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SC Court of Appeals

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

**APPEAL FROM OCONEE COUNTY
COURT OF COMMON PLEAS**

**R. Lawton McIntosh, Circuit Judge
Common Pleas Case No. 2022-CP-37-00182**

Appellate Case No. 2024-000739

Dorothy Pierce,

Appellant,

v.

**Jerry Edwards; Edwards Group Holdings, Inc.; Edwards
Printing; Richard Hunt McDuff; MJM Law LLC; Riley
Morningstar; The Journal Newspaper; and Hal Welch,**

Respondents.

**RESPONDENTS RICHARD HUNT MCDUFF'S AND MJM LAW, LLC'S
MOTION TO DISMISS APPEAL**

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**RESPONDENT’S RICHARD HUNT MCDUFF’S AND MJM LAW, LLC’S
MOTION TO DISMISS APPEAL**

COME NOW, Respondents Richard Hunt McDuff and MJM Law, LLC (together, the “Attorney Defendants”), hereby file this Motion to Dismiss Appeal and state as follows:

I. INTRODUCTION AND BACKGROUND

The history behind this case is convoluted and intertwined with multiple other cases filed by Plaintiff-Appellant Dorothy Pierce a/k/a Dorothy Wells a/k/a Queen Dorothy Amolo a/k/a Dorothy Alweny (“Plaintiff”). However, the extensive factual background is not relevant to the present Motion. In short, Plaintiff seeks appellate review of a Form 4 entered in the Oconee County, South Carolina, Court of Common Pleas, Tenth Judicial Circuit, on March 20, 2024. The Form 4 contained a Statement of Judgment by the Circuit Court stating, in relevant part, the Attorney Defendants’ Motion for Summary Judgment (“MSJ”) was granted. The Form 4 directed the Attorney Defendants’ counsel to file a formal order, which the Attorney Defendants did on March 26, 2024. On March 29, 2024, Plaintiff filed a Notice of Appeal relating to the Form 4 in this Court. Subsequently, on April 2, 2024, the Circuit Court entered the final Order granting the MSJ. The deadline for Plaintiff to file a Notice of Appeal of the final Order granting the MSJ was May 2, 2024.

Under South Carolina law, the Form 4 was not a final order of the Circuit Court and therefore was not appealable. Plaintiff did not appeal the March 26, 2024 final Order within the time allowed by the applicable rules. For these simple reasons, this putative appeal should be dismissed.

II. ARGUMENT AND CITATION TO AUTHORITY

South Carolina Appellate Court Rule 203(b)(1) states, “A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment.” In South Carolina, as a general rule, only final judgments are appealable. *Culbertson v. Clemens*, 471 S.E.2d 163, 164 (S.C. 1996) (citing *Bolding v. Bolding*, 323 S.E.2d 535 (S.C. Ct. App. 1984)). “Any judgment or decree, leaving some further act to be done by the court before the rights of the parties are determined, is interlocutory [and not final].” *Id.* (alteration in original) (internal quotation marks omitted) (quoting *Mid-State Distribs. Inc. v. Century Importers, Inc.*, 426 S.E.2d 777 (S.C. 1993)). Where a Form 4 specifically indicates a formal order is to follow, the Form order is “not in any way final.” *Metts v. Mims*, 682 S.E.2d 813, 817 (S.C. 2009). Moreover, a Form 4 specifying that a formal order will be prepared by an attorney is not a final order. *Cheap-O’s Truck Stop, Inc. v. Cloyd*, 567 S.E.2d 514, 518 (S.C. Ct. App. 2002). A notice of appeal regarding a non-final and non-appealable order should be dismissed. *See, e.g., Goodson v. R.A. Taylor Constr. Co.*, 221 S.E.2d 102, 102 (S.C. 1975).

Here, the Form 4 expressly directed counsel for the Attorney Defendants to file a formal order, and the Circuit Court then entered the final Order on April 2, 2024. In these circumstances, the Form 4 was in no way final and therefore was not appealable. Plaintiff did not file a Notice of Appeal within thirty days of the final Order. In these circumstances, this putative appeal of the Circuit Court’s non-appealable Form 4 should be dismissed.

III. CONCLUSION

WHEREFORE, for the reasons stated above, the Attorney Defendants request as follows:

- a. That the Court dismiss this appeal in its entirety; and
- b. That the Court issue such other and further relief as it deems appropriate.

Respectfully submitted this 22nd day of May, 2024.

/s/ Charles Kinney

Charles Kinney

South Carolina Bar No. 77635

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 22nd day of May, 2024, he has served the pro se Appellant and all counsel of record with a true and accurate copy of **Respondents Richard Hunt McDuff's and MJM Law, LLC's Motion to Dismiss Appeal** by depositing a copy of same in the United States Mail, with first-class postage affixed thereon, and by electronic mail, as follows:

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