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SC Court of Appeals

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 Amolo is the Appellant.

Case No. 2023-CP-37-00232

Appellate Case No. 2025-00049

APPELLANT’S MOTION TO STRIKE RESPONDENT’S RETURN TO APPELLANT’S PETITION FOR WRIT OF SUPERSEDES AND FOR SANCTIONS

Appellant Dorothy Pierce (“Appellant”), proceeding pro se, respectfully moves this Honorable Court to strike the impertinent, scandalous, and immaterial matter contained in Respondent’s Return to Appellant’s Petition for Writ of Supersedeas (“the Return”) pursuant to Rule 12(f) of the South Carolina Rules of Civil Procedure.

Furthermore, Appellant moves for the imposition of sanctions against Respondent and its counsel pursuant to the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. § 15-36-10, based on Respondent’s filing of a document containing demonstrably false factual allegations, arguments not warranted by existing law, and matter interposed for the improper purpose of harassing Appellant and prejudicing this Court.

INTRODUCTION

Respondent’s Return is a study in bad-faith litigation tactics. Unable or unwilling to defend the circuit court’s judgment on the merits, Respondent has resorted to a pattern of personal attacks, demonstrably false accusations, and inflammatory rhetoric. This conduct serves no legitimate

purpose; it is designed solely to prejudice the Court against a pro se litigant, misrepresent the record, and distract from the profound legal and procedural errors that require reversal.

This pattern of abuse is not only improper but is sanctionable. Respondent's brief abandons legal reasoning in favor of a relentless barrage of ad hominem attacks and factual misrepresentations that have no place in a court of law. Accordingly, Appellant requests that the Court strike the offending portions of the Return and impose sanctions on Respondent and its counsel for their flagrant violation of the standards of professional and ethical conduct.

ARGUMENT

I. The Court Should Strike the Scandalous and Impertinent Matter from Respondent's Return Pursuant to Rule 12(f), SCRPC.

Rule 12(f) of the South Carolina Rules of Civil Procedure authorizes a court to strike from any pleading "any redundant, immaterial, impertinent, or scandalous matter". While motions to strike are often viewed with disfavor, they are entirely appropriate when a pleading is used not to advance a legal argument, but to launch personal attacks designed to harass an opponent and prejudice the court. Respondent's Return is replete with such material, which has no bearing on the legal questions before this Court and serves only to impugn Appellant's character.

The Return is saturated with language that is, by definition, scandalous and impertinent:

- **Direct Attacks on Character and Honesty:** Respondent repeatedly attacks Appellant's character, labeling her conduct as marked by "habitual and blatant dishonesty" and a deliberate intent to "misrepresent even the most basic and publicly-documented facts" (Return, pp. 1, 3). It further accuses her of engaging in "asset shuffling schemes" and doubling down on "efforts to hide assets." These are not legal arguments; they are baseless, scandalous insults that cruelly reflect on Appellant's moral character.
- **Accusations of Frivolous and Wasteful Litigation:** Respondent dismisses the appeal as a "frivolous endeavor," a "pattern of wasteful litigation," and a "web of frivolous appeal efforts" designed only to "delay and obstruct" (Return, pp. 1, 4, 8). This rhetoric is impertinent, as it improperly asks the Court to pre-judge the merits and dismiss Appellant's substantive legal claims as mere delay tactics rather than addressing the record-based errors she has raised.
- **Condescending and Dismissive Language:** The Return is filled with condescending language intended to belittle Appellant, mocking her efforts as a "frantic" attempt to "invert Rule 241" and accusing her of being in a "refusal to confront the realities" of the judgment (Return, pp. 4, 8). This unprofessional tone serves only to detract from the dignity of the court and prejudice the Court against a pro se litigant.

This language has no possible relation to the legal standards governing a writ of supersedeas. It is a calculated attempt to poison the proceedings with prejudice. Accordingly, this Court should exercise its authority under Rule 12(f) and strike these and all similar statements from the record.

II. Respondent’s Conduct Warrants Sanctions Under the South Carolina Frivolous Civil Proceedings Sanctions Act.

The South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. § 15-36-10, mandates sanctions against any party or attorney who files a pleading that is not well-grounded in fact, is not warranted by existing law, or is interposed for an improper purpose such as to harass or cause unnecessary delay. Respondent’s Return violates this statute in multiple, independent ways.

A. Respondent Made Demonstrably False Factual Allegations to Mislead the Court.

The most egregious violation in the Return is its reliance on statements that are not just argumentative, but factually false.

- **The “AI Hallucination” Accusation Is a Fabrication:** Respondent accuses Appellant of including “AI ‘hallucinated’ case citations” in her petition, specifically referencing *Russo v. Sutton* and *Sturkie v. Sifly* (Return, pp. 4–5 & n.12). This is a demonstrably false and deeply insulting accusation. A simple review of the Petition for Writ of Supersedeas filed on August 11, 2025, confirms that it contains **no case citations whatsoever**. The petition rests exclusively on record-based arguments and transcript cites. Respondent invented this claim out of whole cloth in a malicious attempt to impugn Appellant’s integrity and mislead the Court. This conduct is sanctionable because a reasonable attorney would know the argument was “not reasonably founded in fact”.
- **The Service Argument Is a Re-Litigation of a Settled Issue:** Respondent falsely claims Appellant “never served the Notice of Appeal” (Return, p. 7). This is a knowing misrepresentation of the appellate record. The Court of Appeals already considered and disposed of this exact argument in its May 30, 2025 order, which denied Respondent’s motion to dismiss, consolidated the appeals, and directed the parties to proceed. Respondent’s attempt to re-litigate a settled issue is a violation of the law-of-the-case doctrine and constitutes a frivolous argument that is “clearly not warranted under existing law”.
- **Misrepresentation of the Public Probate Record:** Respondent builds its entire narrative on the false premise that Appellant engaged in a fraudulent transfer scheme. This argument is a malicious misrepresentation of the public record. Respondent deliberately omits that the property transfers were the culmination of a five-year, court-supervised probate proceeding (Case No. 2020ES3700532) that began years before Respondent’s lawsuit. The property was not an “unencumbered” windfall but a debt-ridden estate for which Appellant had to personally advance nearly \$89,000 and assume over \$46,000 in

pre-existing debts. By presenting these court-ordered transfers out of context, Respondent has knowingly presented a false narrative to this Court in violation of its duty of candor.

B. Respondent Has Filed for an Improper Purpose and Threatened Further Abusive Litigation.

The Act also sanctions filings intended to harass or injure the other party. The entire tone of the Return, with its relentless ad hominem attacks, demonstrates an intent to harass Appellant rather than engage her legal arguments.

This improper purpose is confirmed by Respondent’s threat to file a “Renewed Motion to Dismiss Appeal and Motion for Sanctions, the granting of which would moot Appellant’s Motion for Stay” (Return, p. 11). This is a stunning admission. Having already lost a motion to dismiss, Respondent now threatens to file another one, not because new grounds exist, but for the improper purpose of preemptively defeating this petition. This is a textbook example of abusive litigation, and the threat itself demonstrates Respondent’s disregard for the rules of this Court and the principles of judicial economy.

This pattern of misrepresentation, personal attacks, and threats is a clear sign that Respondent cannot defend the judgment on the law or the facts. Such conduct is sanctionable and should be treated by this Court as a tacit concession that the underlying judgment is indefensible.

C. Respondent Improperly Introduced Extra-Record Evidence to Prejudice the Court.

Respondent’s deliberate introduction of documents and facts that are outside the official record on appeal is itself a sanctionable act. Appellate review is strictly confined to the record of the proceedings in the lower court. By attaching exhibits that were never presented to or considered by the circuit court such as emails from an “anonymous tip” and a real estate paralegal— Respondent has attempted to improperly influence this Court with unauthenticated, extra-record material. This conduct is not warranted by the rules of appellate procedure and was undertaken for the improper purpose of misleading and prejudicing this tribunal.

This pattern of misrepresentation, personal attacks, and threats is a clear sign that Respondent cannot defend the judgment on the law or the facts. Such conduct is sanctionable and should be treated by this Court as a tacit concession that the underlying judgment is indefensible.

PRAYER FOR RELIEF

WHEREFORE, for the foregoing reasons, Appellant respectfully requests that this Court enter an Order:

1. **Striking** from Respondent’s Return all impertinent, immaterial, and scandalous matter, including but not limited to the statements identified herein;

2. **Imposing Sanctions** upon Respondent and its counsel for violations of the South Carolina Frivolous Civil Proceedings Sanctions Act;
3. **Awarding Appellant** the reasonable costs and fees, if any, incurred in bringing this Motion, as authorized by S.C. Code Ann. § 15-36-10(G)(1); and
4. Granting such other and further relief as this Court deems just and proper.

Executed this September 18, 2025

S/N Dorothy Pierce

DOROTHY PIERCE, Pro Se Plaintiff

750 Mourning Dove Lane, Seneca, SC 29678