGE  
FIRST-CLASS

071V01330128  
29483  
001227866



RECEIVED  
OCT 21 2019  
SC Court of Appeals

Att: Kitchening  
Court of Appeal  
1220 Senate St.  
Columbia SC

29201