

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS  
JUDICIAL CIRCUIT

COUNTY OF Oconee

FILED OCONEE COUNTY, SC: 2023-CP-370-0232  
MELISSA C. BORTON  
CLERK OF COURT

Plandone Packaging LLC

vs.

American Phone Machinery et al

Plaintiff  
Defendant.

MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET

RECEIVED

Aug 11 2025

SC Court of Appeals

Plaintiff's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: _____, Bar No. _____ Address: <u>750 Manning Drive in Seneca SC 29678</u> Phone: _____ Fax <u>804324-3247</u> E-mail: _____ Other: <u>condy@peva.com</u>
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- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: Dispute contest  
 Estimated Time Needed: \_\_\_\_\_ Court Reporter Needed:  YES /  NO

SECTION II: Motion/Order Type

Written motion attached  
 Form Motion/Order  
 I hereby move for relief or action by the court as set forth in the attached proposed order.  
 Signature of Attorney for  Plaintiff /  Defendant [Signature] Date submitted 02/14/2025

SECTION III: Motion Fee

- PAID - AMOUNT: \$ \_\_\_\_\_
- EXEMPT: (check reason)
  - Rule to Show Cause in Child or Spousal Support
  - Domestic Abuse or Abuse and Neglect
  - Indigent Status  State Agency v. Indigent Party
  - Sexually Violent Predator Act  Post-Conviction Relief
  - Motion for Stay in Bankruptcy
  - Motion for Publication  Motion for Execution (Rule 69, SCRPC)
  - Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
- Name of Court Reporter: \_\_\_\_\_
- Other: \_\_\_\_\_

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.  
 Other: \_\_\_\_\_ JUDGE CODE \_\_\_\_\_  
 Date: \_\_\_\_\_

CLERK'S VERIFICATION

Collected by: [Signature] Date Filed: 2/14/2025  
 MOTION FEE COLLECTED: \$ 25.00 cash pd  
 CONTESTED - AMOUNT DUE: \$ \_\_\_\_\_

FILED OCONEE COUNTY, SC  
 MELISSA C. BORTON  
 CLERK OF COURT  
 2025 FEB 14 P 1:52

SCCA 233 (11/2003)

Copies to: no copies  
 Atty \_\_\_\_\_ (P) \_\_\_\_\_ (D)  
 DSS \_\_\_\_\_ other \_\_\_\_\_  
 Mailed \_\_\_\_\_ Boxed \_\_\_\_\_ handed \_\_\_\_\_



FILED OCONEE COUNTY, SC  
STATE OF SOUTH CAROLINA MELISSA C. BURTON IN THE COURT OF COMMON PLEAS  
COUNTY OF OCONEE CLERK OF COURT TENTH JUDICIAL CIRCUIT

PLANETONE PACKAGING 2025 FEB 14 P 1: 52

*Plaintiff,*

CASE NO.: 2023-CP-37-00232

vs.

AMERICAN PHARMA MACHINERY, LLC.

, DOROTHY PIERCE

*Defendants.*

**DEFENDANT DOROTHY PIERCE'S MOTION TO CONTEST ATTORNEY'S FEES,  
REQUEST FOR CROSS-EXAMINATION OF PLAINTIFF'S ATTORNEY, AND  
OBJECTION TO FRAUDULENT FEE CLAIMS**

COMES NOW the Defendant, Dorothy Pierce, appearing pro se, and moves this Honorable Court to contest Plaintiff's excessive and unjustified attorney's fee request of \$37,766.33. Defendant further seeks to compel Plaintiff to provide a detailed, itemized breakdown of all attorney's fees and costs incurred and requests the right to cross-examine Plaintiff's attorney regarding the claimed fees, billing practices, and lack of supporting documentation.

On February 13, 2025, Defendant received Plaintiff's Affidavit of Attorney's Fees and Costs along with a copy of the Form 4 Order via ordinary mail. The delay in receiving these documents prejudiced Defendant's ability to timely object and respond to the excessive fee request before it was submitted to the court.

The Plaintiff's claim for attorney's fees is grossly inflated, fraudulent, and unsupported by the actual work performed in this case. Plaintiff provides no breakdown of costs or justification for the excessive amount requested, especially considering the limited documented filings in this matter. There was no serious litigation—no depositions, no discovery, and no trial. The only work performed consisted of drafting a complaint, filing a few motions, and appearing at three short hearings, none of which required extensive legal work or significant attorney time. Without an itemized account of specific tasks performed, who completed the work, and how the time was allocated, Plaintiff's fee request is unsubstantiated and should be denied or significantly reduced.

Moreover, in January 2024, Defendant offered Plaintiff a full refund of the amount paid for the equipment, and Plaintiff accepted the offer. However, instead of promptly moving forward to draft a settlement order and resolve the matter, Plaintiff deliberately delayed the process. Plaintiff chose to wait an additional year only to collect the same amount already offered, solely for the purpose of inflating attorney's fees and continuing to bill unnecessary legal costs. This bad faith litigation strategy clearly demonstrates that Plaintiff prolonged the case not for the sake of justice, but to extract excessive legal fees from Defendant.

Additionally, the Court of Appeals has already determined that \$1,000 was a reasonable award for attorney's fees in this case. Despite this, Plaintiff's attorneys are attempting to claim an outrageous \$37,766.33, inflating the hours worked and charging for unnecessary filings and speculative future legal work.

#### **I. REQUEST FOR ITEMIZED BREAKDOWN OF ATTORNEY'S FEES**

Defendant respectfully requests that Plaintiff be required to submit a **detailed, itemized breakdown** of all attorney's fees and costs claimed, but not limited to:

- i. **A full list of all tasks performed**, specifying the exact nature of each legal service provided and costs of tasks performed.
- ii. **The date and duration of each billed task**, including specific time entries reflecting hours worked on each task.
- iii. **The name, title, and hourly rate of each individual who performed billable work**, distinguishing between attorneys, paralegals, and other legal staff.
- iv. **A justification for the excessive 135 hours allegedly billed**, despite the case involving **no depositions, no discovery, no trial, and only three brief hearings**.
- v. **A breakdown of any expenses incurred**, including filing fees, service fees, and other litigation-related costs.
- vi. **Proof of actual payment by Plaintiff** for any fees allegedly incurred, confirming that the requested amount has been paid and is not speculative or inflated.

Once Plaintiff has provided a complete itemized breakdown of fees, Defendant requests the right to **cross-examine Plaintiff's attorney** regarding the claimed fees and billing practices

## **II. PLAINTIFF'S FILINGS AND MINIMAL COURT APPEARANCES**

### **Filings by Plaintiff**

- a) On March 28, 2023, Plaintiff filed its Summons and Complaint, initiating the lawsuit. Later that day, at 3:08 PM, Plaintiff filed an Amended Summons and Complaint, suggesting modifications to their original claims.
- b) On May 16, 2023, Plaintiff filed an Affidavit of Service, confirming that Defendants had been served. This was a standard procedural filing requiring minimal legal effort.
- c) On June 9, 2023, Plaintiff moved for entry of default, claiming Defendant failed to respond. This motion required little legal research or effort since default judgments are straightforward procedural matters.
- d) On August 17, 2023, Plaintiff submitted a Memorandum in Opposition to Defendant Dorothy Pierce's Motion to Dismiss. This was a routine response to Defendant's motion and should not have contributed significantly to the excessive fees requested.
- e) On October 30, 2023, Plaintiff filed a Motion for Continuance of their own Motion for Default Judgment, citing irrelevant reasons. The motion contained excessive and unwarranted details, serving only to delay proceedings and justify unnecessary billable hours.
- f) On January 29, 2025, Plaintiff submitted a Memorandum in Support of Damages on the same day as the scheduled damages hearing at 2:00 PM. However, Defendant was not served with this document until the hearing itself, rendering it procedurally defective and unnecessary. Furthermore, Plaintiff's own client later admitted that she only sought a refund of the amount paid, contradicting Plaintiff's attorney's attempt to claim \$276,000 in damages. The memorandum further included several frivolous and baseless arguments that had no relevance to the case. Defendant should not be forced to pay for Plaintiff's unnecessary document, which contained claims and justifications outside the scope of litigation.
- g) On January 31, 2025, Plaintiff's attorneys filed an Affidavit of Attorney Fees, claiming \$37,766.33 in legal fees despite the fact that no trial, no depositions, and no discovery had

taken place. The affidavit contained frivolous arguments and exaggerated billing, attempting to justify an unreasonable fee amount for minimal work.

### **Limited Court Appearances by Plaintiff**

- a) On August 21, 2023, at 9:30 AM, Plaintiff appeared in court for a 15-minute hearing, which was the only hearing before default judgment was entered. This demonstrates that the case did not involve extensive litigation requiring substantial attorney fees.
- b) On October 31, 2023, at 2:00 PM, Plaintiff appeared before Judge R. Lawton McIntosh for a 15-minute hearing on their Motion for Default Judgment and their own Motion for Continuance—a motion they filed to delay their own proceedings without a valid reason. This delay served no legal purpose and only added to unnecessary billable hours.
- c) On January 29, 2025, at 2:00PM, Plaintiff attended the damages hearing but failed to serve Defendant with their Memorandum in Support of Damages until the hearing itself. This meant that Defendant was given no opportunity to properly respond, further demonstrating Plaintiff's procedural irregularities. Additionally, Plaintiff's attorney wasted time interrogating his own client on irrelevant issues that were outside the scope of the damages hearing.

### **III. DEFENDANTS' LIMITED FILINGS IN THE CIRCUIT COURT**

Unlike Plaintiff, who has engaged in unnecessary and excessive litigation, Defendant has only made a few essential filings in the Circuit Court:

- a) On July 21, 2023, Defendant Dorothy Pierce filed a Motion to Dismiss in response to Plaintiff's lawsuit.
- b) On July 31, 2023, American Pharma Machinery LLC filed a Motion to Set Aside Default to challenge the procedural validity of the default entered against them.
- c) On February 2, 2024, Defendant Dorothy Pierce filed a Motion for Reconsideration, which was summarily denied by the judge on February 6, 2024, without requiring any response from Plaintiff. This demonstrates the court's failure to fully consider the motion while also preventing Defendant from obtaining fair litigation rights.

In contrast to Plaintiff's extensive and unnecessary filings, Defendant has only engaged in essential legal actions that were necessary to protect their rights.

Furthermore, Defendant filed two additional motions related to scheduling irregularities and jurisdictional issues:

- a) On April 5, 2024, Defendant Dorothy Pierce was granted an Order for Protection from Court Appearance. At the time, there was an active appeal pending, and the case was in abeyance. Despite this, hearings were improperly scheduled without jurisdiction over the case.
- b) On November 7, 2024, Defendant Dorothy Pierce filed a Motion for Continuance and Certificate of Service. Again, the case was on appeal, but it was scheduled for a hearing without jurisdiction, in violation of proper legal procedure.

These filings demonstrate that Defendant's involvement in the litigation was minimal and necessary, while Plaintiff engaged in unnecessary filings and prolonged the case to inflate their fees.

#### **IV. FRAUDULENT CLAIMS IN PLAINTIFF'S AFFIDAVIT OF ATTORNEY'S FEES**

Plaintiff's attorney, Christopher B. Major, has made several false and misleading claims in the Affidavit of Attorneys' Fees and Costs in an attempt to justify an excessive fee award. These claims are unsupported by the record and must be closely scrutinized by the Court.

##### **False Claim of Urgency Justifying Inflated Fees**

Plaintiff's attorney states that "Plaintiff urged its counsel to pursue this matter with all promptness and diligence". However, this claim of urgency was self-imposed and not a legitimate basis for excessive fees.

Defendant had already offered a full refund to Plaintiff in January 2024, which Plaintiff accepted but refused to finalize by drafting a settlement order. Moreover, to mitigate any alleged business disruptions, Defendant offered Plaintiff a new machine at no cost to ensure continued production while waiting for the ordered machine to be delivered.

Plaintiff's refusal to accept this reasonable alternative eliminates any justification for urgency. Plaintiff deliberately chose litigation over resolution and intentionally delayed settlement for over a year to inflate legal fees. The urgency claimed by Plaintiff's attorney is therefore entirely manufactured and should not be a factor in awarding excessive fees.

#### **Fraudulent Claim of 135 Hours Billed for Minimal Litigation**

Plaintiff's attorney claims that he and his associates spent **135 hours** on this case. However, the litigation history shows that Plaintiff's legal work was minimal and does not justify such extensive billing.

- No depositions were conducted.
- No discovery was exchanged.
- No trial took place.
- Plaintiff only appeared at three brief hearings, each lasting approximately 15 minutes.

Given the lack of substantive litigation, the claim that 135 hours were spent on this case is blatantly excessive and should be rejected as fraudulent billing.

#### **False Justification for "Anticipated Future Filings"**

Plaintiff's attorney further states that additional time and expense will be necessary to:

- "Collect the subject judgment,"
- "Address the likely erroneous motions to be filed by Defendant(s) after judgment is entered,"
- "Bring this matter to conclusion"

To justify these speculative costs, Plaintiff's attorney inflated the requested amount by an additional \$3,433.30, which accounts for 10% of the total claimed fees.

However, court records show that Defendant has only filed three motions throughout the entire case:

- Motion to Dismiss – Filed July 21, 2023

- Motion to Set Aside Default – Filed July 31, 2023
- Motion for Reconsideration – Filed February 2, 2024 (Summarily Denied on February 6, 2024)

These were routine and necessary motions, none of which resulted in excessive filings or prolonged litigation. There is no basis for Plaintiff's attorneys to claim that Defendant will file additional motions warranting further legal fees.

The request for \$3,433.30 in anticipated future legal fees is fraudulent and should be denied outright.

#### **V. OBJECTIONS TO PLAINTIFF'S ATTORNEY'S FEES**

1. Defendant objects to Plaintiff's request for \$37,766.33 in attorney's fees on the grounds that it is excessive, unjustified, and unsupported by the record. The claimed fees should be denied or significantly reduced as they are based on inflated billing, speculative future filings, self-imposed urgency, and procedural irregularities.
2. First, the litigation in this case was minimal and did not justify extensive legal work. Plaintiff's attorneys claim to have billed 135 hours, yet there was no discovery, no depositions, and no trial. The only litigation consisted of drafting a complaint, filing a few motions, and appearing at three short hearings, each lasting approximately 15 minutes. Given the simplicity of the case, the billed hours are grossly exaggerated and do not reflect the actual work performed.
3. Second, Plaintiff's attorneys cite urgency as a justification for their fees, but this urgency was entirely self-imposed. In January 2024, Defendant offered Plaintiff a full refund, which Plaintiff accepted but refused to finalize by drafting a settlement order. To further mitigate any disruption, Defendant offered Plaintiff a replacement machine at no cost to allow them to continue production while awaiting delivery of their ordered machine. Plaintiff's refusal to accept this reasonable alternative shows that any urgency claimed by Plaintiff's attorneys was manufactured and should not be considered as a basis for inflating legal fees.
4. Third, Plaintiff's request includes a fraudulent claim for speculative future filings. Plaintiff's attorneys have added \$3,433.30 for "anticipated filings" that they assume Defendant will make after judgment is entered. However, court records show that Defendant has only filed three motions in this case:

- i. Motion to Dismiss – Filed July 21, 2023
  - ii. Motion to Set Aside Default – Filed July 31, 2023
  - iii. Motion for Reconsideration – Filed February 2, 2024 (Summarily Denied on February 6, 2024)
5. These motions were legitimate and necessary to protect Defendant's rights, and there is no basis for Plaintiff's attorneys to assume that Defendant will file additional motions that justify further fees. Courts do not award fees for hypothetical legal work that has not yet occurred, making this request fraudulent and improper.
6. Fourth, any filings related to the appeal cannot be included in the Circuit Court's attorney fee request. Plaintiff did not file any response in the Court of Appeals because the appeal was dismissed due to late filing and service. Any filings made by Defendant in the South Carolina Supreme Court were already addressed when the Court of Appeals awarded Plaintiff \$1,000 in attorney's fees. Since the Court of Appeals has already ruled on attorney's fees for appellate proceedings, any fees beyond those incurred in Circuit Court cannot be included in this lower court's fee request. Plaintiff's attempt to recover appellate-related fees in Circuit Court is improper and constitutes an attempt to double-charge for work already ruled upon by the appellate court.
7. Respondent Did Not Defend the Appeal in the Court of Appeals: After Appellant filed a notice of appeal, Respondent did not file any documents to oppose or dismiss the appeal in the South Carolina Court of Appeals. Respondent also failed to register their notice of appearance with the Court of Appeals to defend the appeal. The appeal was dismissed solely on a technicality of service before the Respondent could even respond. Consequently, Respondent did not incur any costs or attorneys' fees related to defending the appeal in the Court of Appeals.
8. Finally, Plaintiff's attorneys delayed serving Defendant with their Affidavit of Attorney's Fees and Form 4 Order, further prejudicing Defendant's ability to timely respond. Defendant did not receive these documents until February 13, 2025, via ordinary mail, despite the importance of these filings. Plaintiff's failure to serve these documents properly raises concerns about whether this delay was intentional, as it limited Defendant's opportunity to

object before the Court considered the fee request. Such procedural irregularities further suggest bad faith litigation tactics and should weigh against granting Plaintiff's excessive attorney's fees.

## **VI. REQUEST FOR RELIEF AND ORDER FOR CROSS-EXAMINATION**

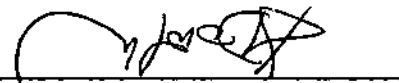
WHEREFORE, Defendant Dorothy Pierce respectfully requests that this Honorable Court deny Plaintiff's request for attorney's fees in its entirety, as the claimed amount of \$37,766.33 is excessive, fraudulent, and unsupported by the actual work performed in this case. Plaintiff has failed to provide any breakdown of costs or justification for the excessive fee request, and the record clearly reflects minimal litigation that does not warrant such an inflated amount.

Defendant further requests that this Court:

- i. Deny Plaintiff's request for attorney's fees in full, as the claimed fees are not supported by the record and constitute an improper attempt to inflate legal costs.
- ii. Strike Plaintiff's request for \$3,433.30 in "anticipated future filings," as courts do not award fees for speculative legal work that has not yet been performed.
- iii. Reject any attempt to include appellate-related fees in this Circuit Court filing, as the Court of Appeals has already ruled on attorney's fees in this case and awarded Plaintiff only \$1,000.
- iv. Find that Plaintiff's delay in serving the Affidavit of Attorney's Fees and Form 4 Order prejudiced Defendant, limiting the ability to timely object, and take appropriate action to remedy this procedural irregularity.
- v. Order Plaintiff's attorney, Christopher B. Major, to appear before the Court for cross-examination regarding the claimed attorney's fees, specifically to:
  - o Provide a fully itemized and detailed breakdown of all time entries, tasks performed, and the individuals responsible for each billed task.
  - o Justify the excessive 135 hours allegedly spent on a case with no depositions, no discovery, no trial, and only three short hearings.

- Explain why appellate-related fees, already adjudicated by the Court of Appeals, have been improperly included in this Circuit Court filing.
  - Provide proof of payment from Plaintiff for any fees actually incurred, to confirm that the amounts requested have been paid and are not speculative or fabricated.
- vi. Grant any other relief the Court deems just and proper under the circumstances.

Submitted this February 14, 2025



DOROTHY PIERCE, Pro Se Defendant  
750 Mourning Dove Lane, Seneca, SC 29678

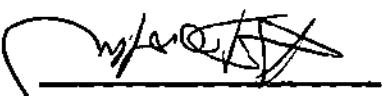
**CERTIFICATE OF SERVICE**

I hereby certify that on February 14, 2025, I served the foregoing Defendant Dorothy Pierce's Motion to Contest Attorney's Fees, Request for Cross-Examination of Plaintiff's Attorney, and Objection to Fraudulent Fee Claims upon the Plaintiff by electronic service via email and by mail with appropriate postage, addressed as follows:

CHRISTOPHER B. MAJOR

I North Main 2<sup>nd</sup> floor  
Greenville South Carolina 29601

FILED OCONEE COUNTY, SC  
MELISSA C. BURTON  
CLERK OF COURT  
2025 FEB 14 P 1:52



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