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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
In the Court of Common Pleas

J. Cordell Mattox, Circuit Judge

Case No. 2021-CP-37-00560
Appellate Case No. 2021-001552

Dorothy Pierce,

Appellant,

v.

Jared Adam Pierce,

Respondent.

RESPONDENT'S RETURN TO APPELLANT'S *PRO SE* REQUEST FOR PERMISSION
TO FILE LATE REPLY TO THE FINAL BRIEF OF RESPONDENT

/s/ Richard Hunt McDuff
Richard Hunt McDuff, Esq.
SC Bar No. 76242
MJM Law, LLC d/b/a Merrell Jahn & McDuff
119-B Professional Park Drive
Seneca, South Carolina 29678
Tel: (864) 882-2466
Attorney for Respondent

COMES NOW the Respondent, Jared Adam Pierce, by and through his undersigned attorney and pursuant to Rule 240, South Carolina Appellate Court Rules, and hereby files his Return to the Appellant's *pro se* Request to File Late Reply to the Final Brief of Respondent. In opposition thereto, the Respondent would show unto the Court the following:

I. INTRODUCTION AND BACKGROUND

This appeal arises out of an August 18, 2021, Order of the Oconee County Probate Court finding the Last Will and Testament of Doyle Elton Piece invalid as a forgery and removing the Appellant as Personal Representative. The Order followed an evidentiary hearing/trial held on August 2, 2021.

On February 11, 2022, this Court entered an Order requiring the Appellant to obtain legal counsel in this matter. Thereafter, on July 11, 2022, the Appellant, through legal counsel, filed her Initial Brief. On July 9, 2022, the Respondent filed his Initial Brief. On February 6, 2023, the Respondent filed his Final Brief. At no time has the Appellant ever filed a Rely Brief and she admits that she is late and untimely. She has now ostensibly terminated the services of Robert L. Gailliard, Esquire, and now seeks, *pro se*, an Order allowing her to file an untimely Reply Brief.

For the reasons set forth below, the Respondent requests that this Court deny the Appellant's "request."

II. RULE 208(a)(3), SCACR

Rule 208(a)(3), SCACR, states, "[i]f a reply brief is prepared, appellant shall within ten (10) days after service of respondent's brief, serve one copy of the reply brief on all parties to the appeal and file with the clerk of the appellate court one copy of the reply with proof of service." (Emphasis supplied). The Appellant has failed to demonstrate good cause or excusable neglect for the failure of her legal to timely file a Reply Brief. *Cf. Columbia Pools, Inc. v. Galvin*, 288

S.C. 59, 339 S.E. 2d 524 (Ct. App. 1985) (default judgment vacated "where there is a good faith mistake of fact, and, no attempt to thwart the judicial system, there is basis for relief...").

III. THE APPELLANT'S *PRO SE* REPLY BRIEF IS UNAUTHORIZED

Pursuant to Rule 264(b), SCACR, the Appellant's attorney, Robert L. Gailliard, Esquire, is still counsel of record for the Appellant. There has been no petition and written order of this Court authorizing his withdrawal from the representation. The Appellant's maneuvering appears to be an attempt to thwart the judicial system.

In *Brown v. Coe*, 365 S.C. 137, 616 S.E. 2d 705 (2005), the South Carolina Supreme Court squarely addressed the issue of whether the personal representative of an estate, who is not a lawyer, may represent the estate in an appeal before the circuit court or the appellate courts.¹ The Appellant's conduct violates the clear mandate of the South Carolina Supreme Court and *S.C. Code Ann.* § 40-5-310. As a result, her untimely Reply Brief, along with any other subsequent filings, must be deemed to be a nullity.

IV. CONCLUSION

For the reasons set forth herein, the Respondent respectfully requests this Court to enter an Order denying the Appellant's "request" to file an untimely Reply Brief for the reasons set forth above.

¹ The Respondent asks this Court to take judicial notice of the fact the Appellant formed "Queen Legal Services, LLC" with the South Carolina Secretary of State on February 14, 2023. The Appellant also goes by the name Queen Dorothy Amolo, an appellation she began using in December 2020 when she was running for a seat from the Oyam District in the Ugandan Parliament.

Respectfully submitted,

/s/ Richard Hunt McDuff

Richard Hunt McDuff, Esq.

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PROOF OF SERVICE

I certify that I have served Respondent's Return to Appellant's Request for Permission to File Late Reply Brief, upon the Appellant, Dorothy Pierce, by depositing a copy of it in the United States Mail, postage prepaid, on April 3, 2023, addressed to her attorney of record, Robert L. Gailliard, 6650 Rivers Avenue, North Charleston, South Carolina 29406.

/s/ Richard Hunt McDuff

Richard Hunt McDuff, Esq.

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