

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.

**RESPONDENT’S RETURN TO APPELLANT’S
MOTION TO AMEND NOTICE OF APPEAL**

This appeal is currently held in abeyance pending the Court’s ruling on PlanetONE Packaging, LLC’s (“Respondent”) Motion to Dismiss Appeal (“Motion to Dismiss”), filed on March 13, 2025. As set forth in the Motion to Dismiss, Appellant Dorothy Pierce a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a Queen Dorothy Amolo’s (“Pierce” or “Appellant”) has, among other grounds for dismissal, not served Respondent with the Notice of Appeal that Appellant filed with this Court on March 12, 2025 and now seeks to amend via her Motion to Amend Notice of Appeal, which was filed March 24, 2025.

Out of an abundance of caution, Respondent submits this brief Return to Appellant’s motion to amend. This appeal stems from two Form 4 orders (dated January 31, 2025 and February

26, 2025) issued by the circuit court regarding Appellant's default judgment status in this case and her failed attempt to challenge Respondent's attorneys' fees affidavit and calculation (which was submitted after the circuit court's damages hearing per the direction of Judge Lawton McIntosh). Upon learning of Appellant's filing of the Notice of Appeal (though not through service of the same from Appellant), Respondent filed a Motion to Dismiss this Appeal the next day, citing numerous independent grounds for dismissal. *See* Resp. Mot. to Dismiss. The Court has not yet ruled on this motion and the appeal is currently marked as "held in abeyance" on C-Track given the filing of Respondent's pending Motion to Dismiss.

Later, on March 24, 2025, Appellant then filed a Motion to Amend Notice of Appeal with the Court, attaching a proposed Amended Notice of Appeal and the circuit court's Final Order, dated March 24, 2025, entering Default Judgment against the Defendants in the lawsuit. By attempting to amend her notice now, Appellant essentially admits the validity of many of the grounds set forth in Respondent's Motion to Dismiss her pending appeal under the current Notice.

Further, Appellant's arguments in her instant Motion to Amend Notice of Appeal do not provide her the cover she seeks to try and cure defects in her failure to serve the original Notice of Appeal on Respondent (among other failings, as further outlined in Respondent's Motion to Dismiss). For example, in her instant motion, Appellant cites to Rule 203(f), SCACR (a rule that does not exist) for support that she should be permitted to amend her notice of appeal. Further, Appellant's own argument in her motion supports dismissal: "the March 24, 2025[] order is merely a formal confirmation of those prior rulings"; thus, Pierce argues her "initial filing [Notice of Appeal] substantially complied with Rule 203(b)(1), SCACR." She claims she is not really amending anything substantive about her prior notice, which further confirms her last-minute attempt to avoid dismissal now.

Respondent acknowledges and informs the Court that Appellant indeed—for the first time in this appeal—served counsel for Respondent with her pending Motion to Amend Notice of Appeal via U.S. Mail on March 27, 2025. The entire service package that Respondent’s counsel received, including the envelope (which, as an aside, is clearly not Pierce’s own handwriting) is attached hereto as **Exhibit A** for reference. Notably missing is the actual Notice of Appeal at issue in this Appeal; it still has not been served on Respondent.

As mentioned above and as fully-briefed in Respondent’s still-pending Motion to Dismiss, as of the date of this filing, Appellant has failed to serve the current Notice of Appeal as required by the rules and Supreme Court orders regarding service by pro se parties on represented parties. Indeed, the proof of service filed with this Court by Appellant for the Notice of Appeal shows, on its face, that Appellant only emailed the notice to counsel for Respondent. *See* Resp. Mot. to Dismiss; *see also* Rule 262(b), SCACR “Any document filed with the appellate court shall be accompanied by proof of service showing the document has been served by all parties.” This is simply not service under the rules and is grounds for dismissal. *See* Rule 262(c), SCACR.

In Appellant’s own words – “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.” (App. Mot. to Amend. at p. 1). Even now, Appellant does not argue that her proposed amendment of her current Notice of Appeal would do anything other than make a full record – simply put, she relies upon the prior, unserved Notice of Appeal as the basis for her appeal and issues before the Court, and dismissal is appropriate given these facts.

Accordingly, given the above and the record, Respondent does not believe Appellant can seek to amend her current Notice of Appeal given that it was not served, it is untimely, and that Appellant does not herself even argue that she is really amending the substance of the first Notice

of Appeal at all—she has represented that she is simply submitting the March 24, 2025 order to “ensure the entire record” has been received by the Court.

Therefore, Respondent asks that Appellant’s motion be dismissed or denied, that Respondent’s pending motion be granted, and that the remittitur be issued consistent with Rule 221, SCACR.

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, 2nd Floor

P.O. Box 2048 (29602)

Greenville, SC 29601

(864) 240-3200

cmajor@hsblawfirm.com

pbradley@hsblawfirm.com

Attorneys for Respondent PlanetONE Packaging, LLC

April 3, 2025

Greenville, South Carolina

Exhibit A

UNITED STATES
POSTAL SERVICE.

Retail

P

US POSTAGE PAID

\$10.10

Origin: 29604
03/25/25
4502170272-06

PRIORITY MAIL®

0 Lb 6.30 Oz

RDC 03

EXPECTED DELIVERY DAY: 03/27/25

SHIP TO:

C006



FL 2
1 N MAIN ST
GREENVILLE SC 29601-2772

USPS TRACKING® #



9505 5104 2881 5084 1827 52



PS00001000014

EP14F October 2023

**PRIORITY®
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*Queen Dorothy
750 Mourning Dove Lane
Seneca SC 29678*

*Christopher B. Major
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Greenville SC 29601*

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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

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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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/aDorothy Aleweny a/k/a Queen Dorothy
Amolo is the Appellant.

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

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

DOROTHY PIERCE, Pro Se Plaintiff

750 Mourning Dove Lane, Seneca, SC 29678

Dorothypierce84@gmail.com

Pro se Appellant

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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Of whom Dorothy Pierce a/k/a Dorothy Wells a/k/aDorothy Aleweny a/k/a Queen Dorothy Amoio is the Appellant.

Case No. 2023-CP-37-00232

Appellate Case No. 2025-00049

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CHRISTOPHER B. MAJOR

One North main 2nd floor
Greenville South Carolina 29601

S/N Dorothy Pierce

DOROTHY PIERCE, Pro Se Plaintiff

750 Mourning Dove Lane, Seneca, SC 29678

Dorothypierce84@gmail.com

Pro se Appellant

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM OCONEE COUNTY
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Aleweny a/k/a QueenDorothy Amolo, Defendants,

Of whom Dorothy Pierce a/k/a Dorothy Wells a/k/aDorothy Aleweny a/k/a Queen Dorothy
Amolo is the Appellant.

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

AMENDED NOTICE OF APPEAL

Pursuant to Rule 203(f), SCACR, Appellant, Dorothy Pierce, hereby submits this Amended Notice of Appeal to include the final order signed on March 24, 2025. This amendment supplements the original Notice of Appeal filed on March 12, 2025.

NOTICE IS HEREBY GIVEN that Appellant, Dorothy Pierce, appeals to the South Carolina Court of Appeals from the following orders issued by the Honorable R. Lawton McIntosh, Circuit Court Judge:

1. Order on Damages dated January 31, 2025;
2. Order Denying Cross-Examination on Attorney's Fees dated February 26, 2025; and
3. Final Order dated March 24, 2025.

This appeal is taken from each of these orders, including all underlying rulings, factual findings, and conclusions of law. Appellant contends that these orders contain reversible errors of law and procedural irregularities that resulted in significant prejudice.

Dated March 24, 2025

S/N Dorothy Pierce

DOROTHY PIERCE, Pro Se Plaintiff

750 Mourning Dove Lane, Seneca, SC 29678

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/aDorothy Aleweny a/k/a Queen Dorothy Amoio is the Appellant.

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

PROOF OF SERVICE

I certify that on March 24, 2025, I served the foregoing Amended 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

DOROTHY PIERCE, Pro Se Plaintiff
750 Mourning Dove Lane, Seneca, SC 29678
Dorothypierce84@gmail.com
Pro se Appellant

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF OCONEE
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

 CASE NO. 2023-CP-37-00232

PlanetONE Packaging, LLC

American Pharma Machinery, LLC

and Dorothy Pierce a/k/a Dorothy Wells
 a/k/a Dorothy Aleweny a/k/a Queen
 Dorothy Amolo

PLAINTIFF(S)

DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: See attached written order, jointly and severally entering default judgement against Defendants.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
PlanetONE Packaging, LLC	American Pharma Machinery, LLC and Dorothy Pierce a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a Queen Dorothy Amolo	\$262,130.33

		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**
E-Filing Note: in E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge	Judge Code	Date
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For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)	ATTORNEY(S) FOR THE DEFENDANT(S)
	CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE
(Instructions for Information Only-Not to be filed with Form 4C)

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.
2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

The attorney or prevailing party will prepare and attach the Form 4C when submitting the proposed order that includes judgment enrollment information for the judgment index. The judge will review and sign Form 4C when he or she signs an order that includes judgment enrollment information for the judgment index.

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).
4. The "Information for the Judgment Index" section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the "Judgment in Favor of" column, enter the name of the party to whom the judgment is awarded. In the "Judgment Against" column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the "Judgment Amount" column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate "N/A" in one of the boxes in this section of the form.
5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.
6. The section "For the Clerk of Court Office Use Only" should be completed by the clerk as it has been with the previous version of Form 4.
7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.
8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through "Circuit Court Judge" and indicate "Arbitrator" in the signature block.

9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title "Circuit Court Judge" below the signature line and indicate the appropriate title.
10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.
11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the "Judgment Amount To Be Enrolled" box.
12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.
13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.
14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.



Oconee Common Pleas

Case Caption: Planetone Packaging Llc VS American Pharma Machinery Llc ,
defendant, et al
Case Number: 2023CP3700232
Type: Order/Judgment by Default and Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

Electronically signed on 2025-03-24 11:43:54 page 6 of 6

CERTIFIED TRUE COPY
MAR 24 2025
CLERK OF COURT
OCONEE COUNTY, SC

A circular stamp with the text "CLERK OF COURT" and "OCONEE COUNTY, SC" around the perimeter, and "MAR 24 2025" in the center.

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

IN THE COURT OF COMMON PLEAS
C.A. No.: 2023-CP-37-00232

PlanetONE Packaging, LLC,
Plaintiff,

ORDER OF DEFAULT JUDGMENT

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.

Based on the facts set forth in the Affidavit of Default, the undisputed facts set forth in Plaintiff's Amended Complaint, Plaintiff's Motion for Default Judgment as to All Defendants (filed August 17, 2023), Plaintiff's Memorandum in Support of Plaintiff's Damages for January 29, 2025 Damages Hearing (filed January 29, 2025), arguments of counsel and testimony of witness(es) at the January 29, 2025 Damages Hearing, Plaintiff's Affidavit of Attorney's Fees (filed January 31, 2025), and all other filings and facts on record in this matter, it appears to this Court that Defendants American Pharma Machinery, LLC, and Dorothy Pierce a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a Queen Dorothy Amolo (collectively "Defendants") are in default and that Plaintiff is entitled to judgment against Defendants, jointly and severally, for the damages and relief sought in the Amended Complaint.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that Defendants are in default.

IT IS FURTHER ORDERED that based on the evidence, pleadings, arguments of counsel, documents on file with the Court, and witness testimony, I find and conclude that Plaintiff is entitled to an award of the following against Defendants, jointly and severally:

- Actual damages in the amount of Seventy-Four Thousand Seven Hundred and Eighty-Eight Dollars (\$74,788.00), trebled under the South Carolina Unfair Trade Practices Act, for a total of Two Hundred and Twenty-Four Thousand, Three-Hundred and Sixty-Four Dollars (\$224,364.00), plus interest at the judgment rate from the date of this Order until paid in full; and
- Reasonable attorneys' fees and costs of Plaintiff, totaling Thirty-Seven Thousand Seven Hundred and Sixty-Six Dollars and Thirty-Three Cents (\$37,766.33), plus interest at the judgment rate from the date of this Order until paid in full.

For a total judgment amount of **Two-Hundred and Sixty-Two Thousand One-Hundred Thirty Dollars and Thirty-Three Cents (\$262,130.33)**, plus interest from the date of this Order at the judgment rate until paid in full.

IT IS SO ORDERED.

_____, 2025
Oconee, South Carolina

The Honorable R. Lawton McIntosh
Tenth Judicial Circuit



Oconee Common Pleas

Case Caption: Planetone Packaging Llc VS American Pharma Machinery Llc ,
defendant, et al
Case Number: 2023CP3700232
Type: Order/Judgment by Default and Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

Electronically signed on 2025-03-24 11:44:05 page 3 of 3



CERTIFIED TRUE COPY
MAR 24 2025
CLERK OF COURT
OCONEE COUNTY, SC

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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,

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Case No. 2023-CP-37-00232

Appellate Case No. 2025-00049

RETURN TO RESPONDENT'S MOTION TO DISMISS

Appellant, Dorothy Pierce, respectfully submits this response in opposition to Respondent's Motion to Dismiss the appeal. Respondent's motion is based on inaccurate claims regarding the timeliness, service, and validity of Appellant's appeal

SUMMARY OF FACTS AND MERITS OF APPELLANT'S APPEAL.

- I. Appellant was improperly sued as an individual despite having no contractual obligation.
- II. Respondents failed to establish any legal grounds to impose personal liability on Appellant or to pierce the corporate veil.

- III. The Court's failure to consider Appellant's extraordinary circumstances, including her urgent travel abroad following the tragic death of her close friend, resulted in an unjust default judgment.
- IV. Appellant was deprived of her right to a fair hearing when Respondent withheld critical evidence and improperly served a lengthy Memorandum in Support of Damages and exhibits at the start of the hearing, leaving Appellant no meaningful opportunity to review the material or respond.
- V. Respondent's attorney engaged in fraudulent and defamatory conduct, including submitting a proposed order seeking \$276,000 in damages — a figure that directly contradicted Plaintiff's sworn testimony, in which Plaintiff's representative testified that they sought only a refund of \$22,788 plus attorney's fees.
- VI. Respondent's excessive and fraudulent damages claim was a clear misrepresentation of the evidence presented in court, designed to unjustly enrich Respondent.
- VII. Appellant took reasonable steps to mitigate Respondent's alleged damages by offering a \$9,000 support machine at no additional cost to assist with Respondent's production needs, proposing that Respondent keep both machines at no extra charge once their ordered machine was delivered, and ultimately offering a full refund plus attorney's fees to amicably resolve the dispute.
- VIII. Respondent failed to mitigate damages by rejecting Appellant's reasonable offers, choosing instead to escalate the matter through prolonged litigation, thereby disqualifying them from seeking excessive damages that could have been reasonably avoided.
- IX. Appellant was unfairly disadvantaged and effectively discriminated against by the South Carolina Supreme Court rule that permits attorneys to file and pay fees online while requiring pro se litigants to mail all original documents. This procedural imbalance resulted in Appellant's Motion to Dismiss being delayed and ultimately returned as undeliverable, directly contributing to the default judgment against her.
- X. Respondent's attorney exploited procedural technicalities by filing a Motion to Dismiss Appellant's appeal just one day after Appellant mailed her Notice of Appeal — a time frame that made it impossible for the mailed notice to have arrived, demonstrating bad faith and an attempt to mislead the Court.

- XI. The January 31, 2025 order was a final ruling on damages, and the February 26, 2025 order was a final ruling on attorney's fees, conclusively resolving all remaining matters in the case. Respondent's claim that these orders were interlocutory is baseless and an improper attempt to avoid appellate review.
- XII. After Appellant filed her Notice of Appeal on March 12, 2025, the judge instructed Respondent's attorney to draft a formal final order. To date, this order has not been signed or entered, leaving the case in procedural limbo. Appellant intends to amend her appeal accordingly once this final order is issued.

FACTUAL BACKGROUND

1. The dispute originates from a contract entered into exclusively between PlanetONE Packaging, LLC (Respondent) and American Pharma Machinery, LLC (APM), a limited liability company. Appellant, Dorothy Pierce, was not a party to the contract in her personal capacity; rather, she acted solely as a company representative on behalf of APM. Under South Carolina law, individuals acting within the scope of their role in a limited liability company are protected from personal liability unless they have explicitly assumed such responsibility — which Appellant never did. Despite this legal protection and the absence of any personal involvement in the contract, Respondent wrongfully pursued legal action against Appellant individually, improperly holding her accountable for obligations that rested solely with APM.
2. Following the contract, American Pharma Machinery, LLC (APM) faced unavoidable delays that postponed the manufacturing process. Specifically, Bank of America experienced delays in transferring APM's initial deposit funds, which were required to purchase materials necessary to begin production of the capsule counting machine. After several weeks of delay, the transferred funds were returned to APM before they could be forwarded to the manufacturing partner, further delaying production. These circumstances were entirely beyond APM's control and were not caused by any negligence or wrongdoing on APM's part.
3. Despite these setbacks, APM proceeded with production once the deposit issues were resolved. Upon completion, APM recorded and sent a video of the machine's initial setup to Respondent for approval. Although the machine was not yet fully debugged and required additional adjustments to ensure optimal functionality, Respondent unexpectedly began

- XI. The January 31, 2025 order was a final ruling on damages, and the February 26, 2025 order was a final ruling on attorney's fees, conclusively resolving all remaining matters in the case. Respondent's claim that these orders were interlocutory is baseless and an improper attempt to avoid appellate review.
- XII. After Appellant filed her Notice of Appeal on March 12, 2025, the judge instructed Respondent's attorney to draft a formal final order. To date, this order has not been signed or entered, leaving the case in procedural limbo. Appellant intends to amend her appeal accordingly once this final order is issued.

FACTUAL BACKGROUND

1. The dispute originates from a contract entered into exclusively between PlanetONE Packaging, LLC (Respondent) and American Pharma Machinery, LLC (APM), a limited liability company. Appellant, Dorothy Pierce, was not a party to the contract in her personal capacity; rather, she acted solely as a company representative on behalf of APM. Under South Carolina law, individuals acting within the scope of their role in a limited liability company are protected from personal liability unless they have explicitly assumed such responsibility — which Appellant never did. Despite this legal protection and the absence of any personal involvement in the contract, Respondent wrongfully pursued legal action against Appellant individually, improperly holding her accountable for obligations that rested solely with APM.
2. Following the contract, American Pharma Machinery, LLC (APM) faced unavoidable delays that postponed the manufacturing process. Specifically, Bank of America experienced delays in transferring APM's initial deposit funds, which were required to purchase materials necessary to begin production of the capsule counting machine. After several weeks of delay, the transferred funds were returned to APM before they could be forwarded to the manufacturing partner, further delaying production. These circumstances were entirely beyond APM's control and were not caused by any negligence or wrongdoing on APM's part.
3. Despite these setbacks, APM proceeded with production once the deposit issues were resolved. Upon completion, APM recorded and sent a video of the machine's initial setup to Respondent for approval. Although the machine was not yet fully debugged and required

demanding a refund. This demand came after APM had already invested significant resources in producing the machine in accordance with the contract. Respondent's premature refund request ignored APM's ongoing efforts to resolve the remaining technical issues and ensure the machine's proper performance.

- a) Appellant made several reasonable attempts to resolve the dispute before trial:
She offered to provide a support machine valued at \$9,000 at no additional cost to assist Respondent's production needs while their ordered machine was being prepared and delivered. This was not a replacement machine, but rather a temporary solution to minimize disruption to Respondent's operations.
 - b) She later proposed that Respondent keep both machines at no extra charge once the ordered machine was delivered, as an added measure of goodwill to resolve the dispute.
 - c) Despite these reasonable efforts, Respondent rejected the offer of a free support machine and instead chose to hire an attorney and pursue litigation, disregarding Appellant's attempts to resolve the matter amicably.
4. In May 2023, Appellant had to urgently travel to Uganda following the tragic assassination of her close friend, Col. Charles Okello Engola Macodwogo, a prominent Ugandan government official by his bodyguard on May 2, 2023, in Kampala, Uganda. This unexpected event required her immediate departure for burial.
 5. Before leaving for Uganda, Appellant was served with the Summons and Complaint. Due to her urgent travel plans, Appellant was unable to respond before her departure.
 6. On June 1, 2023, while still in Uganda, Appellant mailed her Motion to Dismiss through Posta Uganda to both the Court and Respondent's counsel. This motion was returned as undeliverable, a fact Appellant was unaware of until her return to the United States at the end of July 2023.
 7. Upon learning that her Motion to Dismiss had not been received, Appellant promptly informed the Court, filed a new motion to dismiss Respondent's complaint, and provided supporting evidence of her attempt to respond.

8. On October 31, 2023, during a hearing, the Court directed Appellant to provide proof of her attempted filing and mailing. Appellant provided receipts and tracking information to the respondent and the court. On November 8, 2023, Appellant's assistant, Oscar Ojok, submitted a sworn affidavit confirming that he personally mailed the Motion to Dismiss on June 1, 2023.
9. Despite providing this evidence, the Court disregarded Appellant's diligent efforts and entered a default judgment against her.
10. In January 2024, Appellant also offered a settlement of a full refund in machine cost plus attorney's fees to resolve the matter amicably. Respondent's lawyers indicated that they would talk to their client but showed little interest after this.
11. On January 22, 2025, Appellant requested that Respondent provide all exhibits, evidence, and documents they intended to present at the upcoming damages hearing. Despite this request, Respondent withheld these materials until the day of the hearing.
12. On January 29, 2025, on the day of the hearing of damages, Respondent's attorney improperly served Appellant with a lengthy Memorandum in Support of Damages and supporting exhibits in person at the start of the hearing. In this submission, Plaintiff's attorney included several baseless claims for damages that could not be verified, especially when served moments before the hearing began. This deprived Appellant of her right to review the material and prepare an informed response.
13. Appellant objected to this unfair tactic, but Judge McIntosh denied her objection without allowing her a meaningful opportunity to address the issue.
14. During the January 29, 2025 hearing, Respondent's representative, Ms. Karen Davidson, testified under oath that Respondent was only seeking a refund plus attorney's fees.
15. The exact refund amount testified to by Plaintiff's representative, Ms. Karen Davidson, during the January 29, 2025 hearing was **\$22,788.00**. Despite this, Respondent's counsel later submitted a proposed order seeking **\$276,000** in damages — which directly contradicted the evidence presented in court.

16. On March 5, 2025, Appellant emailed the Court seeking clarification on whether the January 31, 2025 Form 4 Order was considered final or if a formal order would follow. The Court never responded.
17. Due to the lack of response, Appellant filed a Notice of Appeal on March 12, 2025, to protect her appellate rights.
18. Respondent's attorney, Patrick Bradley, repeatedly sent defamatory and inflammatory emails directly to the judge. In one email dated March 14, 2025, Bradley falsely accused Appellant of attempting to "hide, disburse, or transfer assets" based on an unverified and unsubstantiated anonymous tip.
19. These defamatory accusations were designed to prejudice the Court against Appellant and discredit her defense without evidence.
20. Respondent's attorney also ignored **Rule 5(b)(3), SCRCP** by failing to provide Appellant with a copy of the proposed order for review before submitting it to the Court.
21. Respondent also violated **Rule 6(e), SCRCP** by failing to add the required five additional days for responses when service was made by mail, rendering their deadline claims inaccurate.
22. The Court denied Appellant's valid objection to Respondent's improper service tactics and failed to hold Respondent accountable for repeated procedural violations.
23. Despite Appellant's clear efforts to comply with legal procedures, the Court failed to consider her extraordinary circumstances, including her urgent travel abroad following a personal tragedy.
24. Appellant's diligent attempts to respond to the lawsuit, provide settlement options, and protect her legal rights were met with unjust decisions, improper legal tactics by Respondent, and defamatory conduct designed to discredit her.
25. Appellant's reasonable settlement offers, compliance with legal obligations, and documented attempts to respond to the lawsuit demonstrate her good faith, while Respondent's conduct reflects intentional manipulation, deception, and bad faith litigation.

ARGUMENT

I. Appellant's Notice of Appeal Was Timely Filed and Properly Served

Respondent's claim that Appellant's Notice of Appeal was untimely is unsupported by both the facts and South Carolina law. Under **Rule 203(b)(1), SCACR**, the 30-day time period to file a notice of appeal begins upon the **receipt of written notice of entry of the order**, not on the date the order is signed or mailed. The rule is clear and states:

"A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment." – Rule 203(b)(1), SCACR.

In this case, Appellant received the January 31, 2025, order via ordinary mail on February 13, 2025. This date — not January 31, 2025 — properly triggers the 30-day appeal period. Consequently, Appellant's March 12, 2025, filing was timely.

II. Respondent Failed to Provide Proof of Earlier Delivery

Respondent claims that the January 31, 2025, order was mailed on the same day it was issued. However, Respondent has failed to provide any proof of delivery to establish when Appellant actually received the order. South Carolina courts have long recognized that ordinary mail does not reliably confirm the exact date of receipt. In **Wigfall v. Tideland Utilities, Inc.**, 354 S.C. 100, 580 S.E.2d 100 (2003), the court held that when there is a dispute over the date an order is received, the burden is on the moving party to provide evidence of the actual delivery date.

Here, Respondent offers no tracking information or other verifiable proof confirming that Appellant received the order before February 13, 2025. Without such evidence, Respondent's assertion that the order was received earlier is speculative and unsupported. As the moving party seeking dismissal based on untimeliness, Respondent bears the burden of proof — a burden they have failed to meet.

III. Rule 6(e), SCRPC Extends the Deadline for Mail Service

Respondent's reliance on **Rule 6(e), SCRPC** is misplaced. Rule 6(e) extends the response deadline by five additional days after a party has received the mailed order. Since Appellant received the order on February 13, 2025, her deadline to file a notice of appeal, including the five-day extension under Rule 6(e), was **March 19, 2025**. Appellant filed her Notice of Appeal

on March 12, 2025 — seven days before the deadline, making her appeal timely under South Carolina law.

IV. Appellant Properly Served the Notice of Appeal in Accordance with Rule 203(b), SCACR

Respondent's claim that Appellant failed to properly serve the Notice of Appeal is false and misleading. On March 12, 2025, Appellant deposited a copy of the Notice of Appeal in the United States Postal Service (USPS) mail addressed to Respondent's counsel, in full compliance with **Rule 203(b), SCACR**. South Carolina law expressly permits service by mail. See **Rule 5(b)(1), SCRPC**.

In addition to mailing the Notice of Appeal, Appellant also sent a **courtesy email** to Respondent's counsel on March 12, 2025, attaching the Notice of Appeal. While email service is not intended to replace formal service, this courtesy email provided Respondent with prompt notice of the filing as a professional gesture.

Despite these efforts, Respondent filed its **Motion to Dismiss** on **March 13, 2025** — just one day after Appellant mailed the Notice of Appeal. Under ordinary USPS timelines, it would have been impossible for Respondent to have received the mailed Notice of Appeal by this date. This confirms that Respondent's claim of non-service was knowingly false. Respondent's rush to file its motion demonstrates bad faith and an attempt to discredit Appellant.

V. Orders of January 31, 2025, and February 26, 2025, Were Final and Not Interlocutory

Respondent incorrectly argues that the January 31, 2025, and February 26, 2025, orders were interlocutory and not immediately appealable. This argument is unfounded. Under South Carolina law, an order that resolves the substantive rights of the parties is considered final and appealable. See **Tillman v. Tillman**, 420 S.C. 246, 249, 801 S.E.2d 757, 758 (Ct. App. 2017).

The January 31, 2025 order conclusively determined damages, stating:

"DAMAGES AWARDED EXCLUDING ATTORNEY'S FEES..."

This clear language demonstrates that the order was final concerning damages. The issue of attorney's fees is a **collateral matter** that does not affect the finality of the damages ruling. South Carolina law is clear that an order determining liability or damages — while reserving

only attorney's fees — is **final** and immediately appealable. See **Bowen v. Lee Process Systems Co.**, 431 S.C. 636, 848 S.E.2d 445 (Ct. App. 2020).

The February 26, 2025, order similarly resolved all remaining issues regarding attorney's fees, stating:

"DEFENDANT'S REQUEST TO CROSS EXAMINE IS UNTIMELY AND THEREFORE DENIED. ORDER ISSUED WITHOUT A FORMAL HEARING. NO FORMAL ORDER IS REQUESTED."

By declaring that "no formal order is requested," the Court confirmed that all substantive issues had been resolved and no further action was required. Together, these two orders closed the case and rendered the judgment final under South Carolina law.

VI. Appellant's Appeal Is Meritorious and Warrants Judicial Review

Appellant's appeal is based on several significant legal errors and procedural violations:

- i. **Appellant Was Improperly Sued as an Individual Despite Having No Contractual Obligation:** Respondent wrongfully pursued Appellant in her individual capacity despite the absence of any contractual obligation. South Carolina law clearly prohibits holding individuals personally liable for the debts of an LLC unless specific grounds for piercing the corporate veil are established. In *Sturkie v. Sifly*, 280 S.C. 453, 313 S.E.2d 316 (Ct. App. 1984), the court stated that "[t]he corporate veil may only be pierced if it is established that the corporate form was being used to perpetuate fraud or injustice." Similarly, in *Columbia Furniture Co. v. Thiel*, 268 S.C. 218, 232 S.E.2d 417 (1977), the court emphasized that shareholders or corporate representatives are not personally liable unless they abuse the corporate structure. Respondent failed to provide evidence that Appellant misused the LLC structure or engaged in conduct that justifies piercing the corporate veil.
- ii. **Respondent Failed to Establish Any Grounds to Impose Personal Liability on Appellant:** The burden of proving grounds for piercing the corporate veil rests with the party seeking to hold an individual personally liable. In **Multimedia Publishing of S.C., Inc. v. Mullins**, 314 S.C. 551, 431 S.E.2d 569 (1993), the court held that a plaintiff must demonstrate that the defendant exercised such control over the LLC that the company was essentially an alter ego, and that the misuse of the corporate form resulted in fraud or

injustice. Respondent failed to meet this burden, and no evidence supports piercing the corporate veil.

- iii. **The Court's Failure to Consider Appellant's Extraordinary Circumstances Resulted in an Unjust Default Judgment:** Appellant's urgent travel abroad following the tragic assassination of her close friend, Col. Charles Okello Engola Macodwogo, was an extraordinary circumstance that warranted relief from a default judgment. In **Micronics, Inc. v. S.C. Dep't of Revenue**, 345 S.C. 506, 548 S.E.2d 223 (Ct. App. 2001), the court held that excusable neglect due to unforeseen circumstances may justify setting aside a default judgment. Likewise, in **Wham v. Shearson Lehman Bros., Inc.**, 298 S.C. 462, 381 S.E.2d 499 (Ct. App. 1989), the court vacated a default judgment where the party's failure to respond was caused by factors beyond their control. The court's refusal to acknowledge Appellant's circumstances and her diligent attempts to respond resulted in an unjust ruling.
- iv. **Appellant Was Deprived of a Fair Hearing Due to Respondent's Withholding of Evidence:** Appellant's due process rights were violated when Respondent withheld critical evidence and served an extensive Memorandum in Support of Damages at the start of the hearing. In **Goodson v. Am. Bankers Ins. Co.**, 295 S.C. 400, 368 S.E.2d 687 (Ct. App. 1988), the court held that a party is entitled to reasonable notice and an opportunity to respond to evidence before a ruling is entered. By withholding evidence and presenting it without warning, Respondent deprived Appellant of her right to fair notice and an opportunity to present her defense.
- v. **Respondent's Attorney Engaged in Fraudulent Conduct and Misrepresented Damages:** Respondent's attorney submitted a proposed order seeking \$276,000 in damages despite Plaintiff's sworn testimony that they were only seeking a refund of \$22,788 plus attorney's fees. This conduct constitutes a deliberate misrepresentation intended to mislead the court. In **Edwards v. Freeman**, 220 S.C. 58, 66 S.E.2d 232 (1951), the court held that presenting false or misleading information in judicial proceedings constitutes fraud upon the court and justifies appellate intervention. Respondent's excessive damages request clearly contradicts the evidence presented at trial and warrants reversal.
- vi. **Respondent's Damages Claim Was Excessive and Misleading:** Respondent's inflated damages claim was an intentional misrepresentation designed to mislead the court. In **Hendricks v. Clemson Univ.**, 353 S.C. 449, 578 S.E.2d 711 (2003), the court held that

fraudulent or exaggerated claims presented as fact warrant correction by the appellate court. Respondent's conduct clearly aligns with this standard.

- vii. **Appellant Took Reasonable Steps to Mitigate Respondent's Alleged Damages:** Appellant actively attempted to minimize Respondent's losses by offering a \$9,000 support machine at no additional cost, proposing that Respondent keep both machines at no extra charge, and later offering a full refund plus attorney's fees. In **Winchester v. Griffin**, 298 S.C. 387, 380 S.E.2d 289 (Ct. App. 1989), the court held that a party who takes reasonable steps to mitigate damages should not be penalized when those efforts are ignored. Respondent's rejection of Appellant's reasonable offers further demonstrates that Respondent contributed to the prolonged litigation.
- viii. **Respondent Failed to Mitigate Damages:** Under South Carolina law, a party cannot recover excessive damages if they reject reasonable offers that could have minimized their losses. In **Floyd v. Horry Cnty. Sch. Dist.**, 351 S.C. 233, 569 S.E.2d 343 (Ct. App. 2002), the court stated that a party has a legal duty to mitigate their damages. Respondent's refusal to accept Appellant's offers disqualifies them from seeking excessive recovery.
- ix. **Appellant Was Unfairly Disadvantaged by Filing Rules for Pro Se Litigants:** Appellant faced an unfair procedural disadvantage because the South Carolina Supreme Court's rules permit attorneys to file electronically while requiring pro se litigants to mail all original documents. This procedural inequality caused Appellant's Motion to Dismiss to be delayed and ultimately returned as undeliverable. In **Ham v. Strickland**, 354 S.C. 458, 581 S.E.2d 133 (Ct. App. 2003), the court recognized that procedural disadvantages for pro se litigants may undermine due process.
- x. **Respondent Exploited Procedural Technicalities to Mislead the Court:** Respondent's attorney filed a Motion to Dismiss Appellant's appeal just one day after Appellant mailed her Notice of Appeal, knowing that the mailed notice could not have reasonably arrived by that time. In **Tri-County Ice Cream, Inc. v. S.C. Nat'l Bank**, 298 S.C. 24, 377 S.E.2d 474 (1989), the court held that courts may deny relief when a party exploits procedural rules in bad faith. Respondent's conduct here aligns with this standard.
- xi. **The January 31, 2025 Order and February 26, 2025 Order Were Final Orders:** The January 31, 2025 order conclusively ruled on damages, and the February 26, 2025 order conclusively resolved attorney's fees, ending all substantive issues. In **Elam v. S.C. Dep't of**

Transp., 361 S.C. 9, 602 S.E.2d 772 (2004), the court held that an order is considered final if it resolves all substantive matters, even if a ministerial action, such as the signing of a formal order, remains pending.

- xii. **Pending Final Order Following Appellant’s Notice of Appeal:** After Appellant filed her Notice of Appeal on March 12, 2025, the judge instructed Respondent’s attorney to prepare a final order. As of this filing, that order remains unsigned. In **Coble v. Coble**, 330 S.C. 568, 500 S.E.2d 523 (Ct. App. 1998), the court clarified that where substantive issues are resolved but a final written order is delayed, a party may file a protective appeal to preserve appellate rights. Appellant intends to amend her appeal once the final order is signed.

VII. Appellant Will Amend Her Notice of Appeal Once the Final Order Is Signed

Following Appellant’s timely filing of her Notice of Appeal on **March 12, 2025**, the Court instructed Respondent’s counsel to prepare a final order. As of the filing of this response, that final order has **not yet been signed**. Under South Carolina law, an appeal may proceed even if a final order has not yet been entered, so long as the substantive issues have been conclusively resolved. 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).

In accordance with **Rule 203(f), SCACR**, Appellant intends to amend her Notice of Appeal to include the final order once it is entered. Rule 203(f) permits amendments to a notice of appeal if a subsequent final order is issued while an appeal is pending. Appellant’s timely appeal effectively preserved her right to challenge all issues determined by the court, and the absence of the signed final order does not render her appeal defective.

Accordingly, Appellant respectfully requests that the Court deny Respondent’s Motion to Dismiss and allow her to amend her Notice of Appeal once the final order is entered.

PRAYER FOR RELIEF

WHEREFORE, Appellant respectfully requests that this Court:

1. Deny Respondent's Motion to Dismiss the Appeal;
2. Declare that Appellant's Notice of Appeal was timely filed and properly served in accordance with Rule 203(b)(1), SCACR;
3. Recognize that the January 31, 2025 Order on Damages and the February 26, 2025 Order on Attorney's Fees were final orders, conclusively resolving all substantive issues in the case;
4. Hold that Respondent's claim of interlocutory orders is without merit;
5. Acknowledge that Appellant acted diligently in filing her appeal and seeking clarification on the finality of the orders;
6. Find that Respondent's excessive and fraudulent damages claim, coupled with their misrepresentation of sworn testimony, constitutes misconduct warranting appellate review;
7. Hold that Respondent's failure to mitigate damages and their rejection of Appellant's reasonable offers disqualifies them from claiming excessive damages;
8. Acknowledge that Appellant's Motion to Dismiss was delayed due to unfair procedural disadvantages faced by pro se litigants and consider this imbalance when determining relief;
9. Recognize that Respondent's attempt to exploit procedural technicalities and mislead the Court was made in bad faith;
10. Permit Appellant to amend her Notice of Appeal once the pending final order is signed by the Court;
11. Grant any such other and further relief as this Court deems just and proper.

Dated March 23, 2025

S/N Dorothy Pierce

DOROTHY PIERCE, Pro Se Plaintiff

750 Mourning Dove Lane, Seneca, SC 29678

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/aDorothy Aleweny a/k/a Queen Dorothy Amoio is the Appellant.

Case No. 2023-CP-37-00232

Appellate Case No. 2025-00049

PROOF OF SERVICE

I certify that on March 24, 2025, I served the foregoing Return to Respondent's Motion to Dismiss 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

DOROTHY PIERCE, Pro Se Plaintiff

750 Mourning Dove Lane, Seneca, SC 29678

Dorothypierce84@gmail.com

Pro se Appellant

RECEIVED

Apr 03 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.

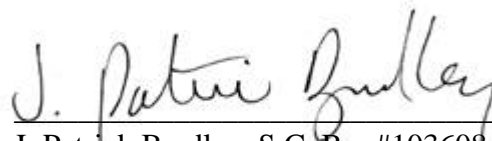
American Pharma Machinery, LLC, and Dorothy Pierce a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a Queen Dorothy Amolo Defendants,

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

PROOF OF SERVICE

I, the undersigned counsel for Respondent, do hereby certify that I have on April 3, 2025, caused *Respondent's Return to Appellant's Motion to Amend Notice of Appeal* to be served via U.S. Mail, on the opposing party of record, Appellant, 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
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J. PATRICK BRADLEY
DIRECT 864.240.4567
pbradley@hsblawfirm.com

April 3, 2025

VIA FIRST CLASS MAIL

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

RE: *PlanetONE Packaging, LLC v. American Pharma Machinery, LLC, and
Dorothy Pierce a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a
Queen Dorothy Amolo*
Appellate Case No.: 2025-000490


Ms. Pierce:

Please find enclosed for service upon you Respondent PlanetONE Packaging, LLC's *Return to Appellant's Motion to Amend Notice of Appeal*, together with a Proof of Service for same, with regard to the above-referenced matter.

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

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.



J. Patrick Bradley

Enclosure