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Jun 10 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appellate Case No. 2024-000739
Dorothy Pierce v. Jerry Edwards (2)

**MOTION TO DISMISS THE DEFENDANT’S MOTION TO DISMISS DUE TO LACK
OF PERSONAL SERVICE.**

Appellant, Dorothy Pierce, respectfully submits this Motion to Dismiss the Defendant’s motion to dismiss due to lack of personal service. In support of this motion, the Appellant states as follows:

1. Appellant Dorothy Pierce, who is proceeding pro se in this matter, has not been served with a copy of the Respondent’s motion to dismiss.
2. According to Rule 5(a) of the South Carolina Rules of Civil Procedure, all pleadings subsequent to the original complaint, written motions, and other papers must be served upon each of the parties affected thereby. Additionally, Rule 262 of the South Carolina Appellate Court Rules (SCACR) specifies that all motions and other papers filed in the appellate court must be served on pro se appellants in the same manner as if they were represented by counsel. Rule 262(c) explicitly requires that service upon a party must be made by delivering a copy to the person, depositing a copy in the U.S. mail with sufficient first class postage attached, or serving a copy by electronic means as provided by order of the Supreme Court of South Carolina. To this date, appellant has not received any copy of the Motion to dismiss from Respondent McDuff.
3. Due to the lack of service, the Appellant is unable to respond to or oppose the motion to dismiss. This lack of service violates the Appellant's right to due process, as she has not been given proper notice or an opportunity to be heard.
4. Therefore, the Appellant respectfully requests that this Court dismiss the Respondent's motion to dismiss due to the lack of personal service.

Respectfully submitted, this June 10, 2024

A handwritten signature in blue ink, appearing to be 'D. Pierce', written over a horizontal line. The signature is stylized and cursive.

Dorothy Pierce-Appellant

750 Mourning Dove Lane, Seneca, SC. 29678

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PROOF OF SERVICE

I hereby certify that on June 10, 2024, I filed the foregoing **Motion to dismiss respondent's motion to dismiss appellant's appeal** with the Clerk of Court and served a true and correct copy of same upon the following counsels of record, via first-class , and electronically properly addressed, to the following:

Kenan G. Loomis

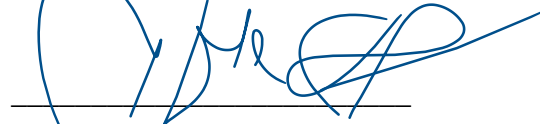
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Dorothy Pierce, Appellant

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