

RECEIVED

JUN 16 2021

S.C. SUPREME COURT

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Melvina Robinson — PETITIONER

(Your Name)

WAL- MART STORES, INC.;
WAL-MART NEIGHBORHOOD MARKET;
WAL-MART STORES EAST, LP; AND
WALMART SUPERCENTER

vs.

_____ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MELVINA ROBINSON

(Your Name)

110 GATEHOUSE DRIVE

(Address)

SUMMERVILLE , SC 29486

(City, State, Zip Code)

8439343694

(Phone Number)

QUESTION(S) PRESENTED

This is Walmart's Mission Statement... can be summarized as "helping people around the world save money and live better – anytime and anywhere – in retail stores and through eCommerce." While its vision is to "make every day easier for busy families." Walmart defines "busy families" as the bull's eye of its business strategy.

1. Walmart has not been operating by nor adhering to its own mission statement. There are countless cases and accusations of racial profiling in their stores around the country. We see examples of a double standard in the way they treat patrons of color versus any of their white counterpart. Why does Walmart spokesman or spokesperson always state the following? "We do not tolerate discrimination of any kind. We take these allegations seriously and are looking into this matter. We value our customers and want everyone to be treated with respect while shopping in our stores." This is a phrase that Wal-Mart uses

2. When will Walmart be held responsible for their crimes against people of color? It has been well documented and is a pattern and practice of Walmart of harassing, racial profiling and slandering people of color. I have cited a few legal cases and charges of them displaying this pattern (see attached)

3. Why did Walmart offer me an out of court settlement? On January 8, 2019 Walmart offered me an settlement with a (3) three day expiration. I am aware that an out of court offer is not an admission of guilt however this is again this a pattern of practice that they use to sweep their bad behavior under the rug so they will not be held responsible (see attached appendix D)

4. I would like to also bring attention to why my case never had a fighting chance in the court of SC. My attorney David Popowski Esquire, advise me to make my case a slander and false imprisonment instead of racial discrimination. Please view Original complaint of discrimination to SC department of Human Services please review the document (Appendix G) he did not have my best interest in this case he always appeared to be siding with the defense throughout the trial and showed no interest in preparing for my case I deemed his lack of interest as Ineffective Council.

LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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TABLE OF AUTHORITIES CITED

CASES

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ESSIE GRUNDY vs Wal-Mart a Corpration

PAGE NUMBER

Case # 0160581
Case # 1801903

STATUTES AND RULES

Strickland v Washington

466 U.S. 668 (1984), was a landmark Supreme Court case that established the standard for determining when a criminal defendant's Sixth Amendment right to counsel is violated by that counsel's inadequate performance.

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

- reported at February 26, 2019; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was Tuesday _____.
A copy of that decision appears at Appendix A _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

STATEMENT OF THE CASE

See Appendix H

REASONS FOR GRANTING THE PETITION

Respectfully, please consider my plea to have an opportunity for my case to be heard
thank you in advance

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: _____

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

MELVINA ROBINSON _____ — PETITIONER
(Your Name)

WAL- MART STORES, INC.;
WAL-MART NEIGHBORHOOD MARKET;
WAL-MART STORES EAST, LP; AND
WALMART SUPERCENTER

VS.

_____ — RESPONDENT(S)

PROOF OF SERVICE

I, MELVINA ROBINSON, do swear or declare that on this date, Monday June 14, _____, 2021, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

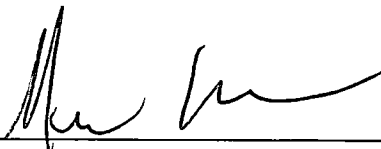
Amy L. Gaffney, SC Bar No.6937

Kelly T Evans, SC Bar No.100775

Randi L. Roberts 3700 Forrest Dr. Suite 400 Columbia , SC 29204

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 14, 2021



(Signature)

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S.C. SUPREME COURT

Appendix A

The South Carolina Court of Appeals

Melvina Robinson, Appellant,

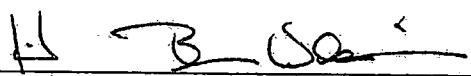
v.

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

Appellate Case No. 2019-000507

ORDER

Appellant's fifth motion for an extension of time to serve and file the record on appeal is denied. Because Appellant failed to comply with the South Carolina Appellate Court Rules and this court's December 16, 2020 order, this appeal is dismissed. The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

cc:
Melvina Robinson
Kelly Teague Evans, Esquire
Amy Lohr Gaffney, Esquire
Randi Lynn Roberts, Esquire

FILED

February 22, 2021

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S.C. SUPREME COURT

Appendix B

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF BERKELEY)	
)	
MELVINA ROBINSON)	
)	Case No. 2017-CP-08-1343
)	
)	MOTION FOR NEW TRIAL
Plaintiff,)	OR AMENDMENT OF JUDGMENT
)	
vs.)	
)	
)	
WAL-MART STORES, INC.;)	
WAL-MART NEIGHBORHOOD)	
MARKET; WAL-MART STORES EAST,)	
LP; AND WAL-MART SUPERCENTER)	
)	
Defendants.)	

On Tuesday, February 26, 2019, the jury in this case returned verdicts for the Defendant on Plaintiff's cause of action for defamation and false imprisonment and this Court issued its Order accordingly. See Exhibits A and B attached hereto. Pursuant to Rule 59, **New Trials; Amendment of Judgments**, of the South Carolina Rules of Civil Procedure ("SCRCP"), Plaintiff moves for a new trial on the following grounds:

1. In accordance with the "thirteenth juror doctrine" because the evidence does not justify the verdict. See, *Trivelas v. South Carolina Dept. of Transportation*, 593 S.E.2d 504 (S.C. App. 2004). The testimony of the Plaintiff, Denny Anderson, Clifford Brown, Jr. and Clinesha Brown was uncontroverted. Defendants' witnesses only stated they had no record of the incidents alleged in the Complaint and then referenced their policies. They did not challenge the testimony of Plaintiff's witnesses.
2. Witness for Defendants Heather Ganiere was not previously identified by Defendants in their responses to Plaintiff's Interrogatories but was allowed to testify on the last day of the trial over Plaintiff's Motion to Exclude. Plaintiff further renews its Motion to Exclude that was denied by the Court at a hearing several months prior to the trial that for the first time listed Defendants other witnesses at trial.
3. The Court denied Plaintiff's request to allow the Plaintiff to testify in rebuttal to the witnesses of the Defendants

4. The Court did not charge the specific language of *Mains v. K Mart Corp.*, 375 S.E.2d 311(S.C. App.1988) regarding defamation by the actions of a Defendant in the presence of a family member.¹

5. Filed simultaneously is the Affidavit of the Plaintiff regarding newly discovered evidence.

For the foregoing reasons, this Court should alter or amend the judgment or order a new trial.

Respectfully submitted,

s/David Popowski

David Popowski (SC Bar No. 4511)
Popowski Law Firm, LLC
171 Church St., Suite 110 (29401)
P.O. Box 1064
Charleston, SC 29402
Phone: (843) 722-8301
Fax: (843) 722-8309
Email: david@popowskilaw.com
Attorney for Plaintiff

Charleston, South Carolina
March 7, 2019

¹ On February 28, 2019, Plaintiff on her own filed a Motion pursuant to SCRPC Rule 59, **New Trials; Amendment of Judgments** stating that she has discovered new evidence. See Exhibit C. This Motion is in addition to that Motion and Plaintiff will testify at the hearing in this matter regarding that evidence.

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Appendix C

The South Carolina Court of Appeals

Melvina Robinson, Appellant,

v.

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

Appellate Case No. 2019-000507

The Honorable Jennifer B. McCoy
Berkeley County
Trial Court Case No. 2017CP0801343

ORDER

The motion to withdraw as counsel of record for Appellant Melvina Robinson is Granted. David Popowski, Esquire, is relieved as counsel of record for the appellant. Appellant's motion to proceed in forma pauperis is pending.

FOR THE COURT

BY V. Claire Allery, Deputy
CLERK

Columbia, South Carolina

cc:

Melvina Robinson

David Popowski, Esquire

Kelly Teague Evans, Esquire

Amy Lohr Gaffney, Esquire

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Appendix D

9:53     5G  **Robinson v. Walmart Courtes...**

David Popowski
Popowski Law Firm, LLC
Street Address: Suite 110; 171 Church Street
Charleston, South Carolina 29401
Mailing Address: P.O. Box 1064
Charleston, South Carolina 29402
Telephone: 843.722.8301; Facsimile:
843.722.8309
Email: david@popowskilaw.com
Webpage:
<http://www.popowskilawfirm.com>

Original Message

Subject: RE: Robinson v. Walmart Courtesy NEF RE:
2017CP0801343]]
From: Kelly Evans <kevans@glelawfirm.com> *
Date: Tue, January 08, 2019 4:31 pm
To: "david@popowskilaw.com" <david@popowskilaw.com>

David- Thank you for discussing this case with me today. I have communicated everything we discussed to my client, however, Walmart is not going to offer anything over the \$3,000 previously extended. As I will need to begin to prepare for trial, this offer will expire at 5 PM on Friday 1/11.

From: david@popowskilaw.com
<david@popowskilaw.com>
Sent: Tuesday, January 8, 2019 12:16 PM
To: Kelly Evans <kevans@glelawfirm.com>
Subject: RE: Robinson v. Walmart Courtesy NEF RE:
2017CP0801343]]

Spoke to Ms. Robinson - call me.



Delete



Archive



Move



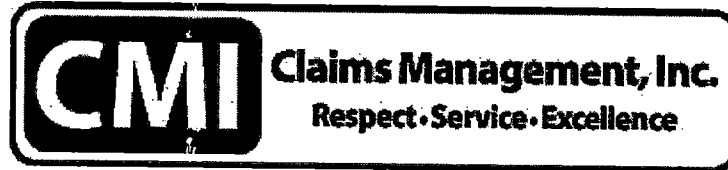
Reply



More

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S.C. SUPREME COURT

Appendix E



November 18, 2016

David Popowski
171 Church St, Ste 110
Charleston, SC 29401

RE: Melvina Robinson
File #: 7927471
Date of Loss: 06/09/2015
Store#: 3713

Dear Mr. Popowski:

Claims Management, Inc. is the claims administrator for Wal-Mart Stores, Inc., its subsidiaries and affiliates and their insurance carrier concerning customer incidents. We have been advised you represent the above captioned customer and request that all correspondence and inquiries be directed to the attention of this office.

An investigation into this claim is currently pending. Please inform us if your client is eligible for, or a recipient of Medicare, Medicaid or Tri Care at your earliest convenience. Claims Management, Inc. requires a Conditional Payment Letter (lien) prior to negotiation.

Please be advised that if a decision to make payment arises, our release includes a confidentiality clause from the claimant and claimant's attorney.

If you have any questions regarding this matter, please feel free to call 800-527-0566 ext. 57986.

Sincerely,

Donnie Helton

Donnie Helton
Case Manager III

Claims Management, Inc.

P. O. Box 14731 - Lexington, KY 40512-4731
CLAIMS MANAGEMENT, INC. (DBA) CLAIMS MANAGEMENT, INC. OF ARKANSAS
ARKANSAS CLAIMS MANAGEMENT, INC.
PHONE: (479) 621-2900 • FAX: 888-379-6447

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S.C. SUPREME COURT

Appendix F

ORIGINAL

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JAN 26 2018

V. Alvarez VO

JAN 29 2018

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Gloria Allred SBN: 65033
Nathan Goldberg, SBN: 61291
ALLRED MARGO GOLDBERG
6300 Wilshire Blvd, Suite 1500
Los Angeles, CA 90048
T: (323) 653-6530
F: (323) 653-1660
GAllred@amglaw.com
NGoldberg@amglaw.com

Attorneys for Plaintiff, **ESSIE GRUNDY**

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE

ESSIE GRUNDY, an Individual,

Plaintiff,

vs.

WALMART, a Corporation; and **DOES 1**
to 50, inclusive.

Defendants.

CASE NO: **RIC 1801903**

COMPLAINT

1) FOR DECLARATORY RELIEF,
INJUNCTION AND DAMAGES FOR
VIOLATION OF UNRUE CIVIL
RIGHTS ACT

2) VIOLATION OF CALIFORNIA
BUSINESS AND PROFESSIONS CODE
§17200

NETTURAL DEMAND

FAXED

1 1. Plaintiff Essie Grundy (hereafter referred to as "Plaintiff Ms. Grundy")
2 complains that Defendant WALMART and DOES 1 through 50 (hereafter collectively referred
3 to as "Defendants") engaged in practices that are unlawful and contrary to the Unruh Civil
4 Rights Act (hereinafter "Unruh") and Business and Professions Code Section 17200.

5 2. Plaintiff is an African-American woman and at all relevant times herein,
6 was a resident of the County of Riverside, California.

7 3. Defendant WALMART is now, and at all relevant times herein, a
8 Corporation doing substantial business in Riverside, California. Defendant is a business
9 establishment for the purposes of the Unruh Civil Rights Act, Civ. Code, § 51.

10 4. The true names and capacities, whether individual, corporate, partnership,
11 associate or otherwise, of Defendants sued herein as DOES 1 through 50, inclusive, are
12 currently unknown to Plaintiff Ms. Grundy, who therefore sues said Defendants by such
13 fictitious names. Plaintiff Ms. Grundy is informed and believes, and based thereon
14 alleges, that each of the Defendants designated herein as a DOE is legally responsible in
15 some manner for the events and happenings referred to herein, and caused injury and
16 damage proximately thereby to Plaintiff Ms. Grundy as hereinafter alleged. Plaintiff will
17 seek leave of court to amend this Complaint to show the true names and capacities of the
18 Defendants designated herein as DOES 1 through 50 when the same have been
19 ascertained

20 5. Venue is proper in Riverside County because the unlawful practices
21 between Plaintiff Ms. Grundy and Defendants arose in Riverside County, California. This
22 case is subject to the jurisdiction of this court pursuant to the Unruh Civil Rights Act,
23 Business and Professions Code Section 17200, and the California Code of Civil Procedure.
24 The amount of damages sought, while not fully determined, exceeds the minimums for
25 limited jurisdiction in this court.

26 6. Whenever in this complaint reference is made to "Defendants," such
27 allegation shall be deemed to mean the acts of Defendants acting individually, jointly,
28 and/or severally.

1 7. Except as hereinafter specifically described, Defendants and each of them,
2 are and were the agents and/or employees of the other Defendants, and in acting as
3 described herein were acting within the scope of their authority, agency, service,
4 representation and/or employment as agents and/or employees thereof, and with the
5 permission and consent of the other Defendants.

6 8. Defendants are in the business of operating a retail store which is located
7 at 1800 N. Ferris Blvd, Ferris, in Riverside County, California.

8 9. On January 12, 2018, Plaintiff went to the PERRIS WALMART
9 SUPERCENTER located at 1800 N. Ferris Blvd, Ferris, California 92571 to purchase
10 products marketed and/or created for use by African-Americans. After walking each aisle
11 looking for a skin cream, Plaintiff realized that hair and body products meant for African-
12 Americans had been locked away behind glass shelves and were segregated from products
13 for non African-Americans. In order to touch the product, read the ingredients, or
14 purchase the products a customer needs to call for assistance and have a store employee
15 unlock the glass shelves. No such barriers to access exist for the non African-American
16 hair and body products at this same store. Plaintiff was shocked.

17 10. Plaintiff asked the store employee why the African-American products were
18 locked down while the non African-American products were not. She was told by the
19 employee that it was a directive from Corporate headquarters and that he himself had
20 complained about the policy but had obtained no relief. She was also told that she would
21 need to be escorted to the cash register with the product so she could purchase it. Plaintiff
22 was stunned-she felt like she was socked in the stomach and it brought tears to her eyes to
23 see the discriminatory practices firsthand. She asked to speak to a manager and told the
24 manager that she felt like African-Americans were being discriminated against and not
25 wanted. As her concerns were not addressed, she left the store.

26 11. As this is the neighborhood store, Plaintiff was compelled to return on at
27 least three other occasions since January 12, 2018 to purchase products for African-
28 Americans. On each of these occasions, Plaintiff observed the same policy and practice at

1 the store—the hair and body products meant for African-Americans had been locked away
2 behind glass shelves, segregated from products for non-African-Americans. She also
3 noticed that other customers were staring at her while she was waiting for assistance to
4 have the products unlocked. She felt shame and humiliation—as though people viewed her
5 as a criminal. Plaintiff has been a law-abiding citizen her whole life and could not believe
6 she was being singled out because of her race.

7 12. On January 25, 2018, Plaintiff returned to the same WALMART because it
8 was the WALMART closest to her home. She needed to purchase a comb for her hair. The
9 comb costs forty-eight cents (\$.48). Despite the low-value of the product, it was locked
10 up behind the glass shelves. She again had to call for assistance to have it unlocked and
11 was then escorted to the cash register with the comb. She was not given the product until
12 she paid for it. Plaintiff again noted that the combs for non-African-American hair, many
13 of which were more expensive, were not locked in the glass shelves.

14 13. As a result of Defendants' discriminatory practices, Plaintiff was compelled
15 to video tape this segregation of products as she could not believe that the store had
16 engaged in such intentional discrimination. The footage clearly shows these unlawful
17 practices.

18 FIRST CAUSE OF ACTION

19 VIOLATION OF UNRAH ACT AGAINST DEFENDANT WALMART AND DOSS 1-50

20 14. Plaintiff Ms. Grundy hereby incorporates by reference the foregoing
21 paragraphs as though fully set forth herein.

22 15. Defendants acted intentionally to discriminate in public accommodations in
23 violation of the Unruh Civil Rights Act, Civ. Code, § 51 by denying African-Americans
24 equal access to body and hair products.

25 16. As a proximate result of Defendants' unlawful discriminatory actions,
26 Plaintiff suffered great shame, humiliation, inconvenience, and mental suffering, all to
27 Plaintiff's general damages.

28 17. Defendants' violation of Unruh Civil Rights Act, Civ. Code, § 51 entitles

1 Plaintiff to recover statutory damages of a maximum of three times the amount of actual
2 damages or a minimum of \$4,000.

3 18. Unless Defendants are restrained by a permanent injunction,
4 Plaintiff will suffer great and irreparable injury in that she will continue to suffer shame,
5 humiliation, and mental suffering. Plaintiff has no adequate remedy at law because
6 pecuniary damages would not afford adequate relief.

7 19. An actual controversy exists between Plaintiff and Defendants as to the
8 application of the Unruh Civil Rights Act, Civ. Code, § 51, and whether Defendants'
9 actions violate the Act. The correct interpretation of the Act is that it applies to
10 Defendants and prohibits Defendants' discriminatory actions.

11 SECOND CAUSE OF ACTION

12 VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200 AGAINST

13 DEFENDANT WALMART AND DOES 1-50

14 20. Plaintiff Ms. Grundy hereby incorporates by reference the foregoing
15 paragraphs as though fully set forth herein.

16 21. Plaintiff brings this action on behalf of herself and the general public. The
17 above practices are a violation of the Unruh Civil Rights Act and therefore constitute an
18 unlawful business act within the meaning of Business and Professions Code Section
19 17200.

20 22. The unlawful business practices of Defendants are likely to continue and
21 therefore will continue to harm the public by perpetuating discrimination and therefore
22 present a continuing threat to the public. California has a compelling interest in
23 eradicating discrimination.

24 23. Unless Defendants are restrained by a permanent injunction,
25 Plaintiff and the general public will suffer great and irreparable injury in that they suffer,
26 or continue to suffer shame, humiliation, and mental suffering. There is no other
27 adequate remedy at law because pecuniary damages would not afford adequate relief.

28

Appendix G

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JUN 16 2021
S.C. SUPREME COURT



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
(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.



STATE OF SOUTH CAROLINA

HUMAN AFFAIRS COMMISSION



Raymond Bunton, II
Commissioner

1026 Sumter Street, Suite 101 (29203)
Post Office Box 4490
Columbia, South Carolina 29268-4490
(803) 737-7800 (803) 737-7835 Fax

www.state.sc.us/schac
(800) 521-6725 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 1-800-521-6725 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.

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JUN 16 2021

S.C. SUPREME COURT

Appendix H

4. Plaintiff is divorced from Clifford Brown and has the following children: (1) a daughter, Clineshia Brown, age 19; and (2) a son, Clifford T. Brown, Jr., age 17. Plaintiff was born and raised in Knightsville, South Carolina in Dorchester County, South Carolina and Plaintiff's mother resides there.
5. Plaintiff graduated from Summerville High School in Dorchester County, South Carolina, and has an Associate degree in Criminal Justice from the University of Phoenix.
6. Plaintiff's current employment is stay-at-home mother, and she has a back disability.
7. Plaintiff volunteers with Living Bread Church International and New Life Church.
8. Plaintiff has been a customer of Defendant since 2004.
9. On Thursday, June 9, 2015, Plaintiff was lawfully in Defendant's store at 3685 Ladson Road, Ladson, South Carolina 29456 in Dorchester County, South Carolina, accompanied by Dennie Anderson, a friend of the Plaintiff. Employees of Defendant without reasonable cause detained the Plaintiff, looked at her cart, and said that they could look at it any time.
10. On or about the week of July 4, 2015, Plaintiff was at the Defendant's store located at 1317 North Main Street, Summerville, South Carolina ("North Main Street Store") in Berkeley County, South Carolina, with her daughter, Clineshia Brown, when employees of Defendant without reasonable cause followed her, detained her, and looked at her basket.
11. Sometime after the week of July 4, 2015, Plaintiff was again in the North Main Street Store with her son, Clifford Brown, Jr., and Defendant's employees followed her, detained her without reasonable cause, and looked at her basket.
12. On Tuesday, September 22, 2015, in the afternoon, Plaintiff was shopping by herself at the North Main Street Store of the Defendant, when she was followed by a tall man who wore no uniform. There was a group of Loss Prevention people at the checkout, including the person who was following her. Before she reached the register, one of them said before Plaintiff and other customers, "I can follow you." One of the Loss Prevention people went to the register where the cashier stands at the self-checkout counter with other people present to view the items as she scanned them. Plaintiff felt detained and under suspicion and went to the store manager named Heather after the checkout. The Loss Prevention person said before Plaintiff and other customers, "This is what we do, we follow you wherever we want." The Loss Prevention person had no Wal-Mart insignia on him.
13. During Thanksgiving Week of November 23, 2015, Plaintiff's ex-husband, Clifford Brown, was with her approximately two times at the North Main Street Store. She was followed by

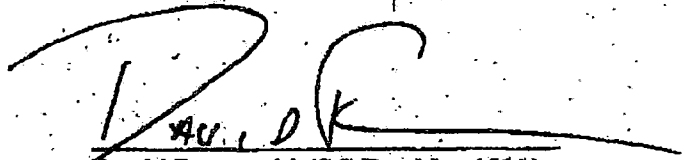
two people without reasonable cause. The shirt and smock they wore said "Wal-Mart." They did not say anything. When she asked them why they were following her, they said before her and Mr. Brown, "This is our job."

14. The Defendant through the conduct of its agents and employees maliciously intending to injure the good name and character of Plaintiff, and to cause it to be believed that Plaintiff had been guilty of the crime of larceny, in the presence and hearing of the above-named good people, falsely and maliciously published concerning Plaintiff, false, scandalous and malicious words implying that Plaintiff had stolen said Defendant's property.
15. Prior to her entry into Defendant's stores, Defendant did not make known to Plaintiff that its employees would follow and detain Plaintiff and inspect her shopping carts and baskets.
16. That by means of said defamatory words Plaintiff has been greatly injured in her good name and character, and as a result thereof the Plaintiff has suffered mental suffering and hurt feelings all resulting in general damages to her.
17. The actions of the Defendant were willful, wanton and grossly negligent and thus the Plaintiff is entitled to punitive damages.

B. FOR A SECOND CAUSE OF ACTION - FALSE IMPRISONMENT

18. Plaintiff reiterates the allegations in Paragraph Nos. 1 through 17.
19. Plaintiff was lawfully in Defendant stores for the purpose of purchasing certain articles of merchandise sold by Defendant. Defendant without reasonable cause intentionally and unjustifiably confined Plaintiff thereby falsely, publicly, and maliciously accusing the Plaintiff of having stolen one or more of said items from the Defendant.
20. Plaintiff did not steal said items or any other thing from the Defendant and she then and there so stated and demanded to be released.
21. Defendant violated South Carolina Code Section 16-13-140, *Defense to action for delay to investigate ownership of merchandise.*
22. Defendant's agents and employees acting within the scope of their authority, and without any reasonable cause detained, delayed and imprisoned Plaintiff and thus subjected her to loss of freedom, embarrassment, great indignities, humiliation, disgrace and mental anguish.
23. Plaintiff has suffered general damages.
24. The acts of the Defendant were willful, wanton and grossly negligent therefore the Plaintiff is entitled to punitive damages.

WHEREFORE, Plaintiff prays judgment against the Defendant as follows: (1) general damages; (2) punitive damages; (3) the costs and disbursements of this action; and (4) any other relief this Court deems just and reasonable.



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Charleston, South Carolina
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