

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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Sep 13 2024

S.C. SUPREME COURT

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge

Case No. 2023-CP-37-00232

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 Petitioner.

**RESPONDENT’S REPLY TO PETITIONER’S RETURN TO RESPONDENT’S
MOTION TO DISMISS PETITION FOR A WRIT OF CERTIORARI**

Pursuant to Rule 240(f), SCACR, PlanetONE Packaging, LLC (“PlanetONE” or “Respondent”) hereby submits this Reply to Petitioner Dorothy Pierce a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a Queen Dorothy Amolo’s (“Petitioner”) return (“Return”) to Respondent’s Motion to Dismiss Petitioner’s petition for a writ of certiorari (“Petition”).

The Petitioner’s Return is comprised of: (1) meandering recitations of the same unavailing, unpreserved, and ill-timed arguments raised in her Petition; and (2) false, unsupported, and desperate claims concerning Respondent’s actions in this matter, choosing to ignore the facts, prior filings, and findings of the court in the process. Much of Petitioner’s Return so obviously ventures outside the issues before any court in this matter—circuit and appellate—that a Reply to each of

her incomprehensible arguments is unnecessary except to point out this fact. However, aspects of Petitioner's Return reveal, yet again, Petitioner's propensity for engaging in abusive, dilatory, and dishonest behavior for the sole purpose of abusing the judicial system and delaying substantive proceedings in this case. Indeed, Petitioner's flagrant misrepresentations and hypocrisy concerning certain facts and conduct of undersigned counsel warrant direct response via this Reply brief.

ARGUMENT

I. The Petition (and now the Return) Has Not Been Served; Petitioner's Accusations Regarding Respondent Are Unfounded, Unsupported by the Record, and Are Irrelevant for the Purposes of Her Petition.

As addressed at length in Respondent's motion to dismiss, Petitioner has failed to serve the Petition and, now, those same defects in service exist concerning her Return as no mailing—despite her proof of service noting it was mailed via certified mail—has ever been received from Petitioner by Respondent. Once more, Petitioner laments that Respondent has refused to acknowledge or confirm receipt of these mailings, but she yet again fails to provide a single independent document (like a certified mail green card or tracking information) that shows she mailed them. Instead, she submits a fifteen-page Return to Respondent's motion, with a pile of new “exhibits” that do nothing but confirm the reality of this case: Respondent's Motion to Dismiss the Petition should be granted.

For example, intent on obfuscation and perversion of the facts, Petitioner, goes so far as to say the following concerning Respondent's conduct in her Return:

Furthermore, it is important to note that Respondent has been notorious for either misrepresenting or failing to acknowledge receipt of mail. Throughout this case, Petitioner has repeatedly faced difficulties in ensuring that Respondent received documents, as Respondent has frequently claimed not to have received mail, even when tracking information and other evidence indicated otherwise. This pattern of behavior undermines Respondent's credibility and suggests a deliberate attempt to frustrate the legal process.

Respondent's repeated denials of receipt, even in the face of substantial evidence to the contrary, reflect a strategy aimed at obstructing Petitioner's efforts to comply with procedural requirements.

Given Respondent's history of misrepresenting or denying receipt of mail, their current claim of improper service should be viewed with skepticism. The court should recognize that Respondent's conduct has consistently hindered the timely and fair resolution of this case.

(Return at p. 2). This argument, and the arguments set forth in Section B of Petitioner's Return (*id.* at pp. 2 – 4), are so far removed from the realities of the facts of this case, the record, the issues before this Court, and the findings of the circuit court that direct discussion of each would not only be unproductive, but inappropriate at this juncture given the nature of her Petition.

This entire case hinges on Petitioner's attempts to shirk the rules of service of process in this state and has refused, time and again, to appropriately serve Respondent, to provide authentic proof of mailing of any service document, and the circuit court has made numerous findings as to Petitioner's conduct in this regard. *See, e.g.*, December 5, 2024 Order, The Hon. R. Lawton McIntosh at p. 5 (“[T]he Court is unable to make a determination as to the authenticity of the [mailing] receipts [provided by Petitioner] The Court instructs [Petitioner] to provide evidence sufficient to establish that the Motion to Dismiss was in fact mailed on June 1, 2023 to Plaintiff's counsel and the Court This submission should include any tracking information that is available from the [Ugandan postal service, which she purported to use as proof of service] or any other independent physical evidence of mailing. If requested by [Respondent's] counsel, [Petitioner] will also provide login information for any relevant ePosta [Ugandan postal service online account] so that [Respondent] can investigate the accuracy and completeness of any information provided pursuant to this Order.”). As the following orders note (*see also* January 16, 2024 Order, The Hon. R. Lawton McIntosh; February 6, 2024 Order, The Hon. R. Lawton

McIntosh), Petitioner failed to abide by this Order. She now seeks to reargue the motion she lost in the circuit court concerning her timeline and documentation of her mailings via her Return. This Court should not entertain such a meritless exercise.

II. Petitioner Appears to Confuse Her Ability to File a Return to Respondent’s Motion to Dismiss With the Right to Appeal Matters that Are Not Properly Before this Court.

The remainder of Petitioner’s Return—specifically Section C (Return at pp. 4 – 5); Section D (*id.* at pp. 5 – 7); Section E (*id.* at pp. 7 – 8); Section F (*id.* at pp. 8 – 10); Section G (*id.* at pp. 10 – 11); Section H (*id.* at pp. 11 – 12); and Section I (*id.* at pp. 13 – 15)—should be summarily rejected. Indeed, each of these sections, either in whole or in part:

- (1) Attempts to raise matters not raised and ruled upon by the circuit court. *See, e.g., State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003) (“In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial judge. Issues not raised and ruled upon in the trial court will not be considered on appeal.”); *see also* Mot. to Dismiss at p. 5;
- (2) Attempts to appeal issues that are not appealable at this juncture. *See, e.g., Thynes v. Lloyd*, 294 S.C. 152, 153, 363 S.E.2d 122, 122 (Ct. App. 1987) (“[A]n order refusing to grant relief from the entry of default is not appealable until after final judgment.”); *see also* Mot. to Dismiss at p. 6; or
- (3) Fails to cite any substantive legal basis for whatever cogent arguments might exist within each Section not already disposed of by the service and appealability issues outlined in Respondent’s Motion to Dismiss.

Petitioner attempts to use her Return as a de facto appellate brief on the merits of her ongoing and transparently vain efforts to justify her misrepresentations to the South Carolina court system from day 1 of this litigation through this now arduous and frivolous appeal.

III. Petitioner’s Return is Untimely, Regardless of the Service Issues, and Should Not Be Considered by the Court.

Notwithstanding the fact that Petitioner has failed to serve her Return on Respondent, making it untimely, even if she had served it on the date of filing her Return would still be untimely.

Respondent filed and served its Motion to Dismiss the Petition on Petitioner via U.S. Mail on August 12, 2024. (*See* Proof of Service, Aug. 12, 2024). Pursuant to Rule 240(e), SCACR, Petitioner had ten (10) days to file a return to the motion “from the date of service thereof.” Even adding five (5) days for service under Rule 6(e), SCRCR (“[F]ive days shall be added to the prescribed period” when a party is “served . . . by mail”), Petitioner’s return was required to be filed and served by August 27, 2024. Petitioner did not file or attempt to serve her return until August 28, 2024. Accordingly, Petitioner’s Return should not be considered.

IV. Conclusion, Request for Expedited Consideration, and Request for Sanctions.

For all of these reasons, this Petition must be dismissed or summarily denied. Respondent asks that its motion be given expedited consideration so that this case can be remanded to the circuit court and resolved on the merits. In addition, given the successive nature of Petitioner’s motions, appeal, return, and the fact that the Petition was filed in hopes of further delaying a final hearing on the merits, Respondent asks the Court to impose a sanction pursuant to Rule 269, SCACR.

Signature page follows

Respectfully submitted,

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September 13, 2024
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