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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
REPLY IN SUPPORT OF THEIR MOTION TO DISMISS APPEAL**

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

**RESPONDENTS RICHARD HUNT MCDUFF’S AND MJM LAW, LLC’S
REPLY IN SUPPORT OF THEIR MOTION TO DISMISS APPEAL**

COME NOW, Respondents Richard Hunt McDuff and MJM Law, LLC (together, the “Attorney Defendants”), hereby file this Reply in Support of their Motion to Dismiss Appeal (the “MTD”)¹ and state as follows:

As an initial matter, as noted in the Court’s June 14, 2024, letter to Appellant, the Pierce Return is untimely. Appellate Court Rule 240(e) states, in relevant part:

Any party opposing a motion or petition shall have ten (10) days from the date of service thereof to file a return with the clerk and serve on all parties a copy of the return[.] . . . Failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition.

The MTD was served on Appellant via email to dorothypierce84@gmail.com, which is the email address Appellant has used throughout this litigation, on the day it was filed, May 22, 2024, and a hard copy was placed in the mail on the same day. 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. Appellant did not file the Pierce Return until seven days thereafter. Accordingly, the untimely Pierce Return should be disregarded, and the MTD should be deemed unopposed.²

Regardless, the Pierce Return is meritless. Appellant claims the MTD should be dismissed because it was not served upon her. This is untrue. As stated above, the MTD was served upon

¹ The Attorney Defendants submit this Reply in response to Appellant’s “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. Accordingly, this Reply refers to Appellant’s “Motion to Dismiss the Defendant’s Motion to Dismiss Due to Lack of Personal Service” as the “Pierce Return.” This Reply is submitted under Appellate Court Rule 240(f).

² The Attorney Defendants acknowledge that the Court has allowed Appellant ten days from June 14, 2024, to file a motion to allow her late filing and that this Response is being filed before the expiration of ten days. However, the Attorney Defendants file this Reply today to comply with the deadline for same under the Appellate Court Rules.

Appellant via email and mail on May 22, 2024. A copy of the email serving the MTD upon Appellant is attached hereto as Exhibit A.

WHEREFORE, for the reasons stated above, the Attorney Defendants request that this Court:

- a. Dismiss this appeal in its entirety; and
- b. Issue such other and further relief as it deems appropriate.

Respectfully submitted this 17th day of June, 2024.

/s/ Charles A. Kinney
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*Attorneys for Respondents Richard Hunt
McDuff and MJM Law, LLC*

EXHIBIT A

From: [Cooper, Kimberly](#)
To: [bowmanchad@ballardspahr.com](#); [DorothyPierce84@gmail.com](#); [sbingham@fmglaw.com](#)
Cc: [Kinney, Charles A.](#)
Subject: Piece v. Edwards
Date: Wednesday, May 22, 2024 8:02:22 PM
Attachments: [Pierce v. Edwards - Motion to Dismiss Appeal.pdf](#)

Please see attached. Hard copies were put in the mail.



Kimberly Cooper

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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

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

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Respondents.

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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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 17th 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 Reply in Support of Their 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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