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**Mar 13 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge

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Case No. 2023-CP-37-00232  
Appellate Case No. 2025-000490

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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.

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**MOTION TO DISMISS APPEAL**

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Pursuant to Rules 240 and 269, SCACR, PlanetONE Packaging, LLC (“Respondent”) hereby moves for the dismissal of Appellant Dorothy Pierce a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a Queen Dorothy Amolo’s (“Pierce” or “Appellant”) appeal on the grounds that the appeal: (1) is untimely; (2) was not properly served; (3) is interlocutory; and (4) is frivolous.

PlanetONE further asks that this motion be decided on an expedited basis so that Pierce may not continue to use the appellate process to evade and delay entry of a final judgment.

**BACKGROUND**

By way of background, this is yet another unserved, interlocutory, and frivolous appeal filed by Pierce in the course of this matter. This time, Pierce’s appeal appears to be based off of

two Form 4 Orders issued by the Honorable R. Lawton McIntosh in this case: The first Order was entered on January 31, 2025, in which the circuit court ordered, in pertinent part, as follows:

**DAMAGES AWARDED EXCLUDING ATTORNEY'S FEES. PLAINTIFF IS TO FILE AN AFFIDAVIT FOR ATTORNEY'S FEES AND SERVE DEFENDANT WITHIN TEN (10) DAYS. DEFENDANT HAS THE RIGHT TO REQUEST CROSS EXAMINATION OF PLAINTIFF'S COUNSEL. SUCH REQUEST MUST BE MADE IN WRITING WITHIN FIVE (5) DAYS OF THIS ORDER BEING FILED.**

**MR. BRADLEY [Respondent's counsel] TO PREPARE A FORMAL ORDER SUBSEQUENT TO THE ISSUE OF ATTORNEY'S FEES BEING DETERMINED.**

This Order was served on Pierce via mail on January 31, 2025 (*see Exhibit A* – COS and copy of envelope), and Pierce cannot use a manufactured date of receipt of February 13, 2025 (as referenced in her Notice of Appeal) to try and save the timeliness of this appeal. *See* Rule 6(e), SCRCP (“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper . . . and the notice of paper is served upon him by mail . . . five days shall be added to the prescribed period.”). Under any math, and irrespective of service defects regarding the notice (which Respondent addresses below), Pierce’s notice of appeal was not filed until March 12, 2025 and is untimely.

The second order was entered on February 26, 2025 following Plaintiff’s submission of its affidavit of attorneys’ fees, in which the circuit court ordered, in pertinent part, as follows:

**DEFENDANT'S MOTION IS TREATED AS A MOTION TO CROSS EXAMINE COUNSEL ON ATTORNEY FEES. DEFENDANT'S REQUEST TO CROSS EXAMINE IS UNTIMELY AND THEREFORE DENIED. ORDER ISSUED WITHOUT A FORMAL HEARING. NO FORMAL ORDER IS REQUESTED.**

Despite Pierce being copied on correspondence between Respondent’s counsel and the circuit court regarding the forthcoming proposed order requested by Judge McIntosh (*see Exhibit B*), Respondent still proceeded to file a notice of appeal the same day. Indeed, not only did Pierce fail

to serve her notice of appeal on Respondent as required by the Rules, both of these orders are interlocutory, not appealable, and are being used by Pierce to again delay the inevitable – the entry of a final judgment against her and her company, American Pharma.

### **LEGAL STANDARD**

“An appeal ordinarily may be pursued only after a party has obtained a final judgment.” *Hagood v. Sommerville*, 362 S.C. 191, 194, 607 S.E.2d 707, 708 (2005). “A final judgment is one that ends the action and leaves the court with nothing to do but enforce the judgment by execution.” *Tillman v. Tillman*, 420 S.C. 246, 249, 801 S.E.2d 757, 758 (Ct. App. 2017). “An order reserving an issue, or leaving open the possibility of further action by the trial court before the rights of the parties are resolved, is interlocutory.” *Id.* “An interlocutory order not governed by a specialized appealability statute is not immediately appealable unless it fits into one of the categories listed in section 14-3-330 of the South Carolina Code.” *Thornton v. S.C. Elec. & Gas Corp.*, 391 S.C. 297, 300, 705 S.E.2d 475, 477 (Ct. App. 2011). None of the circumstances set forth in section 14-3-330 of the South Carolina Code are applicable here. *See* S.C. Code Ann. § 14-3-330.

### **ARGUMENT**

As noted by former Chief Justice Jean H. Toal, “[b]ecause motions are used in the appellate courts to seek specific relief, there is no limit to the type of motion that could be filed in the appellate courts.” Jean H. Toal *et al.*, *Appellate Practice in South Carolina* 379 (3d ed. 2016).

This matter has already dragged on for more than two years. Pierce’s instant attempt to delay this matter via the filing of successive, baseless motions, and appeals should be rejected for any one of the three reasons set forth herein. This appeal should be dismissed on the following grounds:

**I. The Orders Are Interlocutory and Not Immediately Appealable**

The two Form 4 Orders referenced in Pierce’s Notice of Appeal are interlocutory in that they are not final judgments. *See, e.g., Hagood*, 362 S.C. at 194, 607 S.E.2d at 708 (“An appeal ordinarily may be pursued only after a party has obtained a final judgment.”); *see also Tillman*, 420 S.C. at 249, 801 S.E.2d at 758 (“A final judgment is one that ends the action and leaves the court with nothing to do but enforce the judgment by execution.”). The plain language of the Orders and the correspondence with the court and all parties alone demonstrates that these are clearly not final judgments. In fact, if anything, it is clear that this appeal is one of a long line of deliberate tactics designed by Pierce to try and avoid the entry of a final judgment against herself and her company. Given the above, this Court lacks jurisdiction to entertain this appeal. Accordingly, the appeal must be dismissed.

**II. Notwithstanding the Lack of Appealability of the Orders, Pierce Has Failed and Refused to Effectuate Proper Service of the Notice of Appeal and her Attempt to Appeal the January 31, 2025 Order Is Untimely.**

First, any attempt being made by Pierce to appeal the circuit court’s January 31, 2025 order was not timely filed served, as it was filed more than “thirty (30) days after receipt of written notice of entry of the order.” *See* Rule 203(b)(1), SCACR. Indeed, Appellant filed her Notice of Appeal on March 12, 2025, well after thirty days had passed from the service of the court’s January 31, 2025 order had occurred. Second, and similarly, any appeal of the circuit court’s February 26, 2025 has still not been served by Appellant on Respondent as required by Rule 203(b), SCACR.

As a threshold issue, Appellant still has not served Respondent with the notice of appeal as required by the Rules and has indicated a refusal to do so under the Rules and Procedures of this state. *See* Rule 203(b), SCACR (“A notice of appeal shall be served on all respondents within thirty days after receipt of written notice of entry of the order . . . .”). **Exhibit C** hereto is the

Certificate of Service Peirce provided via email to Respondent’s counsel, in which she admits that she is only attempting to serve the “Notice of Appeal to the respondent utilizing Electronic Service.” *See Exhibit C*. Reflecting a pattern of failure to appreciate the rules, refusal to abide by them, and ongoing litigation abuse, Pierce fails to accept that – as a pro se litigant – she is not at liberty to serve attorneys licensed in this state via electronic service without their express consent. In addition, she refuses to engage in appropriate mail service of any document on Respondent, and has made it her mission to create as much waste, expense, and delay as possible in this matter.

As Pierce is well aware (given multiple briefings in this matter on the issue before), the South Carolina Supreme Court’s May 6, 2022 Order concerning electronic service notes that “A self-represented litigant who is not a lawyer admitted to practice in this state may consent in writing to be served by e-mail and designate a correct e-mail address for service. A lawyer may consent in writing to accept service by e-mail from a self-represented litigant.” *See Order 2022-05-06-04*.

To date, Pierce has only emailed her Notice of Appeal to counsel for PlanetONE. (**Exhibit C**). As of March 13, 2025, service has not been effected or even attempted upon PlanetONE via any proper service method provided under the South Carolina Rules of Civil Procedure. Additionally, Pierce has neither sought nor obtained PlanetONE’s consent to be served via electronic means—and PlanetONE will not consent to such. Finally, Pierce remains a pro se litigant in this matter – her attorney having withdrawn last year. Therefore, service has not been effected and the Notice of Appeal should be dismissed. Pierce’s purported proof of service fails to satisfy the service of process requirements under the rules. *See, e.g., Rule 4(g), SCRCP* (“If service was by mail, the person serving process shall show in his proof of service the date and place of mailing, and attach a copy of the return receipt or returned envelope when received by him showing whether the mailing was accepted, refused, or otherwise returned.”).

**III. The Appeal is Frivolous and is an Attempt to Delay This Matter Further.**

Given the time and legal fees involved in responding to all of Pierce's appellate and trial court filings, PlanetONE continues to be damaged in both time spent and costs associated with Pierce's ongoing attempts to evade responsibility in the South Carolina court system. This is now her second appeal to the Court of Appeals, which failed the first time. It is clear that this is a frivolous Appeal filed only for the purposes of delay of an actual final judgment in this case as set forth above. As such, this motion should be granted and this appeal dismissed so that the circuit court may enter its long-awaited and, as shown in Exhibit B and the orders at issue, forthcoming final order of judgment against American Pharma and Pierce.

**IV. CONCLUSION AND REQUEST FOR EXPEDITED CONSIDERATION**

An appellant who fails to follow procedural requirements strips the court of appellate jurisdiction. *State v. Brown*, 358 S.C. 382, 387, 596 S.E.2d 39, 41 (2004); *Great Games, Inc. v. S.C. Dep't of Revenue*, 339 S.C. 79, 83 n. 5, 529 S.E.2d 6, 8 n. 5 (2000); *see also* Rule 260(a), SCACR (requiring dismissal of an appeal when an appellant fails to comply with the Appellate Court Rules). Given any one of the reasons set forth herein, this Court lacks jurisdiction to entertain this appeal. Accordingly, the appeal must be dismissed.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

s/ J. Patrick Bradley

Christopher B. Major (SC Bar No. 72872)

J. Patrick Bradley (SC Bar No. 103608)

ONE North Main Street, 2<sup>nd</sup> Floor

P.O. Box 2048 (29602)

Greenville, SC 29601

(864) 240-3200

[cmajor@hsblawfirm.com](mailto:cmajor@hsblawfirm.com)

[pbradley@hsblawfirm.com](mailto:pbradley@hsblawfirm.com)

*Attorneys for Respondent PlanetONE Packaging, LLC*

March 13, 2025  
Greenville, South Carolina

# **Exhibit A**

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

PlanetONE Packaging, LLC,

Plaintiff,

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.

IN THE COURT OF COMMON PLEAS

C.A. No.: 2023-CP-37-00232

**CERTIFICATE OF SERVICE**

I, the undersigned attorney for Plaintiff, PlanetONE Packaging, LLC, hereby certify that on January 31, 2025, I caused the Order filed by the Court on January 31, 2025 to be served upon Defendant Dorothy Pierce, pro se, via U.S. Mail, postage prepaid as indicated below:

Dorothy Pierce, pro se  
750 Mourning Dove Lane  
Seneca, SC 29678  
[dorothypierce84@gmail.com](mailto:dorothypierce84@gmail.com)

s/ Christopher B. Major \_\_\_\_\_  
Christopher B. Major (SC Bar No. 72872)  
ONE North Main Street, 2<sup>nd</sup> Floor (29601)  
P.O. Box 2048  
Greenville, South Carolina 29602  
(864)-240-3200  
[cmajor@hsblawfirm.com](mailto:cmajor@hsblawfirm.com)

*Attorney for Plaintiff PlanetONE Packaging, LLC*

**HAYNSWORTH  
SINKLER BOYD**

P.O. BOX 2048  
GREENVILLE, SOUTH CAROLINA 29602-2048



US POSTAGE PAID BY MARTINEY BOWES



ZIP 29601 \$ 000.97<sup>0</sup>  
02 4W  
0000391091 JAN 31 2025

Dorothy Pierce, pro se  
750 Mourning Dove Lane  
Seneca, SC 29678

# **Exhibit B**

## Bradley, Patrick

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**From:** McIntosh, Lawton Secretary (Tammy Jennings) <Imcintoshsc@sccourts.org>  
**Sent:** Wednesday, March 12, 2025 3:34 PM  
**To:** Bradley, Patrick; Dorothy Pierce; McIntosh, Lawton Law Clerk (Kjursten Collier); Amanda Watkins; Major, Chris; Pack, Angie; Bailey, Kimberly  
**Subject:** RE: Formal Order of Default Judgment 2023-CP-37-00232

Mr. Bradley,

Please e-file a proposed order on this matter for review.

Thank you,

*Tammy Jennings*  
Administrative Assistant  
Judge R. Lawton McIntosh  
P.O. Box 8002  
Anderson, SC 29622  
(864)- 260-4059  
Imcintoshsc@sccourts.org

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**From:** Bradley, Patrick <pbradley@hsblawfirm.com>  
**Sent:** Tuesday, March 11, 2025 4:07 PM  
**To:** Dorothy Pierce <dorothypierce84@gmail.com>; McIntosh, Lawton Secretary (Tammy Jennings) <Imcintoshsc@sccourts.org>; McIntosh, Lawton Law Clerk (Kjursten Collier) <Imcintoshlc@sccourts.org>; Amanda Watkins <awatkins@oconeesc.com>; Major, Chris <cmajor@hsblawfirm.com>; Pack, Angie <apack@hsblawfirm.com>; Bailey, Kimberly <kbailey@hsblawfirm.com>  
**Subject:** RE: Formal Order of Default Judgment 2023-CP-37-00232

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Judge McIntosh:

On behalf of the Plaintiff PlanetONE Packaging, LLC, I am writing to ask whether the Court needs anything further from my office regarding the final amount of damages and fees sought in the matter, or to request a status conference regarding the court's forthcoming judgment against the Defendants, if the Court deems it appropriate. For several reasons, we want to make sure the Court is not waiting on anything from Plaintiff at this time. One reason being – it has come to our attention that Ms. Pierce has, or is currently in the process of, attempting to hide, disburse, or transfer assets (including significant real property holdings in Oconee County) in a clear effort to try and subvert the forthcoming judgment in Plaintiff's favor in this matter.

In your January 31, 2025 Form 4 Order, the Court ordered as follows:

**DAMAGES AWARDED EXCLUDING ATTORNEY'S FEES. PLAINTIFF IS TO FILE AN AFFIDAVIT FOR ATTORNEY'S FEES AND SERVE DEFENDANT WITHIN TEN (10) DAYS. DEFENDANT HAS THE RIGHT TO REQUEST CROSS EXAMINATION OF PLAINTIFF'S COUNSEL. SUCH REQUEST MUST BE MADE IN WRITING WITHIN FIVE (5) DAYS OF THIS ORDER BEING FILED.**

**MR. BRADLEY TO PREPARE A FORMAL ORDER SUBSEQUENT TO THE ISSUE OF ATTORNEY'S FEES BEING DETERMINED.**

Following that, my office submitted our affidavit of attorneys' fees, Ms. Pierce filed a response, and the Court then issued a Form 4 Order on February 26, 2025, which ordered as follows:

**DEFENDANT'S MOTION IS TREATED AS A MOTION TO CROSS EXAMINE COUNSEL ON ATTORNEY FEES. DEFENDANT'S REQUEST TO CROSS EXAMINE IS UNTIMELY AND THEREFORE DENIED. ORDER ISSUED WITHOUT A FORMAL HEARING. NO FORMAL ORDER IS REQUESTED.**

Based on these two orders, I understand that the only remaining issue is the final figure of the damages and fees awarded to Plaintiff. Would you like my office to go ahead and prepare said proposed order with the proposed/sought damages and fees outlined therein?

We are happy to provide the Court with whatever it needs in this regard, and can proceed in submitting the Formal Order contemplated by your January 31<sup>st</sup> order this week if desired.

Thank you,  
Patrick



**J. Patrick Bradley** | Attorney  
Direct 864.240.4567 | [pbradley@hsblawfirm.com](mailto:pbradley@hsblawfirm.com)  
Haynsworth Sinkler Boyd, P.A.  
ONE North Main, 2nd Floor | Greenville, SC 29601  
Main 864.240.3200 | Fax 864.240.3300

[Web](#) | [Bio](#) | [vCard](#) | [Map](#) | [Linked In](#) | [Blog](#)

**From:** Dorothy Pierce <[dorothypierce84@gmail.com](mailto:dorothypierce84@gmail.com)>  
**Sent:** Wednesday, March 5, 2025 8:57 AM  
**To:** McIntosh, Lawton Secretary (Tammy Jennings) <[lmcintoshsc@sccourts.org](mailto:lmcintoshsc@sccourts.org)>; McIntosh, Lawton Law Clerk (Grace Kerley) <[lmcintoshlc@sccourts.org](mailto:lmcintoshlc@sccourts.org)>; Amanda Watkins <[awatkins@oconeesc.com](mailto:awatkins@oconeesc.com)>; Major, Chris <[cmajor@hsblawfirm.com](mailto:cmajor@hsblawfirm.com)>; Bradley, Patrick <[pbradley@hsblawfirm.com](mailto:pbradley@hsblawfirm.com)>  
**Subject:** Formal Order of Default Judgment 2023-CP-3700232

Judge,

I'm inquiring if there will be a formal order regarding this matter or the form 4 is treated as a final order regarding the default Judge and Damages.

If a formal order will be prepared, I need a copy of it sent to me via email for review as per SC Rule 5(b)(3) before being filed with the court.

Thank you

**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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# Exhibit C

**RECEIVED**

**Mar 12 2025**

**SC Court of Appeals**

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

In The Court of Appeals

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.

**CERTIFICATE OF SERVICE**


I certify that on March 12<sup>th</sup>, 2025, I served the foregoing Notice of Appeal to the respondent utilizing Electronic Service as follows:

CHRISTOPHER B. MAJOR

cmajor@hsblawfirm.com

One north main 2<sup>nd</sup> floor

Greenville South Carolina 29601



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

RECEIVED

Mar 13 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge

Case No. 2023-CP-37-00232  
Appellate Case No. 2025-000490

PlanetONE Packaging, LLC, .....Respondent,

v.

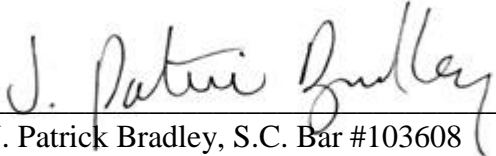
American Pharma Machinery, LLC, and Dorothy Pierce a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a Queen Dorothy Amolo ..... Defendants,

OF WHOM Dorothy Pierce a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a Queen Dorothy Amolo is the .....Appellant.

**PROOF OF SERVICE**

I, the undersigned counsel for Respondent, do hereby certify that I have on March 13, 2025, caused *Respondent's Motion to Dismiss* to be served via U.S. Mail, on the opposing party of record, who is proceeding pro se in this matter, at the address shown below:

Dorothy Pierce, pro se  
750 Mourning Dove Lane  
Seneca, SC 29678



J. Patrick Bradley, S.C. Bar #103608  
Haynsworth Sinkler Boyd, P.A.  
P.O. Box 2048  
Greenville, SC 29602  
864.240.3200  
[pbradley@hsblawfirm.com](mailto:pbradley@hsblawfirm.com)

**HAYNSWORTH  
SINKLER BOYD**

HAYNSWORTH SINKLER BOYD, P.A.  
ONE NORTH MAIN STREET, 2<sup>ND</sup> FLOOR  
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www.hsblawfirm.com

**J. PATRICK BRADLEY**  
DIRECT 864.240.4567  
pbradley@hsblawfirm.com

March 13, 2025

**VIA FIRST CLASS MAIL**

Dorothy Pierce, pro se  
750 Mourning Dove Lane  
Seneca, SC 29678

**RECEIVED**  
**Mar 13 2025**  
**SC Court of Appeals**

RE: PlanetONE Packaging, LLC v. Dorothy Pierce, et. al.  
Appellate Case No. 2025-000490

Ms. Pierce:

Please find enclosed for service upon you Respondent PlanetONE Packaging, LLC's Motion to Dismiss, together with a Proof of Service for same, with regard to the above-referenced matter. This was filed with the South Carolina Court of Appeals today.

Please do not hesitate to contact me if you have any questions.

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.

  
J. Patrick Bradley

Enclosures