

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

APPELLANT'S OPPOSITION TO MOTION FOR COSTS

Appellant, Dorothy Pierce ("Appellant"), hereby opposes the Motion for Costs filed by Respondent PlanetONE Packaging, LLC ("Respondent") pursuant to Rule 222, SCACR. In support of this opposition, the Appellant states as follows:

1. **Respondent Did Not Defend the Appeal in the Court of Appeals:** After Appellant filed a notice of appeal, Respondent did not file any documents to oppose or dismiss the appeal in the South Carolina Court of Appeals. Respondent also failed to register their notice of appearance with the Court of Appeals to defend the appeal. The appeal was dismissed solely on a technicality of service before the Respondent could even respond. Consequently, Respondent did not incur any costs or attorneys' fees related to defending the appeal in the Court of Appeals.

2. **Attorneys' Fees Are Not Recoverable Under Rule 222, SCACR:** Rule 222(b) only provides for certain recoverable costs, such as filing fees and transcript preparation fees. It does not authorize recovery of attorneys' fees unless explicitly provided by statute or contract. Respondent has failed to identify any statutory or contractual basis justifying their claim for attorneys' fees in this matter. Thus, the request for \$2,500 in attorneys' fees should be denied.
3. **Respondent Did Not Request Attorneys' Fees in Their Motion to Dismiss Before the Supreme Court:** In their motion to dismiss Appellant's petition for a writ of certiorari, Respondent did not request an award of attorneys' fees. Instead, their motion focused on procedural grounds, arguing that the petition was improperly served, raised unappealable issues, was premature, and frivolous. The absence of a request for attorneys' fees in their initial motion to the Supreme Court undercuts their current claim for such fees. South Carolina law generally requires that any claim for costs or fees be raised at the earliest opportunity, and Respondent's failure to do so at that stage makes their current request inappropriate and untimely.
4. **The Supreme Court Declined to impose Sanctions:** When the Appellant filed the motion for a writ of certiorari, Respondent did submit a motion to dismiss and requested sanctions against the Appellant. However, the Supreme Court declined to grant any such relief, including the imposition of sanctions. The Respondent should not be allowed to circumvent this decision by seeking fees now, which they failed to properly request earlier.
5. **The Itemized Statement Is Insufficient and Lacks Detail:** Respondent's itemized statement fails to provide detailed evidence that the costs were necessarily incurred. Without proper documentation, it is impossible for the Court to determine whether the claimed expenses are reasonable or necessary. Therefore, the motion should be denied on the grounds of insufficient evidence.
6. **Pro Se Appellant Should Not Be Burdened with Excessive Costs:** Appellant is proceeding pro se in this matter, without the benefit of legal counsel. Imposing excessive costs and attorneys' fees, which are not authorized by law, would create an undue financial burden on the Appellant. The purpose of awarding costs is not to penalize but to reimburse reasonable expenses, which Respondent have not demonstrated.

CONCLUSION

For the reasons stated above, the Appellant respectfully requests that the Court deny Respondent's Motion for Costs in its entirety

Respectfully submitted,

Dated this 20th day of October 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.

RECEIVED

Oct 21 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

CERTIFICATE OF SERVICE

I certify that on this 20th day of October, 2024, I served the foregoing Motion for Rehearing to the respondent utilizing Certified Mail Service as follows:

CHRISTOPHER B. MAJOR

cmajor@hsblawfirm.com

I North Main St. 2nd floor

Greenville South Carolina 29601



Dorothy Pierce, Appellant

750 Mourning Dove Lane, Seneca, SC 29678

Dorothypierce84@gmail.com