

EXHIBIT I

RECEIVED

Aug 12 2024

S.C. SUPREME COURT

From: Dorothy Pierce <dorothypierce84@gmail.com>
Sent: Friday, July 12, 2024 5:07 PM
To: supctfilings@sccourts.org; Court Of Appeals Filings; Major, Chris; Bradley, Patrick
Subject: Fwd: PETITION FOR WRIT OF CERTIORARI-Appellate Case No. 2024-000334
Attachments: PROOF OF SERVICE-PETITION FOR WRIT OF CERTIORARI.pdf; FAQs E-filing SCCOURTS. ORG.pdf; Planetone Packaging v. Pierce - NOA.pdf; PlanetOne v. American Pharma - Order first denial.pdf; transcript-103123 Plantone Packaging v Dorothy Pierce 2023-C_240523_094455.pdf; PlantONE v. Pierce - Order.pdf; Motion for rehearing-PlanetONE v. Pierce - PFR.pdf; PETITION FOR WRIT OF CERTIORARI V1.pdf

Dear Clerk,

Please receive the attached petition for filing. Respondents have been copied on this email. A check for \$250 has been mailed to the court.

Additionally, hard copies of the petition have been mailed to the respondents.

Thank you for your attention to this matter.

Sincerely,

--
DOROTHY PIERCE
Justice is not a Privilege but a Fundamental Human Right.
"TRUTH is TREASON in an EMPIRE of LIES"

750 Mourning Dove Lane, Seneca, SC.29678
Tel: 864-324-3247

--
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THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT OF SOUTH CAROLINA

WRIT OF CERTIORARI

APPEAL FROM South Carolina Court of Appeals

PlanetONE Packaging, LLC, Respondent,

v.

Dorothy Pierce, Appellant.

Appellate Case No. 2024-000334

PROOF OF SERVICE

I hereby certify that on July 12, 2024, a copy of Petition for Writ of Certiorari was delivered to: CHRISTOPHER B. MAJOR cmajor@hsblawfirm.com One North Main 2nd floor Greenville South Carolina 29601 electronically and via certified mail.

Respectfully Submitted, this July 12, 2024.



DOROTHY PIERCE, APPELLANT

750 Mourning Dove Lane

Seneca, SC 29678

Dorothypierce84@gmail.com

[864-324-3247]

E-Filing Attorney FAQs

General Information

1. What is E-Filing?

E-Filing is the automated filing of legal documents with the Court using the Internet.

An electronic version of the document is sent to the Court via the Internet instead of delivering or mailing a paper document to the Court.

2. What are the benefits of E-Filing?

E-Filing will reduce the handling of paper documents and files. It will require less time and resources to file documents and will provide quicker access to documents. It will improve efficiency with the capability to submit filings, pay filing fees and check the status of filings, via the Internet, 24 hours a day, 7 days a week, and 365 days a year.

3. When will I be able to use E-Filing?

South Carolina attorneys will be able to E-File in the Court of Common Pleas in a pilot program on a staggered basis in conjunction with a roll-out schedule for the counties. Notifications will be posted on the E-Filing portal (<http://www.sccourts.org/efiling/>), and an electronic notification will be sent to attorneys announcing the start of each county's participation.

4. What cases are currently eligible for E-Filing?

Most Common Pleas cases must be E-Filed, with the exception of (500) Post Conviction Relief, (510) Sexual Predator Actions, (520) Mandamus, (530) Habeas Corpus, and (599) Inmate Petitions/Other.

5. Which counties are eligible for E-Filing?

Clarendon and Greenville counties are the pilot counties, but other counties will join the pilot program. The E-Filing portal, (<http://www.sccourts.org/efiling/>) and the Filer Interface log in page will maintain a list of counties where E-Filing has been implemented.

6. Can I E-File on Saturdays, Sundays, and holidays?

Yes. The Filer Interface is available 24 hours a day, 7 days a week, 365 days a year; however the availability of the E-Filing system does not change any filing deadlines. Additionally, there will be posted times when the System will be unavailable due to scheduled maintenance. The maintenance schedule will be displayed on the Filer Interface and on the E-Filing Portal.

7. When the E-Filing pilot program begins in Clarendon County, will all cases be available for E-Filing or just new cases?

E-Filing will be mandatory, other than in some excluded case types, for all Common Pleas cases commenced or pending in Clarendon County when the pilot begins.

8. During the E-Filing pilot program, if a case is filed in Clarendon County, but the attorneys' offices are located in other parts of the State, are those attorneys required to E-File?

Yes. As each county begins using E-Filing, all filings by all attorneys must be E-Filed, regardless of the location of the attorney. If an attorney anticipates filing any documents in any pilot county, that attorney should register to become an E-Filer as soon as possible.

9. Are there data entry standards for entering party names?

Yes. See Data Entry Standards for Lawyers.

10. Can I access E-Filing anywhere?

E-Filing is a web-based application. In general you can access E-Filing anywhere you have access to the Internet. There are a few countries that are blocked by security software.

11. Are out-of-state attorneys required to E-File?

Attorneys who reside out of state, but who are licensed to practice law in South Carolina will use their (Attorney Information System) AIS user name and password and will E-File. Attorneys admitted pro hac vice cannot E-File, and the associated South Carolina attorney must submit all E-Filed documents on their behalf.

12. Is a new User ID required when an attorney leaves a law firm?

No. But it is critically important that the information contained in the AIS, especially email addresses, be correct.

13. Can Self-Represented Litigants use E-Filing?

Self Represented Litigants, or Pro Se Litigants, may not E-File at this time.

14. When a Self-Represented Litigant files a pleading traditionally, will those documents be scanned by the Clerk of Court and added to the Public Index?

The Clerk of Court should scan the documents so that an attorney may view them in the E-Filing system. Documents which are confidential or sealed will not be displayed on the Public Index.

15. Can I E-File using an Apple computer?

As long as you are able to access and upload PDF documents on your Apple device you may E-File.

16. Will the Filer Interface time out?

Yes. The Filer Interface will time out after 30 minutes of inactivity. There must be activity in the system to restart the time out clock. Browser activity does not affect the time out. When the Filer Interface times out you will be directed to the login screen and a message displayed that you must log in again.

17. What happens to my filing if the Filer Interface times out?

If you have entered at least one plaintiff and at least one defendant before the Filer Interface times out, your work will be automatically saved to draft. If you had not gotten that far in initiating a case you will have to start again.

18. Who can view my document(s) in E-Filing?

Authorized E-Filers may view filed documents via the Case History option in the Filer Interface. Judges, their law clerks and administrative assistants and employees of the Clerk of Court may also view case documents. Non-E-Filers may only view documents using the Public Index.

19. Where are documents that are E-Filed stored?

The document images are stored at the South Carolina Judicial Department.

20. If I E-File at 11:55 p.m. and the clerk accepts the document the next morning at 8:00 a.m., what is the official file date and time?

The file date and time will be the date and time that you submitted your filing, not when the Clerk accepts the filing.

21. If I E-File at 11:55 p.m., the clerk rejects the filing the next morning at 8:00 a.m., and I fix the error and resubmit the filing, what is the file date and time?

The file date and time will be when you resubmit your filing following the rejection.

22. When E-Filing if I use the browser "back" button, does it delete all of the information I have added thus far?

Because different browsers have different features, this question can't be answered. It is important that you always use the 'Back' button contained in the Filer Interface to return to a previous screen.

23. Can I amend a document I E-Filed?

Yes. You must follow the South Carolina Rules of Civil Procedure; however, E-Filing will allow you to E-File amended documents.

24. If I E-File a document and later realize that it is incorrect or illegible, what can I do to correct it?

You can contact the Clerk's office and ask that they reject the filing. If the Clerk has already accepted the document, you can E-File an amended or corrected document.

25. Can the Clerk of Court simply change a scrivener's error that is made by an attorney during data entry? For example, if the attorney misspells a party's name, can the attorney simply call the Clerk of Court and ask him or her to correct the error?

No. A Request to Correct Data Entry Error Form must be filed. The form will specify the data which is to be corrected and the Clerk will correct the entry in the Case Management System if a scrivener's error was made. However, if the name was entered correctly in E-Filing, but misspelled in the document, the document cannot be changed by the Clerk.

26. Are exhibits offered during a trial E-Filed afterwards?

Because the nature of exhibits can vary greatly, scanning may not always be possible or recommended. This will be left to the discretion of the Clerks of Court.

27. When will images be available on the Public Index?

As each county begins using E-Filing, the images will be displayed on the Public Index.

28. With the new search functions on the Public Index, can I search by typing in part of the search term or name? For example, can I search by typing "esta" rather than "estate of"?

Yes. There are new search options which allow a search restricted to results which "Begins With" or "Contains" the search criteria.

29. When will the new Public Index search features be available?

Enhanced Public Index search capabilities were made available in the Case Management System (CMS), Version 6.01.0004, released on November 4, 2015.

30. Does the E-Filing System create an archive like the PACER system for all filed cases?

The South Carolina E-filing System is interfaced with our statewide Case Management System. Cases, documents and filings will be archived as part of the CMS system. You will access cases through the "History" query in E-Filing or through the Public Index Records Search on the SCJD portal.

RECEIVED

Mar 06 2024

SC Court of Appeals

NOTICE OF APPEAL IN A CIVIL CASE
THE STATE OF SOUTH CAROLINA

In The Court of Appeals

[In The Supreme Court]

APPEAL FROM OCONEE COUNTY

Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

CIRCUIT COURT CASE NO.: 2023-CP-37-00232

Dorothy Pierce..... Appellant.

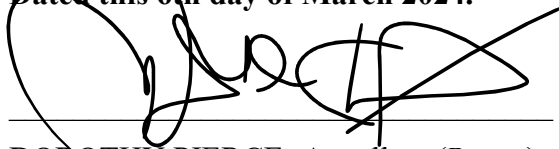
V.

Planetone Packaging..... Respondent.

NOTICE OF APPEAL

This letter serves as formal notification to all relevant parties that the undersigned, in the capacity of Appellant, is hereby submitting a Notice of Appeal in accordance with the Form 4 Order issued by the Honorable Judge McIntosh on February 6, 2024. The Appellant received a copy of this order on February 10, 2024, which denied the Appellant's Motion for Reconsideration that was initially filed on January 16, 2024. The basis for this appeal is predicated on matters of law.

Dated this 6th day of March 2024.



DOROTHY PIERCE -Appellant (Pro se)

750 Mourning dove lane, Seneca, SC.29678.

RECEIVED

Mar 06 2024

SC Court of Appeals

CERTIFICATE OF SERVICE

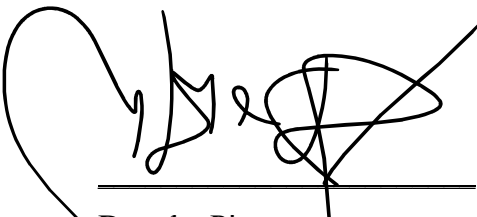
I certify that on this March 6, 2024, I served the foregoing Notice of Appeal to the respondent utilizing Electronic Service as follows:

CHRISTOPHER B. MAJOR

cmajor@hsblawfirm.com

One north main 2nd floor

Greenville South Carolina 29601

A handwritten signature in black ink, appearing to read 'D. Pierce', written over a horizontal line.

Dorothy Pierce

750 Mourning Dove Lane, Seneca, SC 29678

Dorothypierce84@gmail.com

Pro se Plaintiff

The South Carolina Court of Appeals

PlanetONE Packaging, LLC, Respondent,

v.

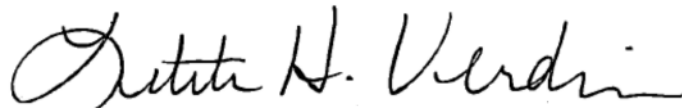
American Pharma Machinery, LLC, and Dorothy Pierce
a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a Queen
Dorothy Amolo, Defendants,

Of whom Dorothy Pierce a/k/a Dorothy Wells a/k/a
Dorothy Aleweny a/k/a Queen Dorothy Amolo is the
Appellant.

Appellate Case No. 2024-000334

ORDER

This appeal arises out of the denial of Appellant's motion to reconsider by the circuit court. Appellant asserts she received written notice of entry of the order on February 10, 2024. The proof of service indicates the notice of appeal was served on March 19, 2024. The appeal is dismissed for failure to timely serve the notice of appeal. *See* Rule 203(b)(1), SCACR (providing the notice of appeal shall be served on all respondents within 30 days after receipt of written notice of entry of the order granting or denying a motion to reconsider); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (stating the requirement of service of the notice of appeal is jurisdictional, and if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal). The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

FILED
Mar 28 2024

cc:

Dorothy Pierce

John Patrick Bradley, Esquire

Christopher B. Major, Esquire

State of South Carolina
County of Oconee

Court of Common Pleas

Planetone Packaging, LLC))	
)	
Plaintiff,))	Transcript of Record
v.))	2023-CP-37-00232
)	
American Pharma Machinery, LLC,))	
and Dorothy Pierce))	
Defendant.))	

October 31, 2023
Walhalla, South Carolina

B E F O R E:

The Honorable R. Lawton McIntosh, Judge.

A P P E A R A N C E S:

Christopher B. Major, Esquire
Attorney for the Plaintiff

Dorothy Pierce
Appearing for the Defendant

Lisa Scott
Circuit Court Reporter

P R O C E E D I N G S

* * * * *

1
2
3 THE COURT: All right. *Planetone Packaging v.*
4 *American Pharma Machinery and Dorothy Pierce.*

5 (Parties approached.)

6 THE COURT: All right. This is scheduled first
7 as a motion to set aside default by American Pharma
8 Machinery. And then there is a motion for default
9 judgement filed by the plaintiff.

10 Is -- looking at your motions that you have,
11 sir, is that motion to set aside default on behalf
12 of Ms. Pierce and the corporation?

13 MR. MAJOR: That's my understanding, Your
14 Honor, based on conversations with her prior
15 counsel.

16 THE COURT: Okay. Well, Ms. Pierce, you
17 understand that you are not allowed to represent the
18 corporation in this courtroom, right?

19 MS. PIERCE: Yeah, I know.

20 THE COURT: Okay.

21 MS. PIERCE: That's why I wanted to ask for a
22 continuance ---

23 THE COURT: No.

24 MS. PIERCE: --- so I can hire an attorney.

25 THE COURT: No. That -- that -- you've been

1 advised many times and you understand that, so we're
2 going to go forward today with this hearing.

3 Okay. Now, your motion to set aside the
4 default as to you personally, I'll be glad to hear
5 from you.

6 MR. MAJOR: Your Honor, could I just briefly?
7 One procedural issue ---

8 THE COURT: Yeah.

9 MR. MAJOR: --- on the motion to set aside --
10 or excuse me -- the motion for default judgment. We
11 had staggered those so that -- my clients are based
12 in California and so they wouldn't have to travel
13 until the defendant's motions have been resolved.
14 So we had staggered them so that theirs were going
15 to be heard last month, and then we were going to
16 get ours set for hearing. When Judge Maddox gave
17 them the continuance last time, we had asked will
18 that also apply to our motion, and then they all got
19 dumped on the same hearing. So we just would like
20 to have our motion for default judgement set for
21 another calendar so we can arrange travel.

22 THE COURT: It's not going to happen. You
23 don't need to have your client here.

24 MR. MAJOR: Okay.

25 THE COURT: You -- you're -- you -- how many

1 times you been here on this kind of motion without
2 your client sitting next to you?

3 MR. MAJOR: Understood, Your Honor.

4 THE COURT: Okay. All due respect, it's time
5 to go.

6 MR. MAJOR: Okay.

7 THE COURT: Okay. So, Ms. Pierce?

8 MS. PIERCE: Yes, Your Honor.

9 THE COURT: I'll let you proceed on your motion
10 to set aside judgment as to yourself. Okay. There
11 you go. Thank you.

12 MS. PIERCE: Your Honor, I lost a friend of
13 mine in -- on May 2nd, and he was struck dead by his
14 buddy. He was a minister in Uganda. And because he
15 and I had a lot of activities going on, the project
16 was hurried up together.

17 I had to fly to Uganda. By the time they
18 stopped me, I was actually nearly on my way out to
19 Uganda. And while I was in Uganda, I decided to
20 mail a copy of my motion to dismiss to the Court and
21 I so mailed another copy to the defendant of my
22 motion to dismiss on June 1st.

23 Your Honor, I have sent every documentation
24 that is between the defendants and American Pharma
25 on behalf of the company. So they did business with

1 my company. So I am only here to say that they
2 should remain with the company, and I should be
3 dismissed from the lawsuit because I did business on
4 behalf of the company.

5 Secondly, we provided them with all the
6 remedies. That machine was ready to ship. I
7 offered them another alternative for it. The second
8 machine is -- the other one was delayed. I even
9 offered to make sure that if -- because they said
10 they needed the machine really fast, so I offered
11 them a second alternative that they should keep as
12 soon as the machine is arrived. So I didn't do
13 business with them directly, but with the company.
14 And I have presented the law that states that they
15 can't sue me because I am the owner of a limited
16 liability company. They have to deal with the
17 company directly, so I'm actually the wrong party in
18 this case.

19 THE COURT: Well, actually, I don't think
20 that's what that case holds, but I think that what
21 they said under the circumstances of that case, you
22 had to deal with as the corporation.

23 But the corp -- the cause of actions that are
24 being alleged by your client in the breach of
25 contract, which would be the business, correct?

1 MR. MAJOR: That's correct, Your Honor.

2 THE COURT: You have fraud on both parties,
3 constructive fraud on both parties, breach of
4 contract, fraudulent acts, unjust enrichment, unfair
5 trade practices, and piercing the corporate veil; is
6 that correct?

7 MR. MAJOR: That's correct, Your Honor.

8 THE COURT: Okay. Are you finished with what
9 you had to say as far as ---

10 MS. PIERCE: Yeah, so I was asking the Court to
11 set aside default judgment, and then I will -- I
12 request the Court to dismiss the case against me.

13 And, lastly, I would like to file a
14 counterclaim against them because they ---

15 THE COURT: That's not before the Court today.
16 Okay.

17 MS. PIERCE: All right.

18 THE COURT: First, let me go back to address
19 what you're saying. I read everything before y'all
20 got here, and the plaintiff in this case has
21 rightfully or wrongfully raised some question as to
22 authenticity of some documents that appear to have
23 come from Uganda. So anything that I rule today
24 will be without prejudice to the plaintiff to pursue
25 that. And if established that those are genuine, it

1 can be other sanctions that would be applied at that
2 point in time and I'm clarifying that.

3 According to what you have written, Ms. Pierce,
4 you were served. And then a few days later, you
5 went to Uganda because the death of your friend.
6 While you're in Uganda, you filed your motion to
7 dismiss. Upon your return to the United States, you
8 realized it had not been filed because they filed
9 their motion, so you immediately filed another
10 motion to dismiss.

11 MS. PIERCE: Yes.

12 THE COURT: Okay. That being the case, and you
13 agree that all of those are true? All that -- all I
14 just said is correct and true, correct?

15 MS. PIERCE: Yeah, that is what happened.

16 THE COURT: Okay. Well, the American Pharma
17 Machinery is in default because you cannot represent
18 them and you cannot file a motion to dismiss on
19 their behalf, so they are in default at this
20 juncture. Okay. Again, I need you to prepare an
21 order to that effect.

22 I'm not sophisticated enough to know whether or
23 not these documents filed by Ms. Pierce are true and
24 authentic or not authentic, but I will tell you if
25 what she did -- what she says in filing the motion

1 on her behalf, I think she took reasonable steps to
2 try to protect her interest if, in fact, that's been
3 established. I think the authenticity of exhibits
4 would be established one way or the other whether or
5 not those facts occurred.

6 MR. MAJOR: Your Honor, may I be heard just
7 briefly on that?

8 THE COURT: I'm going to let you be heard, but
9 it seems to me that's the case, that she -- her
10 motion to let her answer should be granted and let
11 her have her own -- have her day without prejudice
12 to you to seek to establish that these documents are
13 fraudulent or not authentic or somehow not what they
14 purport to be. In which event, you've been applying
15 for sanctions which would include striking of any
16 pleadings she may file.

17 Okay. Yes, sir. You may be heard.

18 MR. MAJOR: Thank you, Your Honor. May it
19 please the Court? If I failed to do it before,
20 Christopher Major from Haynsworth Sinkler Boyd for
21 plaintiff.

22 On the bigger picture, as we argued in our
23 brief that we filed when the motion to dismiss was
24 originally filed, it shouldn't matter as to whether
25 she did or did not file in Uganda because she

1 assumed the risk by using a non-sanctioned postal
2 system. She assumed the risk of non-delivery and we
3 cited case law to that effect.

4 There's South Carolina authority that -- that
5 service means delivery at an approved U.S. postal
6 system mailing. Her own motion to dismiss claimed
7 it was served U.S. service by mail. She's now told
8 the Court that that was a false representation in
9 her motion. As far as ---

10 THE COURT: I did not hear her say that, quite
11 frankly.

12 MR. MAJOR: In the -- well, in the -- her
13 position before the Court is that she mailed those
14 documents from Uganda. Well, if you look at the
15 document that she e-mailed me back in July, it says
16 on the certificate of the service, it's got a civic
17 address and it says deposited in U.S. mail,
18 certified mail. So her own motion represented to
19 the world that she served me through the U.S. mail,
20 which she's now said is not correct. So her own
21 motion contradicts what she's saying here to the
22 Court.

23 As to the issue of authenticity, I understand
24 completely what you're saying about not wanting to
25 make a -- you know, concerned about diving too

1 deeply into that, but I took the receipts that
2 Ms. Pierce provided and they have a tracking number
3 on them. And if I may approach?

4 THE COURT: Yes, sir. Would you give her a
5 copy of whatever you give to me?

6 MR. MAJOR: Absolutely. And I also provided a
7 copy of the receipts just to have them handy.

8 Your Honor, what we handed up are two copies of
9 the -- or copies of the two receipts that I was
10 e-mailed yesterday, and then I took the item number
11 in the middle there that starts "RR" for both and I
12 went to the Uganda Ministry web page. I went
13 through the postal service. There's a tracking
14 feature. I entered those numbers and you'll see the
15 printouts of those sheets where they indicate those
16 two items were mailed on October 11th of 2023 to the
17 United States.

18 One of them still hasn't been delivered, which
19 I'm presuming based on her e-mail is the one to me,
20 but there's no reference in here of any mailing in
21 June. They were mailed in October, this month, just
22 a few weeks ago. So that's the basis, Your Honor,
23 for -- for us saying that there are serious, serious
24 questions about the authenticity of these documents.
25 And we've believe that facially just from the

1 information she provided and the Uganda government
2 website, it's pretty obvious that they're not
3 authentic, Your Honor.

4 THE COURT: I don't need you to raise your
5 hand. I'm going to let you speak. Okay.

6 MS. PIERCE: Okay.

7 THE COURT: Two things, Mr. Major. You said
8 there is a case that says that if she assumed the
9 risk of using this service that has not been
10 recognized, that's no defense to being held in
11 default. Does that case actually say that? Tell
12 me about it.

13 MR. MAJOR: It's not a South Carolina case,
14 Your Honor. It's a tax court case where someone
15 tried to serve a tax protest via certified mail out
16 to an international address.

17 THE COURT: Is that based on federal rules?

18 MR. MAJOR: That based on the federal postal
19 regulations, that is not an authorized method of ---

20 THE COURT: But the federal rules of civil
21 procedure?

22 MR. MAJOR: Yes, Your Honor.

23 THE COURT: Okay.

24 MR. MAJOR: And then we've cited South Carolina
25 cases that say that service is affected by

1 depositing in the U.S. mail. And I think -- I think
2 we know why the mailbox rule is -- is in place is
3 because we have reliable mail systems that everyone
4 uses every day to serve process. And we know that
5 if you put it in there, it's probably going to be
6 delivered. When you go outside of that system, I
7 think you're at your own risk, Your Honor, and you
8 assume the risk of ---

9 THE COURT: Well, you know what? Let me do
10 this. I think I'm going to change gears on what I
11 was saying earlier because I think it's, quite
12 frankly, not necessarily fair to put the burden on
13 your client to establish authenticity, even though
14 I'd certainly leave you that road if that's the way
15 you want to pursue it.

16 It seems to me, Ms. Pierce, you've been -- I've
17 seen you appear in this courtroom many times and so
18 I know you know your way around it a little bit
19 because I've seen you and watched you. But if, in
20 fact, you did mail this from over in Uganda, it
21 seems to me that you did take the risk of -- assumed
22 the risk of it not getting here.

23 I would -- the question I have in my mind is
24 if, in fact, she mailed it on June 1st as it says on
25 this report, that it just was not until October that

1 it actually made it to be sent over, or is that a
2 whole different situation that you're talking about?
3 And I don't -- I don't know that you know or I know.

4 MR. MAJOR: And I also, the sender, according
5 to the receipts, is a Mr. Oscar Oshock (phonetic).
6 If I'm pronouncing that incorrectly, I apologize.
7 He's not here. So even the person who supposedly
8 sent it is not here to authenticate, so I don't know
9 how Ms. Pierce can do that either.

10 THE COURT: Well, I'm going to leave the
11 burden -- here's what I'm going to do in this case.

12 MS. PIERCE: Can I ---

13 THE COURT: First -- I'm going to let you
14 speak. I'm going to find that American Pharma
15 Machinery, LLC, they're in default. It's done.
16 It's clearly -- even if you take the facts as
17 alleged by Ms. Pierce as being true, they would
18 still be in default because she can't represent the
19 corporation.

20 Now, I've stopped you from speaking. I'm going
21 to allow you to have a few words in response.

22 MS. PIERCE: Your Honor, postal in Uganda is
23 actually a subsidiary of the U.S. postal mail.

24 THE COURT: Ma'am?

25 MS. PIERCE: Postal in Uganda is a partner of

1 the U.S. postal mail.

2 THE COURT: I don't know that.

3 MS. PIERCE: The United States postal mail
4 still is on the government mail subsidiary across
5 the country -- across the world. So postal
6 Uganda -- this package was mailed on this day by my
7 personal assistant, and then it was returned. And
8 then they actually called personal assistant, and I
9 advised them just to mail it. Send it back. So the
10 package was mailed, it was undeliverable, and then
11 it was returned.

12 Now, if he can find the tracking, just -- just
13 call the postal services in Uganda. This is their
14 document. They will validate the document. If they
15 need a verification and receipt of it from the
16 person that sent it from the postal services, I will
17 provide that.

18 THE COURT: No. Here's what I'm going to do.
19 Instead of him proving it, I'm going to let you
20 prove it.

21 MS. PIERCE: Yes.

22 THE COURT: You are in default by -- by all
23 means, you know, from what's happened in this case.
24 So I'm going to let you establish that, in fact,
25 these are legitimate and what you said happened

1 happened.

2 MS. PIERCE: Yes.

3 THE COURT: All right. So here's what I'm
4 going to do. I think it's appropriate that I'm
5 going to find that you're in default now. And, in
6 fact, you will have a right to establish that you're
7 not in default by showing that you did exactly what
8 was done in -- in your allegations that on June 1st
9 you mailed this.

10 I'm not ready to find that that's not
11 reasonable under the circumstances and then hold her
12 in default. If she establishes that this is what
13 happened as she alleges, so the burden's on her,
14 then she will not be in default and be allowed to
15 respond. If she is not able to do that, she's
16 already in default. Then we'll just have a damages
17 hearing. Okay.

18 MS. PIERCE: Okay.

19 THE COURT: Now, the damages against American
20 Pharma will be established at some later date.
21 They're in default. That goes without saying.

22 Okay. Anything further from the plaintiff on
23 this matter?

24 MR. MAJOR: Only on the default judgment
25 motion. I think I understood Your Honor that we're

1 going to deal with the damages as to American Pharma
2 at a later date?

3 THE COURT: Yeah.

4 MR. MAJOR: So that would be nothing further
5 then, Your Honor.

6 THE COURT: Okay. And I'm going to ask that
7 you prepare me an order and that you find that even
8 if what Ms. Pierce is true, and I have no doubt that
9 it's not, that she could not file anything on behalf
10 of American Pharma, LLC; therefore, the corporation
11 is in default.

12 I'm going to find that she, at this juncture,
13 has to establish this authenticity and validity of
14 the documents that she claims them to be and then
15 the time frames that she said that those acts were
16 performed -- the work performed at that time. If
17 she can, then she will not be in default. It'll
18 require another hearing for us to make that call.
19 If she can't, then she is in default.

20 MR. MAJOR: Understood, Your Honor.

21 THE COURT: So I would think probably -- I'm
22 going to leave it up to you, Mr. Major. If you want
23 to go forward with the hearing of this corporation,
24 that's up to you. If you want to wait until I do it
25 altogether, that's up to you.

1 MR. MAJOR: I'd rather do it altogether, Your
2 Honor.

3 THE COURT: I figured you probably would. All
4 right. Anything further from the plaintiff?

5 MR. MAJOR: Nothing further, Your Honor.

6 THE COURT: And you know you got to send her a
7 copy of the order before you send it to me?

8 MR. MAJOR: Yes, Your Honor.

9 THE COURT: Ms. Pierce, is there anything
10 further?

11 MS. PIERCE: Oh, no, sir. When I have the
12 proof, do I send it to the Court and to him?

13 THE COURT: You guys will schedule that. And
14 y'all deal with each other and then we'll -- when
15 y'all are ready, we'll have a hearing on it. It
16 doesn't have to be me. It can be any circuit court
17 judge. I'm glad to hear it or -- or somebody else.
18 Okay.

19 MS. PIERCE: Okay. Thank you, Your Honor.

20 MR. MAJOR: Thank you, Your Honor.

21 THE COURT: Thank you.

22 (Parties were dismissed.)

23 THE COURT: Ms. Pierce, I am sorry. You have a
24 motion to dismiss, and I was going to send you home
25 and not have a chance to argue it. Okay.

1 MS. PIERCE: Your Honor, what did you say
2 again?

3 THE COURT: Your motion to dismiss that you
4 said earlier I think, but it's basically, if I
5 recall, it's based on the case that is about the
6 LLCs. And your -- your position, as I understand
7 it, is I am single member LLC. As such, my tortious
8 conduct as a member of the LLC can't hold me
9 personally liable. Only the corporation can be held
10 liable; is that right?

11 MS. PIERCE: That's right.

12 THE COURT: Anything other than that?

13 MS. PIERCE: That is really just the case. I
14 did all the business on behalf of the company. All
15 the e-mails, all the contracts were on behalf of the
16 company. I did everything but the remedy.

17 THE COURT: Well, let me say this: Breach of
18 contract case is against the corporation only, so
19 that's not subject to your motion.

20 As to the fraud, constructive fraud and breach
21 of contract, fraudulent acts, I will deny your
22 motion. I don't think that the act would prevent
23 you being responsible for fraudulent conduct as an
24 individual.

25 Unjust enrichment, I don't see.

1 Unfair trade practice is only against the
2 business, right?

3 MR. MAJOR: Yes, Your Honor.

4 THE COURT: And pierce the corporate veil is
5 piercing the corporate veil.

6 Unjust enrichment stays, and it'll be -- it
7 would go against them. I think that that would not
8 shield you either as a single member LLC.

9 So the four causes of action -- fraud,
10 constructive fraud, breach of contract, fraudulent
11 act, unjust enrichments -- would not, in my
12 judgment, be nullified because it is a single member
13 LLC.

14 I will note for the record, however, that the
15 case law seems to still be outstanding on that. I
16 haven't heard -- I'm not aware of a case that has
17 found the answer. Are you aware of one, Mr. Major?

18 MR. MAJOR: No, Your Honor. My understanding
19 is -- as I read the cases is, a member can't be
20 vicariously liable just by virtue of being a member,
21 but they're still liable for their own personal,
22 especially intentional torts.

23 THE COURT: Well, it seems, yeah. I think
24 that's probably right. Anyway, all said and done,
25 I'm denying your motion. Okay. So I'm going to ask

1 you to include that in your order.

2 And now I think we have concluded. Any other
3 business at this juncture, Ms. -- Ms. Pierce?

4 MS. PIERCE: No.

5 THE COURT: Okay.

6 MS. PIERCE: And I can't say anything related
7 to ---

8 THE COURT: I mean, certainly, I'm going to let
9 you argue. I thought I let you argue it already,
10 but I'll be glad to hear if you want to -- I didn't
11 give you a whole lot of ---

12 MS. PIERCE: So, Your Honor, when they made a
13 payment for the machine, I went ahead and actually
14 used the money to produce the machine. And I have
15 the machine available, but they do not want the
16 machine anymore. The machine -- the money they
17 paid, I didn't use it. The money they paid was used
18 to make the machine for them. So how would unjust
19 enrichment even be on me and yet I didn't use the
20 machine. And the machine is still available.

21 THE COURT: Well, that's something that will be
22 argued at a trial and not in a motion.

23 MS. PIERCE: Okay. All right.

24 THE COURT: And it may be you're right with
25 that. At a motion, it's just not -- it's not the

1 time to have that done. Okay.

2 MS. PIERCE: Okay.

3 THE COURT: All right. Anything further,
4 Ms. Pierce?

5 MS. PIERCE: Not now.

6 THE COURT: Anything further, Mr. Major?

7 MR. MAJOR: No, Your Honor.

8 THE COURT: All right. That will conclude this
9 hearing. If you'll get that order and send it to
10 her first.

11 MR. MAJOR: Absolutely. Thank you, Your Honor.

12 THE COURT: All right. Thank you so much.

13 (The proceedings concluded at 3:19 p.m.)

14 - - -

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C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

I, the undersigned, Lisa Scott, Circuit Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal in the Circuit Court for Oconee County, South Carolina, on the 31st day of October, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

May 13, 2024

/s/Lisa Scott

Lisa Scott
Circuit Court Reporter

The South Carolina Court of Appeals

PlanetONE Packaging, LLC, Respondent,

v.

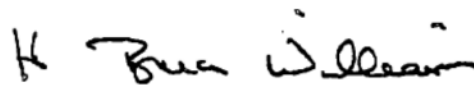
American Pharma Machinery, LLC, and Dorothy Pierce
a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a Queen
Dorothy Amolo, Defendants,

Of whom Dorothy Pierce a/k/a Dorothy Wells a/k/a
Dorothy Aleweny a/k/a Queen Dorothy Amolo is the
Appellant.

Appellate Case No. 2024-000334

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 C.J.

 J.

 J.

Columbia, South Carolina

FILED
Jun 14 2024

cc:

Dorothy Pierce

John Patrick Bradley, Esquire

Christopher B. Major, Esquire

RECEIVED

Apr 01 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM OCONEE COUNTY

PlanetONE Packaging, LLC, Respondent,

V.

American Pharma Machinery, LLC, and Dorothy Piercea/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a QueenDorothy Amolo, Defendants,

Of whom Dorothy Pierce a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a Queen Dorothy Amolo is the Appellant.

Appellate Case No. 2024-000334

MOTION FOR REHEARING

Introduction

1. This Request for Rehearing is submitted by Dorothy Pierce ("Appellant"), who has been significantly disadvantaged by the rigid procedural requirement that mandates pro se litigants to use postal mail for all pleadings and documents. This appeal underscores a crucial disparity within the South Carolina legal framework that systematically hinders pro se litigants by denying them access to electronic service—a privilege exclusively reserved for attorneys. This procedural bias not only undermines the principle of equal access to justice but also places an undue burden on individuals navigating the legal system without legal representation. There is need for change in the South Carolina Appellate Court Rules regarding the service of process for pro se litigants. The present mandate that proscribes electronic service for individuals representing themselves poses a systemic issue that has placed the Appellant—and countless others in similar circumstances—at a considerable procedural disadvantage. This Court is respectfully urged to recognize the necessity for rule amendments that mirror our society's advancement and promote equal access to justice.

2. The law must evolve to address the disparities between represented and unrepresented parties. This brief sets forth a detailed argument advocating for legislative and judicial reform of the rules regarding service of process for pro se litigants in the State of South Carolina. The current dichotomy, wherein pro se litigants are denied use of electronic service mechanisms available to licensed attorneys, exacerbates inequalities and hampers access to justice—a fundamental right enshrined in the ethos of American jurisprudence.

Factual Background

3. In early May, the Appellant was compelled to travel to Uganda due to the tragic demise of her dearest friend, Col. Charles Okello Engola Macodwogo, the respected former State Minister for Labor, Employment, and Industrial Relations in the Government of Uganda, who suffered an untimely death at the hands of his bodyguard on May 2, 2023. The Appellant had already made travel plans. Prior to her departure, on May 9, 2023, the Respondent served the Appellant with a copy of the summons and Complaint.
4. On June 1, 2023, burdened by the constraints placed on pro se litigants and the inability to utilize electronic service—as is allowed for attorneys in South Carolina—the Appellant mailed a copy of the Motion to Dismiss Appeal through Posta Uganda to the Court and the respondents. The document was subsequently returned as undeliverable, an issue discovered through the Clerk of the court upon Appellant's return to the United States. The Appellant was unaware of the non-delivery until her return to the United States and promptly took necessary corrective action to remedy the service error.
5. During a hearing held on October 31, 2023, the court directed the Appellant to produce evidence substantiating the mailing to the Respondent. This was in addition to the receipts already provided to the Respondents. In response, on November 8, 2023, Oscar Ojok, the appellant's personal assistant who executed the original dispatch of the Motion to Dismiss on behalf of the Appellant on June 1, 2023, emailed the Respondent and the court, attaching a sworn affidavit attesting under oath to the dispatch of the said documents. An original copy of the affidavit was subsequently sent to the P.O. box address provided by the Respondent.
6. On January 16, 2024, despite diligent efforts, the court found the Appellant in default. Nevertheless, the Appellant filed a Motion to Reconsider which was ultimately denied by Judge McIntosh on February 06 2024. The Appellant received notice of this denial on

February 10, 2024, which pertained to the Appellant's initial Motion for Reconsideration filed on January 16, 2024.

7. In pursuit of appellate relief, on March 6, 2024, the Appellant filed a Notice of Appeal with this Court and served the Respondent via the same email. On March 12, 2024, the Court of Appeals informed the Appellant that her Proof of Service was not in compliance with SCACR Rule 262(c)(3), which precludes anyone other than attorneys admitted to practice in South Carolina from serving other lawyers using the primary email address registered in the AIS system. The Court mandated the correction of this deficiency within a prescribed ten-day period.
8. The Appellant adhered to the Court's directive, mailing the physical Proof of Service to the Respondent on March 19, 2024, thereby aligning with the Court's service requirements. This was specific in indicating the actual date of mailing in juxtaposition with the electronic service initially performed on March 6, 2024.
9. Notwithstanding the Appellant's sincere efforts to comply with and correct the service method as per the Court's instructions, on March 28, 2024, the Court of Appeals issued an order dismissing the Appellant's appeal due to an asserted lack of jurisdiction.

ARGUMENT

A. Procedural Disadvantage Faced by Pro Se Litigants

10. The dismissal issued by this Court on March 28, 2024, underscores a significant and systemic obstacle faced by the Appellant—a non-attorney litigant required to utilize postal service, despite demonstrated inadequacies and timely compliance with electronic service.
11. The Appellant contends that this procedural imbalance, which reserves electronic service exclusively for attorney-represented parties, infringes upon the principle of equal protection under the law for all litigants.

B. Good Faith Efforts to Comply with Service Requirements

12. The Appellant has made a good faith effort to comply with the service rules, even under the burden of bereavement and international travel. Upon learning of the returned mail, the

Appellant utilized the only available means to address and remedy the service defaults as evidenced by the affidavit from Mr. Oscar Ojok confirming the initial dispatch on June 01, 2023.

13. As directed by the Court's notice on March 12, 2024, the Appellant corrected the proof of service deficiency by duly mailing a hard-copy within the specified ten-day window, demonstrating a continuous commitment to adhere to this Court's procedural directives.

C. Timeliness of the Appellant's Actions and Subsequent Compliance

14. The Appellant efficaciously filed a Notice of Appeal and serviced the Respondents on March 06, 2024, evidencing diligence and timeliness in moving the case forward.
15. The prompt correction of service, as evidenced by the physical mailing on March 19, 2024, is an explicit reflection of the Appellant's consistent endeavor to progress within the procedural contours set forth by this Court.

D. Equitable Treatment and Access to Justice

16. The premise of this motion rests on the bedrock principle that access to justice must be extended equitably to all litigants—whether represented or appearing pro se. The challenge of electronic service access faced by the Appellant is emblematic of a broader systemic issue that warrants this Court's equitable intervention.

E. The Need for Change

17. Every individual deserves equal access to justice, regardless of legal representation status. The current regulations mandating pro se litigants to employ only traditional mailing services not only impede timely and reliable service but also place an undue procedural burden on these individuals. The legal system's paramount goal should be to foster a fair and efficient resolution of disputes, not to entrench procedural roadblocks.

F. Current Framework of Service for Pro Se Litigants in South Carolina

18. As per the South Carolina Appellate Court Rules (SCACR) and specifically Rule 262(c)(3), the privilege of utilizing electronic service is confined to attorneys. This rule fails to account

for the paradigm shift toward digital correspondence and ubiquity of electronic communication in modern society.

19. In a society increasingly reliant on digital communication, it is incongruous for the law to withhold from pro se litigants the tools that ensure expedient and verifiable service. Electronic service offers a trackable, efficient, and cost-effective method, aligning with the digital competence that the majority of citizens now possess.

G. Jurisprudential Basis for Equitable Service of Process

20. Legal precedents have long underscored the need for an equal playing field in litigation. The U.S. Supreme Court in *Caperton v. A.T. Massey Coal Co., Inc.*, emphasizes a "fair trial in a fair tribunal," which extends beyond the trial itself to encompass all procedures, including service of process. The principles of equity obligate the law to facilitate, rather than frustrate, the right to be heard.

H. Policy Considerations for Amending Service Regulations

21. The amendment of service rules to embrace electronic service for pro se litigants aligns with policy goals, including:
- a) Mitigating the risk of service failures associated with mail, thus decreasing default judgments against pro se litigants.
 - b) Reflecting technological advancements in legal procedures akin to electronic filing systems adopted by courts nationwide.
 - c) Ensuring equal treatment under the law and upholding the principle of procedural justice.

I. Proposed Amendments to the South Carolina Appellate Court Rules (SCACR)

22. In acknowledgment of the need for equitable service options, the following amendments are proposed:
- a) Pro se litigants should have the option to use electronic service in a manner consistent with that of licensed attorneys, as long as it ensures receipt by the opposing party or their counsel.
 - b) The SCACR should establish clear guidelines for electronic service, including confirmation of receipt, to be utilized by pro se litigants.

PRAYER FOR RELIEF

On these grounds, the Appellant, Dorothy Pierce, prays:

- A. For this honorable Court to grant the Motion for Rehearing, thereby reconsidering the previous order dismissing the Appellant's appeal.

- B. That the Court reflect upon the procedural inequities and the Appellant's diligent efforts to comply with service requirements.

- C. For this honorable Court to use its discretion to facilitate not just a reconsideration of this case on its merits, but also to consider the weight of procedural barriers that could thwart a pro se litigant's right to a fair appellate review;

- D. To order any other relief and considerations that the Court deems equitable, fair, and in the interest of justice, particularly for those navigating the complexities of the legal system without professional representation.

Respectfully submitted,

Dated this April 1, 2024.

A handwritten signature in black ink, appearing to read 'Dorothy Pierce', written over a horizontal line.

DOROTHY PIERCE -Appellant (Pro se)
750 Mourning dove lane, Seneca, SC.29678.



Dorothy Pierce <dorothypierce84@gmail.com>

Notice of Appeal- Pierce V. PlanetOne

Dorothy Pierce <dorothypierce84@gmail.com>

Wed, Mar 6, 2024 at 6:14 PM

To: Court Of Appeals Filings <ctappfilings@sccourts.org>, "Major, Chris" <cmajor@hsblawfirm.com>

Dear Clerk,

Please find enclosed the Notice of Appeal document. Additionally, please be informed that a check in the amount of \$250 has been dispatched via mail as required for the processing of the appeal. Counsel for the respondent is copied on this email.

Thank you for your attention to this matter.

Sincerely,

Dorothy Pierce

2 attachments

 **Planetone Order.pdf**
239K

 **Notice of Appeal- Planetone V1.pdf**
122K

RECEIVED

Mar 06 2024

SC Court of Appeals

NOTICE OF APPEAL IN A CIVIL CASE
THE STATE OF SOUTH CAROLINA

In The Court of Appeals

[In The Supreme Court]

APPEAL FROM OCONEE COUNTY

Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

CIRCUIT COURT CASE NO.: 2023-CP-37-00232

Dorothy Pierce..... Appellant.

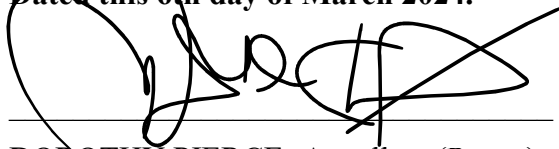
V.

Planetone Packaging..... Respondent.

NOTICE OF APPEAL

This letter serves as formal notification to all relevant parties that the undersigned, in the capacity of Appellant, is hereby submitting a Notice of Appeal in accordance with the Form 4 Order issued by the Honorable Judge McIntosh on February 6, 2024. The Appellant received a copy of this order on February 10, 2024, which denied the Appellant's Motion for Reconsideration that was initially filed on January 16, 2024. The basis for this appeal is predicated on matters of law.

Dated this 6th day of March 2024.



DOROTHY PIERCE -Appellant (Pro se)

750 Mourning dove lane, Seneca, SC.29678.

RECEIVED

Mar 06 2024

SC Court of Appeals

CERTIFICATE OF SERVICE

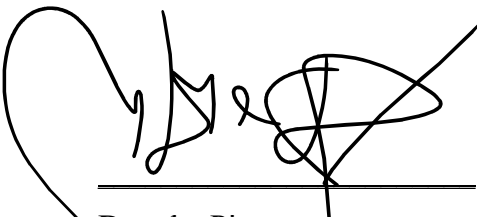
I certify that on this March 6, 2024, I served the foregoing Notice of Appeal to the respondent utilizing Electronic Service as follows:

CHRISTOPHER B. MAJOR

cmajor@hsblawfirm.com

One north main 2nd floor

Greenville South Carolina 29601

A handwritten signature in black ink, appearing to read 'Dorothy Pierce', written over a horizontal line.

Dorothy Pierce

750 Mourning Dove Lane, Seneca, SC 29678

Dorothypierce84@gmail.com

Pro se Plaintiff

NOTICE OF APPEAL IN A CIVIL CASE
THE STATE OF SOUTH CAROLINA

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT

2024 MAR 19 P 4: 12

In The Court of Appeals

[In The Supreme Court]

RECEIVED

Mar 21 2024

APPEAL FROM OCONEE COUNTY

Court of Common Pleas CASE NO.: 2023-CP-37-00232

SC Court of Appeals

R. Lawton McIntosh, Circuit Court Judge

Appellate Case No.: 2024-000334

PlanetONE Packaging, LLC.....Respondent,

V.

American Pharma Machinery, LLC, and Dorothy Pierce a/k/a Dorothy Wells a/k/a Dorothy Alweny a/k/a Queen Dorothy Amolo, Defendants,

Of Whom Dorothy Pierce a/k/a Dorothy Wells a/k/a Dorothy Alweny a/k/a Queen Dorothy Amolo is the Appellant.

NOTICE OF APPEAL

This is to formally notify all concerned parties that the undersigned, as Appellant, hereby files a Notice of Appeal pursuant to the Form 4 Order issued by the Honorable Judge McIntosh on February 10, 2024. This order denied the Appellant's Motion for Reconsideration, which was originally submitted on January 16, 2024. The basis for this appeal is predicated on matters of law.

Dated this March 06, 2024.



DOROTHY PIERCE -Appellant (Pro se)

750 Mourning dove lane, Seneca, SC.29678.

CERTIFICATE OF SERVICE

I certify that on this March 19, 2024, I served the foregoing Notice of Appeal to the respondent utilizing Certified mail as follows:

CHRISTOPHER B. MAJOR
cmajor@hsblawfirm.com
1 North main 2nd floor
Greenville South Carolina 29601



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

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT
2024 MAR 19 P 4: 12

CERTIFICATE OF SERVICE

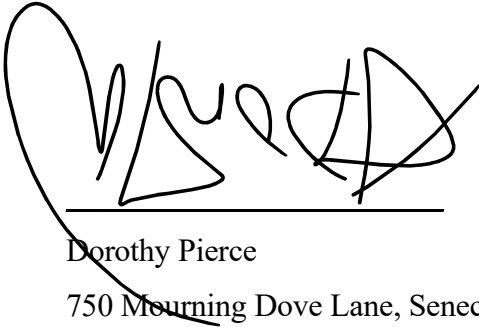
I certify that on this April 1, 2024, I served the foregoing Motion for Rehearing to the respondent utilizing Certified Mail Service as follows:

CHRISTOPHER B. MAJOR

cmajor@hsblawfirm.com

One north main 2nd floor

Greenville South Carolina 29601

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

Dorothy Pierce

750 Mourning Dove Lane, Seneca, SC 29678

Dorothypierce84@gmail.com

Pro se Plaintiff

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT OF SOUTH CAROLINA

WRIT OF CERTIORARI

APPEAL FROM South Carolina Court of Appeals

PlanetONE Packaging, LLC, Respondent,

v.

Dorothy Pierce, Appellant.

Appellate Case No. 2024-000334

PETITION FOR WRIT OF CERTIORARI

Appellant Dorothy Pierce respectfully petitions the Supreme Court of South Carolina for a Writ of Certiorari to review the decision of the South Carolina Court of Appeals in the above-referenced case.

QUESTIONS PRESENTED

1. Whether prohibiting pro se litigants from using electronic filings constitutes discrimination and violates constitutional rights.
2. Whether the South Carolina Court of Appeals erred in failing to consider the Appellant's Certificate of Service attached to the initial Notice of Appeal.
3. Whether the due process rights of the Appellant were violated during the proceedings in the lower courts when she was only given the option of mailing her Motion to Dismiss

from Uganda while the opposing party was able to file their motions electronically with ease.

4. Whether the procedural requirements for pro se litigants, specifically regarding electronic service, create an unfair disadvantage and impede access to justice.

STATEMENT OF THE CASE

1. This petition arises from the order of the South Carolina Court of Appeals dated June 14, 2024, and the subsequent denial of the Motion for Rehearing on June 14, 2024, in the case of PlanetONE Packaging, LLC, Respondent, v. Dorothy Pierce. The state of South Carolina highlights several benefits of E-Filing on their website, including reduced handling of paper documents and files, saving time and resources for filing documents, and providing quicker access to documents. E-Filing improves efficiency by allowing users to submit filings, pay filing fees, and check the status of filings via the Internet 24 hours a day, 7 days a week, and 365 days a year.
2. These advantages are available to privileged litigants represented by attorneys who can access the Filer Interface around the clock. However, self-represented litigants, or pro se litigants, are excluded from these benefits. Despite already facing the disadvantage of being unable to afford attorneys or attract attorney interest in their cases, pro se litigants are not permitted to E-File and thus cannot take advantage of the efficiencies and conveniences it offers.

STATEMENT OF FACTS

1. **Travel to Uganda and Service of Summons and Complaint:** In early May, the Appellant, Dorothy Pierce, had to travel to Uganda due to the tragic death of her close friend, Col. Charles Okello Engola Macodwogo, the former State Minister for Labor, Employment, and Industrial Relations in the Government of Uganda, who was fatally shot by his bodyguard on May 2, 2023. The Appellant had already made travel plans, and before her departure on May 9, 2023, the Respondent served her with a copy of the summons and Complaint.
2. **Mailing of Motion to Dismiss Appeal:** On June 1, 2023, constrained by the limitations placed on pro se litigants and the inability to utilize electronic service—as allowed for attorneys in South Carolina—the Appellant mailed a copy of the Motion to Dismiss Appeal through Posta Uganda to the Court and the Respondents. This document was returned as undeliverable, a fact discovered through the Clerk of the Court upon the Appellant's return to the United States. The Appellant was unaware of the non-delivery until her return and promptly took corrective action to remedy the service error.
3. **Hearing and Evidence Substantiation:** During a hearing on October 31, 2023, the court directed the Appellant to produce evidence substantiating the mailing to the Respondent, in addition to the receipts already provided. In response, on November 8, 2023, Oscar Ojok, the Appellant's personal assistant who had executed the original dispatch of the Motion to Dismiss on June 1, 2023, emailed the Respondent and the court, attaching a sworn affidavit attesting under oath to the dispatch of the documents. An original copy of the affidavit was subsequently sent to the P.O. box address provided by the Respondent.

4. **Motion to Reconsider and Default Finding:** On January 16, 2024, despite diligent efforts, the court found the Appellant in default. The Appellant filed a Motion to Reconsider, which was ultimately denied by Judge McIntosh on February 6, 2024. The Appellant received notice of this denial on February 10, 2024, which pertained to the Appellant's initial Motion for Reconsideration filed on January 16, 2024.
5. **Filing Notice of Appeal:** In pursuit of appellate relief, on March 6, 2024, the Appellant filed a Notice of Appeal with the Court and served the Respondent via the same email.
6. **Court of Appeals Directive and Proof of Service:** On March 12, 2024, the Court of Appeals informed the Appellant that her filing was missing proof of service and gave the Appellant 10 days to cure the deficiency. This was incorrect as the filing had a Certificate of Service attached to it, indicating service on March 6, 2024.
7. **Compliance with Court Directive:** The Appellant adhered to the Court's directive, mailing another physical Proof of Service to the Respondent on March 19, 2024, thereby aligning with the Court's service requirements. This mailing specifically indicated the actual date of mailing in juxtaposition with the electronic service initially performed on March 6, 2024. This was not the original proof of service but a fulfillment of the Court of Appeals' directive.
8. **Error in Dismissal Order:** On March 28, 2024, the Court of Appeals issued an order dismissing the Appellant's appeal for filing Proof of Service outside the 30 days requirement. This was an error because a Certificate of Service was already provided with the original filing on March 6, 2024, at the initial filing of the appeal.
9. **Motion for Rehearing and dismissal:** On April 16, 2024, the Appellant filed a Motion for Rehearing, which was denied on June 14, 2024.

REASONS FOR GRANTING THE WRIT

I. Disallowing Electronic Filings for Pro Se Litigants Constitutes Discrimination and Violates Constitutional Rights

10. Prohibiting pro se litigants from using electronic filings creates an inherent disparity between represented and unrepresented parties, amounting to discrimination. The Equal Protection Clause of the Fourteenth Amendment ensures that no state shall deny any person within its jurisdiction the equal protection of the laws. By restricting E-Filing to represented litigants, South Carolina effectively discriminates against pro se litigants, undermining their constitutional right to equal protection and access to justice. Granting the writ would allow the Court to address this systemic inequality and ensure that all litigants, regardless of representation, have equal access to the benefits of modern technology in the legal system.
11. Furthermore, if the Appellant had been allowed to file motions and notices electronically in an inclusive system, she would have automatically served the opposing counsel with the proof of filing via the system. This automatic service feature would have ensured that the opposing party received timely and accurate notice of all filings, preventing any procedural missteps and ensuring a more efficient and equitable process. Additionally, the Appellant would not have been required to mail the Motion to Dismiss from Uganda, which cost her significantly in terms of time, money, and travel expenses, including lodging for her personal assistant who traveled to the capital office in Kampala. The filing fee of \$25 could not be paid via electronic means, and mailing a check from

another country resulted in further delays as the check and postage never arrived on time through USPS.

II. South Carolina Supreme Court Erred when they Failed to Consider Certificate of Service

12. The South Carolina Court of Appeals erred in dismissing the Appellant's appeal by failing to consider the Certificate of Service attached to the initial Notice of Appeal on March 06, 2024. This oversight resulted in an unjust dismissal of the appeal, denying the Appellant the opportunity to have her case heard on its merits. The prompt consideration of the attached Certificate of Service is crucial for maintaining procedural fairness. Granting the writ would rectify this procedural error and allow for a fair review of the Appellant's case based on its substantive merits.

III. South Carolina Supreme Court Erred When They Failed to Consider Certificate of Service

13. The South Carolina Court of Appeals erred in dismissing the Appellant's appeal by failing to consider the Certificate of Service attached to the initial Notice of Appeal on March 6, 2024. This oversight resulted in an unjust dismissal of the appeal, denying the Appellant the opportunity to have her case heard on its merits. The prompt consideration of the attached Certificate of Service is crucial for maintaining procedural fairness. Granting the writ would rectify this procedural error and allow for a fair review of the Appellant's case based on its substantive merits.

14. Furthermore, if the Appellant had been allowed to file motions and notices electronically in an inclusive system, she would have automatically served the opposing counsel with

the proof of filing via the system. This automatic service feature would have ensured that the opposing party received timely and accurate notice of all filings, preventing any procedural missteps and ensuring a more efficient and equitable process. Additionally, the Appellant would not have been required to mail the Motion to Dismiss from Uganda, which cost her significantly in terms of time, money, and travel expenses, including lodging for her personal assistant who traveled to the capital office in Kampala. The filing fee of \$25 could not be paid via electronic means and mailing a check from another country resulted in further delays as the check and postage never arrived on time through USPS.

IV. Violation of Due Process Rights

15. The due process rights of the Appellant were violated during the proceedings in the lower courts when she was only given the option of mailing her Motion to Dismiss from Uganda, while the opposing party could file their motions electronically with ease. This created a significant procedural disadvantage for the Appellant, compromising her ability to participate effectively in her legal proceedings. The disparity in filing methods not only delays the Appellant's ability to respond but also increases the risk of lost or delayed documents, further prejudicing her case. Granting the writ would address this due process violation and ensure that pro se litigants are afforded the same procedural opportunities as their represented counterparts. Additionally, the Appellant would not have been required to mail the Motion to Dismiss from Uganda, which cost her significantly in terms of time, money, and travel expenses, including lodging for her personal assistant who traveled to the capital office in Kampala. The filing fee of \$25 could not be paid via electronic means and mailing a check from another country resulted in further delays as

the check and postage never arrived on time through USPS. Appellant was found in default due to unequal the system created by the state of South Carolina.

V. **Prose litigants are subjected to Unfair Disadvantage and Impediment to Access to Justice**

16. The procedural requirements for pro se litigants, specifically regarding electronic service, create an unfair disadvantage and impede access to justice. Pro se litigants are often already disadvantaged due to their lack of legal representation and resources. By denying them access to E-Filing, the system imposes additional hurdles that can delay their cases and complicate their ability to comply with procedural requirements. Allowing pro se litigants to utilize E-Filing would streamline the filing process, reduce the risk of errors, and promote a more efficient and equitable legal system. Granting the writ would encourage necessary procedural reforms to ensure equitable treatment of all litigants, regardless of their representation status.

VI. **Promotion of Judicial Efficiency**

17. E-Filing enhances judicial efficiency by reducing the handling of paper documents, expediting the filing process, and providing quicker access to documents. These benefits are critical for maintaining a streamlined and effective judicial system. By excluding pro se litigants from these efficiencies, the court system faces increased burdens in managing paper filings and delays associated with traditional mail. Granting the writ would support the implementation of uniform E-Filing practices that benefit the entire judicial system, promoting efficiency and reducing administrative burdens.

18. Granting the writ of certiorari is essential to address the systemic inequalities faced by pro se litigants in South Carolina. By allowing pro se litigants to access E-Filing, the

Court can ensure equal protection under the law, uphold due process rights, eliminate procedural disadvantages, and promote judicial efficiency. These reforms are necessary to create a fair and just legal system for all litigants, regardless of their representation status.

REQUEST FOR RELIEF

On the basis of the arguments presented above, the Appellant respectfully requests that this Honorable Court grant the following relief:

1. **Grant the Writ of Certiorari:** Review the decision of the South Carolina Court of Appeals and address the procedural and constitutional issues raised by the Appellant.
2. **Rectify the Procedural Error:** Recognize and consider the Certificate of Service that was attached to the initial Notice of Appeal on March 6, 2024, thereby reinstating the Appellant's appeal for a fair hearing on its merits.
3. **Ensure Equal Access to E-Filing for Pro Se Litigants:** Amend the South Carolina Court Rules to allow pro se litigants to utilize electronic filing systems, ensuring that they have the same access to efficient, cost-effective, and timely filing methods as represented litigants. This includes the automatic service of documents to opposing counsel via the electronic filing system, which would prevent the procedural disadvantages currently faced by pro se litigants.
4. **Address the Due Process Violation:** Recognize the undue burden placed on the Appellant when she was forced to mail her Motion to Dismiss from Uganda, resulting in significant costs in terms of time, money, and travel expenses, including lodging for her personal assistant who traveled to Kampala to facilitate the mailing. Additionally,

acknowledge the issue with the inability to pay the filing fee electronically and the delays caused by mailing a check internationally. Grant appropriate remedies to address these due process violations and ensure fair treatment in future proceedings.

5. **Promote Judicial Efficiency:** Implement uniform E-Filing practices for all litigants, regardless of their representation status, to enhance judicial efficiency, reduce administrative burdens, and streamline the filing process.
6. **Award Any Other Appropriate Relief:** Provide any other relief that the Court deems equitable, fair, and in the interest of justice, particularly for those navigating the complexities of the legal system without professional representation.

Respectfully subject, July 12, 2024



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