

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM OCONEE COUNTY

Court of Common Pleas

Hon. R. Lawton McIntosh, Circuit Court Judge

**Appellate Case No. 2024-000739**

Dorothy Pierce . . . . . Appellant,

V.

Jerry Edwards, Edwards Group Holdings, Inc., Edwards Printing, Respondent McDuff; MJM Law, LLC; Riley Morningstar; The Journal Newspaper; Hal Welch.. . . . Respondents.

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**APPELLANT'S MOTION TO STRIKE RESPONDENTS' INITIAL BRIEF AND DESIGNATION OF MATTER AND FOR SANCTIONS AGAINST RESPONDENTS AND RESPONDENTS' COUNSEL, MR. KENAN LOOMIS**

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**I. INTRODUCTION**

Appellant, Dorothy Pierce, respectfully moves this Court to strike Respondents' Initial Brief and Designation of Matter from the record and to impose sanctions against Respondents and their counsel, Mr. Kenan Loomis, for knowingly engaging in a pattern of misrepresentation and bad faith conduct.

Respondents falsely claimed that they served their Initial Brief on March 7, 2025, via FedEx Priority Mail (Tracking No.: 286390107873) and that the document was delivered on March 14, 2025. However, evidence from the Circuit Court record reveals that this same tracking number was previously certified as proof of delivery for an entirely different document — Respondents' Motion for Continuance — not the Initial Brief.

Upon being confronted with this evidence, Respondents shifted their explanation multiple times, claiming first that they had instead emailed the Initial Brief to Appellant (a method explicitly

prohibited by the Court's August 28, 2024 order), and later producing an image of a document with a March 7, 2025 postmark, which lacks a tracking number or delivery confirmation.

Respondents' deliberate misuse of the same FedEx tracking number for two conflicting claims, combined with their shifting narratives and reliance on prohibited email service, demonstrates clear intent to mislead the Court and avoid accountability for failing to properly serve the Initial Brief.

Appellant respectfully requests that this Court strike Respondents' Initial Brief from the record, impose appropriate sanctions for Respondents' repeated misrepresentations, and award costs and fees to Appellant for the undue burden caused by Respondents' misconduct.

## **II. FACTUAL BACKGROUND**

On March 7, 2025, Respondents filed their Initial Brief and Designation of Matter with the Court of Appeals and submitted a Certificate of Service claiming they had served all parties by email and U.S. Mail on that same day. The certificate, however, lacked clarity — it merely stated that “all parties” were served and did not specify whether the Appellant personally received a mailed copy.

On March 13, 2025, Respondents mailed a package to the Appellant in an unrelated lawsuit involving the same parties that is currently being litigated in the Oconee County Circuit Court. This package was sent via FedEx Priority Mail (Tracking No.: 286390107873) and was delivered on March 14, 2025. Respondents initially claimed that this FedEx delivery contained their Initial Brief.

However, on March 13, 2025, Respondents filed a Certificate of Service in the Circuit Court confirming that this same FedEx tracking number pertained to the delivery of their Motion for Continuance — not their Initial Brief.

On March 14, 2025, the Appellant received via FedEx Priority Mail what was specifically Respondents' Response in Opposition to Appellant's Motion for Continuance in the Circuit Court case under case number 2022-CP-3700108 — not the Initial Brief, as Respondents had previously claimed.

Despite this, Respondents continued to insist the March 14 delivery contained their Initial Brief. When confronted with evidence that this was false, Respondents shifted their position, now

claiming they had served the Initial Brief via email on March 7, 2025. However, the Court of Appeals' August 28, 2024 order explicitly prohibits email service upon pro se litigants, rendering this method improper.

When confronted again with this violation, Respondents shifted their narrative once more. This time, they produced an image of a document with a postmark dated March 7, 2025 via slow mail as alleged proof of timely service. However, the image appears to show only the Appellant's mailing address — an address Respondents already had on file. This unexplained image lacks a proper tracking number or delivery confirmation, raising serious doubts about its authenticity and whether this mailing was actually their Initial Brief.

Respondents have failed to provide any tracking number confirming that the purported March 7 mailing was indeed the Initial Brief. The only verifiable tracking number — 286390107873 — was already documented in the Circuit Court record as pertaining to the delivery of Respondents' Motion for Continuance, not the Initial Brief.

This evolving narrative, combined with Respondents' shifting explanations and false claims, clearly demonstrates their intent to manipulate the timeline, deceive the Court, and unfairly prejudice the Appellant. Respondents' actions reflect a deliberate strategy to conceal their failure to properly serve the Initial Brief and gain an improper advantage in this appeal.

### **III. ARGUMENT**

Respondents' conduct clearly demonstrates a deliberate pattern of deception, procedural violations, and bad faith that warrants striking their Initial Brief and imposing sanctions.

#### **A. Respondents Failed to Timely File and Serve Their Initial Brief and Designation of Matter**

Respondents have failed to meet the Court's established deadline for filing and properly serving their Initial Brief and Designation of Matter. Under **Rule 208(a)(4), SCACR**, a Respondent's Initial Brief must be filed and served within **thirty (30) days** after service of the Appellant's Initial Brief. Failure to meet this deadline subjects the Respondent's Initial Brief to being **stricken**.

Respondents initially claimed that their Initial Brief was served via **FedEx Priority Mail** on **March 7, 2025**. However, the package delivered on **March 14, 2025** — identified by the Respondents as their Initial Brief — was later confirmed to be their **Motion for Continuance**, not their Initial Brief. Consequently, this delivery cannot be considered proper service of the Initial Brief.

When confronted, Respondents shifted their position and claimed they had instead served the Initial Brief via **email** on **March 7, 2025**. However, the Court's **August 28, 2024** order expressly prohibits email service on a **pro se** litigant. Therefore, any attempt by Respondents to rely on email service is **invalid** and cannot be considered proper service.

Lastly, Respondents claimed to have mailed their Initial Brief via **slow mail** with no tracking number or confirmation of delivery — further evidence of their ongoing misrepresentation and procedural violations.

Given these circumstances, Respondents have **failed to meet the Court's deadline** to properly file and serve their Initial Brief. Under South Carolina law, documents filed outside the prescribed timeframe are subject to **dismissal or striking**. See **Rule 208(b), SCACR** (authorizing courts to strike untimely briefs);

### **B. Violation of Court-Ordered Service Requirements**

The August 28, 2024 order of the South Carolina Court of Appeals explicitly prohibits service via email upon pro se litigants. Respondents' reliance on improper email service constitutes a direct violation of this Court's order.

Under Rule 262(c), SCACR, service on a pro se litigant must be done via hand delivery or U.S. Mail with proper postage. Respondents' attempt to rely on improper email service — in direct violation of the Court's order — renders their Initial Brief improperly served and procedurally invalid.

Failure to comply with established service procedures is grounds for striking Respondents' Initial Brief. See *Smith v. Jones*, 364 S.C. 508, 613 S.E.2d 372 (Ct. App. 2005) (holding that improperly served documents must be stricken).

### **C. Respondents' False Representation of the March 14, 2025 FedEx Delivery Constitutes Fraud Upon the Court**

Respondents knowingly and deliberately attempted to deceive the Court of Appeals by claiming that their Initial Brief was served via FedEx Priority Mail (Tracking No.: 286390107873) and delivered on March 14, 2025.

However, Respondents had previously filed a Certificate of Service in the Circuit Court identifying this same FedEx tracking number as proof of delivery for a different document — their Motion for Continuance — not the Initial Brief.

The fact that Respondents recycled the same FedEx tracking number in two different courts for two different documents is clear evidence of fraud. Respondents knew this tracking number pertained to their Motion for Continuance and yet falsely claimed it was evidence of their Initial Brief's service in this appeal. This deliberate manipulation of the record constitutes fraud upon the Court and requires that their Initial Brief be stricken.

### **D. Respondents' Shifting Stories and Contradictory Claims Show Bad Faith Conduct.**

Respondents' evolving explanations for their alleged service further demonstrate their calculated efforts to mislead the Court:

- a) March 14, 2025: Respondents claimed the FedEx delivery contained their Initial Brief. This was proven false when Appellant provided evidence that the delivered document was actually Respondents' Motion for Continuance.
- b) March 15, 2025: After being confronted, Respondents shifted their position and claimed they had instead emailed the Initial Brief on March 7, 2025 — a method of service prohibited by the Court's August 28, 2024 order.
- c) March 20, 2025: Respondents abandoned their email claim and produced an image of a document with a postmark dated March 7, 2025, claiming this was proof of proper mailing. However, the image lacks a corresponding tracking number or any confirmation that this mailing contained their Initial Brief. It merely shows Appellant's mailing address — an address Respondents already had in their system — raising doubts about whether this image represents a genuine attempt at service or a fabricated document created to cover their prior falsehoods.

Respondents' multiple contradictory claims reflect an intentional effort to manipulate the timeline and deceive the Court. Such conduct warrants sanctions.

#### **E. Prejudice to Appellant**

Respondents' actions have unfairly prejudiced Appellant by:

- a) Creating unnecessary delays in the appellate process.
- b) Forcing Appellant to expend considerable time and resources investigating Respondents' misconduct.
- c) Obstructing Appellant's ability to respond to Respondents' Initial Brief.

Courts routinely strike documents from the record when procedural violations and intentional misconduct result in prejudice. See *Whiteside v. Cherokee County School Dist. No. 1*, 311 S.C. 335, 428 S.E.2d 886 (Ct. App. 1993).

#### **F. Striking the Initial Brief is the Appropriate Remedy**

The Court has the authority to strike improperly filed or fraudulently served documents. See **Smith v. Jones**, 364 S.C. 508, 613 S.E.2d 372 (Ct. App. 2005) (holding that documents not served in accordance with procedural rules must be struck from the record).

Respondents' Initial Brief was never properly served in accordance with **Rule 262(c), SCACR**, and Respondents' repeated misrepresentations have demonstrated bad faith. Accordingly, the Court should strike the Initial Brief from the record and impose sanctions to deter further misconduct.

#### **G. Respondent Attorney Kenan Loomis Must be sanctioned:**

Sanctions are warranted against Respondents and their counsel due to their deliberate and fraudulent misrepresentations, violation of court orders, abuse of process, and bad faith conduct. Respondents knowingly and falsely claimed that their March 14, 2025 FedEx delivery contained their Initial Brief when, in reality, this delivery contained their Motion for Continuance, as confirmed by their own Certificate of Service filed in the Circuit Court. Respondents attempted to deceive the Court by recycling the same FedEx tracking number for two different documents — a clear act of fraud. When confronted, Respondents shifted their narrative multiple times, first falsely asserting that they had emailed the Initial Brief — a method prohibited by the Court's

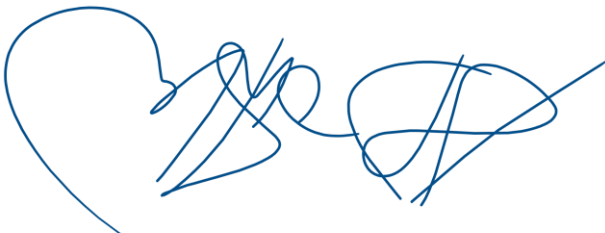
August 28, 2024 order — and later producing an unexplained postmarked envelope image that lacked a tracking number or delivery confirmation. Respondents' evolving narratives, combined with their attempts to evade accountability, demonstrate a calculated strategy to frustrate the Court's review of the case and burden Appellant with unnecessary costs and delays. Their actions resulted in prejudice to Appellant by delaying the appellate process, increasing litigation costs, and forcing Appellant to expend significant time investigating their falsehoods. Respondents' conduct reflects intentional misconduct and bad faith, warranting sanctions to deter further abuse of the judicial process.

#### **IV. PRAYER FOR RELIEF**

For these reasons, Appellant respectfully requests that the Court:

1. Strike Respondents' Initial Brief and Designation of Matter from the record.
2. Impose sanctions against Respondents and their counsel for fraudulent conduct and bad faith.
3. Award Appellant reasonable costs and fees incurred in addressing Respondents' misconduct.
4. Grant such other relief as the Court deems just and appropriate.

Respectfully submitted, March 17, 2025



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DOROTHY PIERCE

750 Mourning Dove Ln. Seneca, South Carolina 29678

(864) 324-3247

dorothypierce84@gmail.com

FOR THE APPELLANT

# The South Carolina Court of Appeals

Dorothy Pierce, Appellant,

v.

Jerry Edwards; Edwards Group Holdings; Edwards Printing; Richard Hunt McDuff; MJM Law, LLC; Riley Morningstar; The Journal Newspaper; and Hal Welch, Respondents.

Appellate Case No. 2024-000739

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## ORDER

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This appeal arises out of a Form 4 order granting summary judgment. The Form 4 order dated March 20, 2024, indicates a formal order is to follow. Respondents Richard Hunt Duff and MJM Law, LLC, filed a motion to dismiss the appeal as interlocutory. Appellant filed a return, as well as a motion to allow late filing of the return. Appellant argues the Court should accept her return out-of-time because Respondents did not properly serve her with notice of their motion to dismiss. Respondents filed a return indicating they served Appellant, who is a self-represented litigant, by emailing her a copy of their motion to dismiss, and Appellant filed a reply. Appellant's motion is granted, and the return to the motion to dismiss is accepted as filed.<sup>1</sup>

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<sup>1</sup> We take this opportunity to remind counsel for Respondents that Rule 262(c), SCACR, permits service by electronic means in a manner provided by Supreme Court order. Pursuant to the Supreme Court's order *Re: Methods of Electronic Filing and Service Under Rule 262, SCACR* dated April 24, 2024, service by email is only permitted by a lawyer admitted to practice law in South Carolina upon another lawyer admitted to practice law in South Carolina using the lawyer's primary email address. Service upon self-represented litigants shall be made as set forth by Rule 262(c)(1)-(2), SCACR (defining service as hand-delivery or depositing a copy in the U.S. mail).

Appellant filed a motion to amend her return to the motion to dismiss. Respondents did not file a return. The motion is granted, and the amended return is accepted as filed.

Appellant also filed a motion to amend her notice of appeal. On April 2, 2024, the circuit court issued its formal order granting Respondents' motion to dismiss. Appellant claims she did not receive written notice of entry of the order until July 13, 2024. She filed a second notice of appeal showing service on August 10, 2024. *See* Rule 203(b)(1), SCACR (requiring service of the notice of appeal within 30 days after receipt of written notice of entry of the order or judgment). Respondents did not file a return to the motion to amend the notice of appeal. Appellant's motion is granted, and Respondents' motion to dismiss is denied.

Appellant must provide proof of having ordered the transcript in accordance with Rule 207, SCACR, within 10 days of the date of this order or the appeal will be dismissed.



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FOR THE COURT

Columbia, South Carolina

cc:  
Dorothy Pierce  
William S Bingham, Esquire  
Chad R. Bowman, Esquire  
Maxwell S. Mishkin, Esquire  
Dakota Erin Knehans, Esquire  
P. Christopher Smith, Jr., Esquire  
James P. Walsh, Esquire  
Kenan G. Loomis, Esquire  
Charles A. Kinney, Jr., Esquire

**FILED**  
**Aug 28 2024**

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**Lack of Proper service of Respondent's Initial Brief -Court of Appeals Case No. 2024-000739**

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Dorothy Pierce &lt;dorothypierce84@gmail.com&gt;

Mon, Mar 17, 2025 at 10:39 PM

To: Court Of Appeals Filings &lt;ctappfilings@sccourts.org&gt;

Cc: "Loomis, Kenan" &lt;kloomis@cozen.com&gt;, "White, Christina" &lt;CWhite@cozen.com&gt;, "Bowman, Chad R." &lt;BowmanChad@ballardspahr.com&gt;, Chris Smith &lt;csmith@clarksonwalsh.com&gt;, "Mishkin, Maxwell S." &lt;MishkinM@ballardspahr.com&gt;, "Cooper, Kimberly" &lt;KCooper@cozen.com&gt;, Shawn Bingham &lt;sbingham@fmglaw.com&gt;

Dear Clerk,

Counsel for Respondent, **Mr. Loomis**, is incorrect, and his assertion that they mailed the **Initial Brief of Respondent** via **Tracking No.: 286390107873** is **fraudulent**.

On **March 14, 2025**, Appellant received via **FedEx Priority Mail** what was specifically the **Respondent's Opposition to Appellant's Motion for Continuance** in a lower court case under case number **2022-CP-3700108** — **not** the Initial Brief as claimed by the Respondent.

In this opposition, the Respondent sought to block the Appellant's previously approved travel plans to Africa. However, these travel plans had already been authorized by **Judge McIntosh** following the Appellant's submission of substantial evidence **through an in-camera review**, which demonstrated that her family member had been abducted on **February 25, 2025**, and that the children were in **critical danger**.

The Respondent's tracking number for the FedEx delivery was created on **March 13, 2025**, and the document was delivered by **next-day mail** on **March 14, 2025**. [See the attached Tracking History]

Furthermore, the Respondent claimed to have filed their **Initial Brief** with the court on **March 7, 2025**, and submitted a **certificate of service** asserting that they had served the Appellant on that same day. However, in reality, the Respondent **never mailed the Initial Brief** on March 7, 2025. The Respondent now asserts that they mailed the Initial Brief on **March 13, 2025**, claiming it was delivered on **March 14, 2025**.

The only document delivered via **overnight service** on **March 14, 2025**, was the **Respondent's Motion for Continuance** — **not** the Initial Brief. It appears that the Respondent rushed to send this document in an attempt to block the Appellant's scheduled travel plans for **March 15, 2025**, and to force her to attend their deposition scheduled for **March 17, 2025**, despite the Appellant's **extenuating circumstances** and the **life-threatening situation** involving her children and the caregiver responsible for the Appellant's children in Africa.

Despite knowing this, the Respondent knowingly misrepresented that the document delivered on **March 14, 2025** was their Initial Brief.

The Appellant departed for Africa on **March 15, 2025**, yet as of today, the Initial Brief has still **not been delivered**, as confirmed by documents collected from the mailbox on behalf of Appellant today.

Given the Respondent's failure to properly serve the Initial Brief as required, the Appellant respectfully requests that the **Respondent's Initial Brief be stricken from the record for lack of proper service**.

Thank you for your time and attention to this matter.

Sincerely,

[Quoted text hidden]

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**DOROTHY PIERCE**

[Quoted text hidden]

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 **Tracking- Opposition to Motion for Continuance.pdf**  
280K

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**Lack of Proper service of Respondent's Initial Brief -Court of Appeals Case No. 2024-000739**

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**Loomis, Kenan** <kloomis@cozen.com>

Mon, Mar 17, 2025 at 9:28 PM

To: Dorothy Pierce <dorothypierce84@gmail.com>, Court Of Appeals Filings <ctappfilings@sccourts.org>, "White, Christina" <CWhite@cozen.com>, "Bowman, Chad R." <BowmanChad@ballardspahr.com>, Chris Smith <csmith@clarksonwalsh.com>, "Mishkin, Maxwell S." <MishkinM@ballardspahr.com>, "Cooper, Kimberly" <KCooper@cozen.com>, Shawn Bingham <sbingham@fmglaw.com>

To the contrary, it was delivered at 10:24 on Friday, March 14

Your shipment was delivered 286390107873

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**Kenan Loomis****Member | Cozen O'Connor**The Promenade, [1230 Peachtree Street NE Suite 400](#) | Atlanta, GA 30309

P: 404-572-2028 F: 866-591-9127 C: 404-281-9916

[Email](#) | [Bio](#) | [Map](#) | [cozen.com](#)

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**From:** Dorothy Pierce <dorothypierce84@gmail.com>**Sent:** Monday, March 17, 2025 2:11 PM**To:** Court Of Appeals Filings <ctappfilings@sccourts.org>; White, Christina <CWhite@cozen.com>; Bowman, Chad R. <BowmanChad@ballardspahr.com>; Chris Smith <csmith@clarksonwalsh.com>; Loomis, Kenan <kloomis@cozen.com>; Mishkin, Maxwell S. <MishkinM@ballardspahr.com>; Cooper, Kimberly <KCooper@cozen.com>; Shawn Bingham <sbingham@fmglaw.com>**Subject:** Lack of Proper service of Respondent's Initial Brief -Court of Appeals Case No. 2024-000739**\*\*EXTERNAL SENDER\*\***

[Quoted text hidden]

**Notice: This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, an employee or agent of the intended recipient who is responsible for delivering it to the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) is not a waiver of any attorney/client or other privilege.**

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**Lack of Proper service of Respondent's Initial Brief -Court of Appeals Case No. 2024-000739**

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Dorothy Pierce &lt;dorothypierce84@gmail.com&gt;

Mon, Mar 17, 2025 at 11:13 PM

To: "Loomis, Kenan" &lt;kloomis@cozen.com&gt;

Cc: Court Of Appeals Filings &lt;ctappfilings@sccourts.org&gt;, "Kinney, Charles A." &lt;CAKinney@cozen.com&gt;, "White, Christina" &lt;CWhite@cozen.com&gt;, "Bowman, Chad R." &lt;BowmanChad@ballardspahr.com&gt;, Chris Smith &lt;csmith@clarksonwalsh.com&gt;, "Mishkin, Maxwell S." &lt;MishkinM@ballardspahr.com&gt;, "Cooper, Kimberly" &lt;KCooper@cozen.com&gt;, Shawn Bingham &lt;sbingham@fmglaw.com&gt;

Mr. Loomis should refer to the August 28, 2024 order issued by the South Carolina Court of Appeals, in which the Court specifically warned Respondent against utilizing any form of service other than those prescribed by the applicable rules including service by email upon a pro se Appellant.

The Court's order stated:

**"We take this opportunity to remind counsel for Respondents that Rule 262(c), SCACR, permits service by electronic means only in a manner provided by Supreme Court order. Pursuant to the Supreme Court's order Re: Methods of Electronic Filing and Service Under Rule 262, SCACR dated April 24, 2024, service by email is only permitted by a lawyer admitted to practice law in South Carolina upon another lawyer admitted to practice law in South Carolina using the lawyer's primary email address. Service upon self-represented litigants shall be made as set forth by Rule 262(c)(1)-(2), SCACR (defining service as hand-delivery or depositing a copy in the U.S. mail).**


Despite this clear directive, Mr. Loomis has disregarded the Court's instructions. Not only has Mr. Loomis failed to comply with the proper method of service, but he has also failed to address the **misrepresentation** concerning the alleged mailing of the Initial Brief. Instead, Mr. Loomis has now shifted his position to claim that the document was **emailed**, which directly contradicts the Court's explicit directive in the **August 28, 2024** order. [Copy is attached herein]

Thank you,

Dorothy Pierce, Appellant

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 **Pierce v. Edwards - Order August 28 2024 Regarding service by email.pdf**  
552K

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**Lack of Proper service of Respondent's Initial Brief -Court of Appeals Case No. 2024-000739**

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**Loomis, Kenan** <kloomis@cozen.com>

Mon, Mar 17, 2025 at 10:46 PM

To: Dorothy Pierce &lt;dorothypierce84@gmail.com&gt;, Court Of Appeals Filings &lt;ctappfilings@sccourts.org&gt;, "Kinney, Charles A." &lt;CAKinney@cozen.com&gt;

Cc: "White, Christina" &lt;CWhite@cozen.com&gt;, "Bowman, Chad R." &lt;BowmanChad@ballardspahr.com&gt;, Chris Smith &lt;csmith@clarksonwalsh.com&gt;, "Mishkin, Maxwell S." &lt;MishkinM@ballardspahr.com&gt;, "Cooper, Kimberly" &lt;KCooper@cozen.com&gt;, Shawn Bingham &lt;sbingham@fmglaw.com&gt;

Here is the email demonstrating Appellant was served the Initial Brief on March 7, 2025.

**Kenan Loomis****Member | Cozen O'Connor**The Promenade, [1230 Peachtree Street NE Suite 400](#) | Atlanta, GA 30309

P: 404-572-2028 F: 866-591-9127 C: 404-281-9916

[Email](#) | [Bio](#) | [Map](#) | [cozen.com](#)

[Quoted text hidden]

[Quoted text hidden]

----- Forwarded message -----

From: "Ingram, Christine" &lt;CIngram@cozen.com&gt;

To: Dorothy Pierce &lt;dorothypierce84@gmail.com&gt;, "sbingham@fmglaw.com" &lt;sbingham@fmglaw.com&gt;, "rpatrick@plw.law" &lt;rpatrick@plw.law&gt;, "dpatrick@plw.law" &lt;dpatrick@plw.law&gt;

Cc: "Loomis, Kenan" &lt;kloomis@cozen.com&gt;, "Kinney, Charles A." &lt;CAKinney@cozen.com&gt;, Chris Smith &lt;csmith@clarksonwalsh.com&gt;, "jwalsh@clarksonwalsh.com" &lt;jwalsh@clarksonwalsh.com&gt;

Bcc:

Date: Fri, 7 Mar 2025 19:59:33 +0000

Subject: RE: Dorothy Pierce v. McDuff and MJM Law (Court of Appeals Case No. 2024-000739)

Dear Ms. Pierce and Counsel,

Attached is a copy of Respondent's Initial Brief, Designation of Matter, a Form 7 Proof of Service, and a corrected Form 7 Proof of Service which were e-filed with the Court today. Copies of these documents have also been placed in the U.S. Mail to each of you.

Sincerely,

Christine Ingram


(for Attorneys Kenan Loomis and Charles Kinney)


**Christine R. Ingram****Legal Practice Assistant | Cozen O'Connor**The Promenade, [1230 Peachtree Street NE Suite 400](#) | Atlanta, GA 30309

P: 404-572-2026

[Email](#) | [Map](#) | [cozen.com](#)


**5 attachments**

 **Pierce v McDuff - Case No. 2024-000739 - Respondents' Initial Brief.pdf**  
371K

 **Pierce v McDuff - Case No. 2024-000739 - Respondents' Designation of Matter.pdf**  
135K

 **Respondents' Form 7 Proof of Service.pdf**  
125K

 **Amended Form 7 Proof of Service.pdf**  
124K

 **RE: Dorothy Pierce v. McDuff and MJM Law (Court of Appeals Case No. 2024-000739).eml**  
1042K

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	TENTH JUDICIAL CIRCUIT
COUNTY OF OCONEE	)	C.A. NO.: 2022-CP-37-00108
	)	
DOROTHY PIERCE AND AMERICAN	)	
PHARMA MACHINERY, LLC,	)	
	)	
PLAINTIFF,	)	
V.	)	
	)	<b>DEFENDANTS RICHARD HUNT</b>
CLEMENTS ELECTRICAL, INC.; ALTON	)	<b>MCDUFF, MERRELL JAHN &amp;</b>
FREDERICK CLEMENTS JR.; JANET	)	<b>MCDUFF, AND MJM LAW, LLC’S</b>
GAY CLEMENTS; JASON DIX;	)	<b>RESPONSE IN OPPOSITION TO</b>
NICHOLAS BEHRINGER; JEFFERY	)	<b>PLAINTIFF’S MOTION FOR</b>
PILGRAM; SHERRY L. BURGESS;	)	<b>CONTINUANCE</b>
NICHOLSON H. JERRY; FRANCESCO	)	
MAJIA ARMANDO FRANK; MELISSA A.	)	
CHASTAIN; RICHARD HUNT MCDUFF;	)	
MORRELL, JAHN & MCDUFF PA.; MJM	)	
LAW, LCC AND JARED ADAM PIERCE;	)	
	)	
DEFENDANTS.	)	
_____	)	

COME NOW, Defendants Richard Hunt McDuff, Merrell Jahn & McDuff, and MJM Law, LLC (the “Attorney Defendants”), and submit their Response in Opposition to the Motion for Continuance filed by Plaintiff Dorothy Pierce (“Plaintiff”), stating as follows.

**INTRODUCTION**

Plaintiff’s habit of attempting to evade discovery in this case continues. This is the second brief Plaintiff has forced the Attorney Defendants to file to seek her cooperation in attending her deposition—this time, after the Court has ordered her to do so. Nevertheless, she claims that her decades-long involvement in hostile political activities, which shows no sign of stopping, conveniently requires her to evacuate the country two days before her scheduled deposition. Plaintiff should not be permitted to escape her obligations in her own lawsuit any longer.

If what Plaintiff claims about her involvement in political unrest in Uganda and threats to

her safety is true, she will forever have an excuse for not attending her deposition, always able to point to one incident or another that she claims makes her feel unsafe. Plaintiff filed this lawsuit yet refuses to allow the Attorney Defendants to defend themselves against her claims. She cannot use her voluntary and prolonged participation in tumultuous or dangerous activities as an excuse to avoid her obligations in the lawsuit that she herself filed. Plaintiff's Motion for Continuance should be denied.

### **BACKGROUND**

As discussed in prior briefing on the subject, Plaintiff initially refused to sit for her deposition in this case, so on September 12, 2024, the Attorney Defendants unilaterally noticed her deposition for October 14, 2024. Plaintiff then moved to quash the deposition notice on the basis that she previously sat for a deposition in a separate, unrelated case. This Court denied her Motion to Quash, and in an Order dated February 7, 2025, ordered her to appear for her deposition on March 17, 2025.

On March 6, eleven days before Plaintiff's scheduled deposition (which is scheduled more than five months after her first noticed deposition, and more than six months after the Attorney Defendants first unsuccessfully sought her cooperation regarding this issue), Plaintiff emailed the parties seeking a continuance of her deposition based on a bizarre story. She claimed:

On February 25, 2025, my personal assistant and guardian of my children, Oscar Ojok, was abducted by men in military uniforms. He was interrogated and later dropped off in Bukoto, Kampala, but he remained under constant threats until he was abducted again.

I managed to relocate my children to a different location within the country on February 26, 2025, but their safety is not guaranteed. My kids are already being targeted.

I need to leave the country on March 15, 2025, to ensure their safe evacuation. If possible, I kindly request that the deposition be rescheduled to April/ May 2025 to allow me to prioritize my children's safety.

Plaintiff's email enclosed an article from the "Dokolo Post" regarding this incident, which, notably, makes no reference to her children (much less any danger to them) and does not indicate Oscar is the guardian of Plaintiff's children, which would presumably be relevant information, if true, as the article focuses on Plaintiff's political activities. (A copy of the email and article are attached hereto as Exhibit A). Importantly, the article notes the alleged detention might be a lawful arrest. The article also states the guardian called his brother after the incident and told him to remove a Facebook post that claimed he had been abducted. Further, the article states the guardian also told his cousin not to inform anyone what happened, all of which, per the article, makes "it difficult to determine whether Oscar's situation is a legal matter he prefers to handle privately or a case of enforced disappearance." The last paragraph in the anonymous article suggests it was written by political activists rather than reputable journalists, proclaiming: "One thing is clear—silence is not an option. The truth must come to light." This casts doubt on the credibility of the article altogether.

In any event, although this incident allegedly occurred on February 25, Plaintiff did not raise the issue until March 6, conveniently claiming she would be traveling two days before the scheduled deposition. Additionally, and notably, although she contends her children have been in harms way since February 25, she did not plan to travel to Uganda until 18 days later. Given the history of this case, the Attorney Defendants advised Plaintiff they intended to move forward with the Court-ordered deposition and suggested she amend her travel plans to leave the country on March 18—a mere three days after her purported current plan. Plaintiff refused to do so and now seeks to avoid her deposition yet again.

In her Motion for Continuance,<sup>1</sup> Plaintiff claims the situation requires her “immediate travel outside the country,” yet her travel plans are scheduled for almost a month after the incident in question. In addition, she now clarifies that her son is an adult, not a minor. It is unclear why her adult son requires a guardian, but regardless, she does not explain why she herself must leave the country two days before her scheduled deposition when, according to her, she and her family have faced threats to their safety for years, if not decades.

### **ARGUMENT AND CITATION TO AUTHORITY**

South Carolina courts have broad discretion to control discovery in their cases. *See, e.g., In re Anonymous Member of S.C. Bar*, 552 S.E.2d 10, 18 (S.C. 2001); *Jamison v. Ford Motor Co.*, 644 S.E.2d 755, 761 (S.C. Ct. App. 2007); *Skywaves I Corp. v. Branch Banking and Trust Co.*, 814 S.E.2d 643, 656 (S.C. Ct. App. 2018). As the South Carolina Supreme Court has recognized: “Our judges must use their authority to make sure that abusive deposition tactics and other forms of discovery abuse do not succeed in their ultimate goal: achieving success through abuse of the discovery rules rather than by the rule of law.” *In re Anonymous Member*, 552 S.E.2d at 18.

Plaintiff’s conduct throughout this case shows she is trying to do just that, seeking to evade her discovery obligations in the hopes of preventing the disclosure of evidence harmful to her case. Such conduct should not be tolerated. Plaintiff has been ordered to appear for her deposition, and she fails entirely to show why the political strife in which she has been involved, according to her, for two decades, requires her to leave the country at the last second before her deposition in this case is scheduled to occur. Plaintiff knew of the alleged longstanding political unrest in which she

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<sup>1</sup>On September 13, 2024, this Court entered an Order stating, “the parties are given warning about the necessity of properly serving pleadings and other documents as the Rules of Civil Procedure Require. Failure to do so could result in Sanctions.” Plaintiff’s Motion was not served upon the Attorney Defendants but was only discovered by their counsel as he reviewed the docket in preparation for Plaintiff’s deposition.

is involved when she filed this lawsuit and cannot now use it to escape participation. If her political activities prevent her from complying with the rules and Orders in this lawsuit, she should dismiss it. Otherwise, granting a continuance now will set a precedent allowing Plaintiff to avoid her deposition permanently, as she apparently will always be able to point to some political upheaval in another country as a reason she should not appear. This result is untenable.

Lastly, Plaintiff alleges granting the requested continuance will not prejudice the Attorney Defendants, but there can hardly be a greater prejudice to their defense than the inability to depose the individual asserting claims against them in this lawsuit. If allowed, Plaintiff undoubtedly will continue to evade her deposition, and further drag out this lawsuit, in perpetuity. The Attorney Defendants respectfully request that this Court put a stop to Plaintiff's discovery abuses and deny her Motion for Continuance.

### **CONCLUSION**

WHEREFORE, for the reasons stated above, the Attorney Defendants respectfully request an Order denying Plaintiff's Motion for Continuance.

[Signature on following page]

Respectfully submitted,

COZEN O'CONNOR

*s/ Charles Kinney*

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*Attorneys for Defendants Richard Hunt McDuff,  
Merrell Jahn & McDuff, and MJM Law, LLC*

March 13, 2025  
Columbia, South Carolina

**CERTIFICATE OF SERVICE**

I, Charles A. Kinney, hereby certify that on March 13, 2025, I electronically filed the foregoing **DEFENDANT RICHARD HUNT MCDUFF, MERRELL JAHN & MCDUFF, AND MJM LAW, LLC'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR CONTINUANCE** with the Clerk of Court; served a true and correct copy of same upon Plaintiff Dorothy Pierce via email ([dorothypierce84@gmail.com](mailto:dorothypierce84@gmail.com)), U.S. Mail, and Federal Express (Tracking No. 286390107873) to her address of record, 750 Mourning Dove Lane, Seneca, SC 29678; and served a true and correct copy of same upon all other counsel/parties of record via email.

*s/ Charles Kinney*  
\_\_\_\_\_  
Charles A. Kinney

**RECEIVED**

**Mar 26 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

Hon. R. Lawton McIntosh, Circuit Court Judge

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Appellate Case No. 2024-000739

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Dorothy Pierce ..... Appellant,

V.

Jerry Edwards, Edwards Group Holdings, Inc., Edwards Printing, Richard Hunt McDuff; MJM Law, LLC; Riley Morningstar; The Journal Newspaper; Hal Welch.. . . . Respondents.

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**PROOF OF SERVICE**

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I, Dorothy Pierce, hereby certify that on this 17<sup>th</sup> day of March 2025, I served a Motion to Strike and Motion for sanctions in the above-captioned appeal upon opposing counsel via electronic service to their respective email addresses. Additionally, a copy was sent by U.S. mail with proper postage affixed, addressed to counsel’s last known mailing addresses as follows:

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