

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.

Case No. 2023-CP-37-00232
Appellate Case No. 2025-00049

MOTION TO AMEND NOTICE OF APPEAL

Appellant, Dorothy Pierce, respectfully moves this Court for leave to amend her Notice of Appeal filed on March 12, 2025, to include the final order signed by the Circuit Court on March 24, 2025. This motion is made pursuant to Rule 203(f), SCACR, and is supported by the following grounds:

FACTUAL BACKGROUND

1. On March 12, 2025, Appellant filed a Notice of Appeal following the Circuit Court's orders dated January 31, 2025 (determining damages) and February 26, 2025 (denying Appellant's request to cross-examine counsel on attorney's fees).
2. At the time of filing, Appellant reasonably believed that the January 31, 2025, and February 26, 2025, orders were final, as both conclusively resolved the substantive issues in the case. See **Elam v. S.C. Dep't of Transp.**, 361 S.C. 9, 602 S.E.2d 772 (2004) (holding that an appeal may proceed if the court's ruling resolved all substantive matters, even if additional ministerial actions, such as the signing of a formal order, remain pending).
3. On March 24, 2025, after Appellant had already filed her Notice of Appeal, the Circuit Court signed a formal final order prepared by Respondent's counsel as instructed by the Court.
4. Appellant now seeks to amend her Notice of Appeal to include the March 24, 2025 final order to ensure the entire record is properly before the Court.

LEGAL ARGUMENT

1. Rule 203(f), SCACR, provides that an appellant may amend a notice of appeal with leave of the appellate court. Courts routinely permit amendments to a notice of appeal when doing so serves the interests of justice and ensures all relevant issues are properly reviewed.
2. The South Carolina Supreme Court has held that procedural technicalities should not obstruct a litigant's right to appellate review when the party has acted diligently to protect their rights. See **Bowie v. Town of West Pelzer**, 302 S.C. 245, 247, 395 S.E.2d 738, 739 (1990) (noting that technical defects in a notice of appeal should not bar review if no prejudice results).
3. Here, Appellant timely filed her Notice of Appeal on March 12, 2025, within 30 days of receiving written notice of the January 31, 2025, and February 26, 2025, orders. Since the March 24, 2025, order is merely a formal confirmation of those prior rulings, Appellant's initial filing substantially complied with Rule 203(b)(1), SCACR.
4. Permitting this amendment will not prejudice Respondent, as the March 24, 2025, order reflects the same substantive rulings already contested in Appellant's appeal. Furthermore, Respondent's counsel was the party responsible for drafting the March 24, 2025, final order, and thus cannot claim surprise or hardship.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court:

1. Grant Appellant leave to amend her Notice of Appeal to include the March 24, 2025, final order;
2. Grant any further relief this Court deems just and proper.

Respectfully submitted,

Dated March 24, 2025

S/N Dorothy Pierce

DOROTHY PIERCE, Pro Se Plaintiff

750 Mourning Dove Lane, Seneca, SC 29678

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PROOF OF SERVICE

I certify that on March 24, 2025, I served the foregoing Motion to Amend Notice of Appeal utilizing US Postal Service, with appropriate postage thereon, upon all parties of record, as follows:

CHRISTOPHER B. MAJOR

One North main 2nd floor

Greenville South Carolina 29601

S/N Dorothy Pierce

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Pro se Appellant