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Jun 26 2024

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
RETURN TO APPELLANT'S MOTION TO ACCEPT LATE FILING**

Charles A. Kinney
SC Bar No. 77635
Kenan G. Loomis
(Admitted pro hac vice)
COZEN O'CONNOR
301 South College Street, Suite 2100
Charlotte, NC 28202
P: (704) 348-3471
E: cakinney@cozen.com
E: kloomis@cozen.com
*Attorneys for Richard Hunt McDuff
and MJM Law, LLC*

**RESPONDENTS RICHARD HUNT MCDUFF’S AND MJM LAW, LLC’S
RETURN TO APPELLANT’S MOTION TO ACCEPT LATE FILING**

COME NOW, Respondents Richard Hunt McDuff and MJM Law, LLC (together, the “Attorney Defendants”), hereby file this Return to Appellant’s Motion to Accept Late Filing, and state as follows:

The Attorney Defendants filed a Motion to Dismiss Appeal (“MTD”) on May 22, 2024, and served a copy of same upon Appellant that day via email to dorothypierce84@gmail.com, which is the email address Appellant has used throughout this litigation.¹ Ten days thereafter was Saturday, June 1, 2024, making Appellant’s deadline to file a Return to the MTD stating her opposition Monday, June 3, 2024. Seven days later, on June 10, Appellant filed an untimely “Motion to Dismiss the Defendant’s Motion to Dismiss Due to Lack of Personal Service,” which the Court has construed as a return to the MTD (hereinafter, the “Pierce Return”). This Court then advised Appellant that the Pierce Return was untimely, and on June 18, 2024, Appellant filed her Motion to Accept Late Filing, seeking leave to file the Pierce Return after the deadline.

Significantly, the Motion to Accept Late Filing confirms that Appellant became aware of the MTD on May 31, 2024—**before the deadline for Appellant to file her Return**. However, Appellant fails to explain why, despite this knowledge, she did not file her Return until June 10 (nor did she seek additional time to respond). The fact that Appellant obtained a continuance from the district court does not excuse her from timely fulfilling her obligations before this Court, which has not granted her a continuance.

¹ The Attorney Defendants acknowledge that the physical mail sent to Appellant inadvertently contained the wrong document. This fact is not relevant here for the reasons set forth below.

Appellant now alleges that she did not consent to electronic service. This is disingenuous. Appellant served both the Pierce Return and her Motion to Accept Late Filing via email and has served discovery, motions, and myriad other materials to the parties and the district court in this litigation since its inception. Appellant also argues the Attorney Defendants did not provide her a copy of the final Order Granting the Attorney Defendants' Motion for Summary Judgment. Notably, though, Appellant does not claim that she never received a copy of the Order at all—just that she did not receive it from the Attorney Defendants. The undersigned has confirmed with the Oconee County Clerk of Court's Office that all filings are always mailed to pro se plaintiffs. Under South Carolina law, there is a presumption of receipt of mailings. *Bakala v. Bakala*, 576 S.E.2d 156, 163 (S.C. 2003).

To date, Appellant has not filed any substantive response to the MTD. Instead, she seeks to further convolute this litigation by pretending she cannot respond to a Motion she has now admitted she received before the deadline to respond. Such tactics, which have pervaded this litigation since the beginning, should not be rewarded. Appellant failed to timely file a Notice of Appeal and failed to timely respond to the MTD, despite her admitted knowledge of same. Accordingly, and for the reasons stated above, the Attorney Defendants request that this Court:

- a. Deny Appellant's Motion to Accept Late Filing;
- b. Dismiss this appeal in its entirety; and
- c. Issue such other and further relief as it deems appropriate.

[Signature on following page]

Respectfully submitted this 26th day of June, 2024.

COZEN O'CONNOR

s/ Charles Kinney

Charles A. Kinney

South Carolina Bar No. 77635

Kenan G. Loomis (*Admitted pro hac vice*)

301 South College Street, Suite 2100

Charlotte, NC 28202

P: (704) 348-3471

E: cakinney@cozen.com

E: kloomis@cozen.com

*Attorneys for Respondents Richard Hunt
McDuff and MJM Law, LLC*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 26th day of June, 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 Return to Appellant's Motion to Accept Late Filing** by depositing a copy of same in the United States Mail, with first-class postage affixed thereon, and by electronic mail, as follows:

Dorothy Pierce
750 Mourning Dove Lane,
Seneca, SC 29678
Dorothypierce84@gmail.com
Pro se Appellant

W. Shawn Bingham, Esquire
FREEMAN MATHIS & GARY
100 Galleria Parkway, Suite 1600
Atlanta, GA 30339
sbingham@fmglaw.com

- and -

Chad R. Bowman, Esquire
Maxwell S. Mishkin, Esquire
BALLARD SPAHR LLP
1909 K Street, NW, 12th Floor
Washington, DC 20006
202-661-2200
bowmanchad@ballardspahr.com
mishkinm@ballardspahr.com

Attorneys for Jerry Edwards, Edwards Group Holdings, Inc., Edwards Printing, Riley Morningstar, Hal Welch, and the Journal Newspaper

s/ Charles Kinney
Charles A. Kinney
South Carolina Bar No. 77635