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Sep 19 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.

**RESPONDENT’S RETURN TO APPELLANT’S
MOTION TO STAY AND PETITION FOR A WRIT OF SUPERSEDEAS**

PlanetONE Packaging, LLC (“PlanetONE” or “Respondent”) submits this return in opposition to Dorothy Pierce a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a Queen Dorothy Amolo’s (“Pierce” or “Appellant”) “Petition for a Writ of Supersedeas (Motion for Stay Pending Appeal and Waiver of Supersedeas Bond)” (filed August 11, 2025) (hereinafter the “Motion”).

INTRODUCTION

Appellant’s instant Motion is her latest attempt to delay enforcement of the valid judgment against Appellant and her company/co-defendant American Pharma, LLC; Appellant has been here many times in this case alone, in this current effort that she has presented for this Court’s consideration lacks credibility, merit, and sincerity. This pattern has been clear since January of

this year when the circuit court first entered its order regarding Respondent’s valid and enforceable default judgment against Appellant and American Pharma, jointly and severally. Respondent has briefed varying facts and circumstances that get us here today, and will not rehash them here given that it is the new developments over the past nine (9) months or so that truly reveal Appellant’s intentions are to never recognize the valid judgment against her, and that she is intent on misrepresenting even the most basic and publicly-documented facts to undersigned counsel, the circuit court, and now this Court.

The following truncated timeline of events since default judgment was entered by Judge McIntosh in January of this year provides a look into the chaos that Appellant continues to deliberately create; her frivolous endeavor only accomplishes the waste of time and resources of this Court and Appellant. Indeed:

- **January 31, 2025:** The Honorable R. Lawton McIntosh entered an Order of default judgment in Respondent’s favor against Appellant and American Pharma, jointly and severally. This Form 4 Order awarded damages to Respondent, excluding attorneys’ fees pending the submission of a final affidavit of fees by counsel.¹
- **February 26, 2025:** Following Respondent’s submission of its affidavit of attorneys’ fees, Judge McIntosh entered another Form 4 Order dismissing Appellant’s contest of the attorneys’ fees sought by Respondent.²
- **March 5, 2025:**
 - Appellant, as Personal Representative of her late husband’s estate, previously embroiled in litigation with the heirs, settled that dispute and on March 5th received several parcels of land from the estate by Deed of Distribution recorded in the Oconee County Register of Deeds office.³ This information was not made known to Respondent of the Circuit Court until later.
 - Curiously, on the same day – March 5th – Appellant emailed Judge McIntosh, “inquiring if there will be a formal order...or [if] the form 4 is treated as a final order regarding the default judgment and damages.”⁴

¹ **Exhibit A**, January 31, 2025, Form 4 Order.

² **Exhibit B**, February 26, 2025, Form 4 Order.

³ **Exhibit C**, Deeds [Book/Page: 3191/51; 3191/54; 3191/58; 3191/60; 3191/62; 3191/64].

⁴ **Exhibit D**, March 5, 2025, Email from Appellant.

- **March 11, 2025:** Via anonymous tip, counsel for Respondent became aware of, and informed the Court that, Appellant was “currently in the process of attempting to hide, disburse, or transfer assets” in Oconee County.⁵ A review of the Oconee County Register of deeds showed that transfers of unencumbered real property were beginning from the estate, to Ms. Pierce, and to third-parties.
- **March 12, 2025:**
 - Appellant filed a Notice of Appeal of the Form 4 Orders entered on January 31 and February 26.⁶
 - On the same day, despite public record to the contrary and seemingly believing that the filing of a Notice of Appeal would provide cover for her transfers, Appellant responds to Counsel and to the court denying the allegations that she is attempting to hide or encumber assets such that the judgment could not be satisfied with them.⁷
- **March 13, 2025:** Unfortunately, but perhaps unsurprisingly, the very next day Appellant recorded a series of transactions of the real property; she deeded the same parcels of land received from her late husband’s estate to a company called Apparatus, LLC.⁸
- **March 24, 2025:** Judge McIntosh entered another order confirming his prior entry of default judgment against Appellant, this time defining the damages, costs, and interest - for Two-Hundred and Sixty-Two Thousand One-Hundred Thirty Dollars and Thirty-Three Cents (\$262,130.33) – that apply to the same.⁹
- **May 30, 2025:** It was not over, though; again unsurprisingly, the transfers to Apparatus, LLC were apparently not enough, as Counsel for Respondent received an email from a real estate paralegal with a firm in Seneca, South Carolina, inquiring about the judgment in Respondent’s favor against Appellant. According to a signed authorization and discussions with this real estate firm’s office, Appellant was attempting to complete another unspecified a real estate “transaction” (though the nature of the encumbrance or transfer that she was trying to effect is still unknown to undersigned counsel).¹⁰

For the sake of brevity, there is no need to extend this timeline or summary of new developments further; indeed, Appellant was well aware of the judgment against her, tried to file an appeal, and

⁵ **Exhibit E**, March 11, 2025 Email from Counsel for PlanetONE.

⁶ **Exhibit F**, Appellant’s Notice of Appeal of the January / February Form 4 Orders.

⁷ **Exhibit G**, March 12, 2025, Email from Appellant.

⁸ **Exhibit H**, Deeds to Apparatus, LLC [Book/Page: 3192/294; 3192/296; 3192/298; 3192/300; 3192/302; 3192/305].

⁹ **Exhibit I**, Default Judgment against Appellant.

¹⁰ **Exhibit J**, May 30, 2025, Email from Real Estate Paralegal.

began shifting her assets to evade responsibility and execution of the judgment. Due to Appellant's habitual and blatant dishonesty concerning everything from her service of documents on counsel for Respondent to the nature of her public transfers of real property in the face of a judgment, Respondent has and continues to maintain an active Lis Pendens on the properties, with the most recent being filed on August 26, 2025.¹¹ Appellant fails to realize that execution on her real property in light of the fraudulent transfers was not stayed by her filing of the notice of appeal in this matter; she now frantically tries to back-end a de facto automatic stay as to this money judgment, without support of the rules, facts, procedural posture, or state law regarding the same.

This appeal is Appellant's **fourth** before this Court arising from this circuit court action, furthering a pattern of wasteful litigation designed not to resolve legitimate disputes, but to delay and obstruct Respondent's ability to collect the money it is owed. Her conduct is not an isolated lapse of a pro-se litigant; a quick review of C-Track and the Public Index in this and many other matters reflect a consistent, deliberate strategy that burdens the time and resources of each Court and party in her wake.

Notably, Appellant proceeds pro-se solely on her own behalf. She is the only appellant, as the joint and several judgment against both her and her company, American Pharma, remains uncontested as to American Pharma. In practice, however, Appellant and her company operate as one and the same, which the circuit court's orders confirm, and the distinction between them is meaningless for purposes of this appeal.

In a refusal to confront the realities of Respondent's valid judgment, Appellant now seeks the extraordinary remedy of supersedeas to stay enforcement while she pursues another meritless appeal. It is still unclear what relief Appellant seeks other than to avoid submitting to the valid

¹¹ **Exhibit K**, Lis Pendens.

judgment against her and re-writing state law as to the automatic stay and money judgments. What is more – relevance, preservation, and appealability aside for a moment – a cursory review of her arguments reveals multiple case citations that have many hallmarks of AI hallucinations and AI-assisted writing. If these (and others) are not the result of AI hallucinations or assistance from non-attorney sources then, at worst, these arguments and citations approach the level of intentional distortions of applicable law that is hard to ignore.¹²

Simply, Appellant’s motion rests on a distorted misreading of South Carolina Appellate Court Rule 241 and asks this Court to reward her misconduct by staying enforcement. The motion should be denied outright. Still, if the Court is inclined to grant relief, at a minimum there is no basis for any relief that is not expressly conditioned upon (1) posting of a bond in the full amount of the judgment plus interest and costs; (2) prohibitions against further fraudulent transfers; (3) ordering Appellant to provide all information concerning Apparatus, LLC’s corporate formalities, ownership, and existence; and (4) expedited appellate proceedings

LEGAL STANDARD

“As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order.” Rule 241(a), SCACR. However, the South Carolina Appellate Court Rules acknowledge the rights of judgment creditors by carving out an exception: an appeal from a judgment “directing the payment of money” does not automatically stay the execution of the judgment. Rule 241(b), SCACR; S.C. Code Ann. § 18-9-130 (a)(1), “A notice of appeal from a judgment directing the payment of money does not stay the execution of the judgment unless the

¹² **Exhibit L**, Appellant’s Petition for Writ of Supersedeas. *See, e.g.*, page 2, citation to *Russo v. Sutton*, 310 S.C. 200, 422 S.E.2d 750 (1992)—a case about criminal conversation and the tort of alienation of affections, with no mention of writ of supersedeas. *See, e.g.*, page 2, citation to *Sturkie v. Sifly*, 280 S.C. 453, 313 S.E.2d 316 (Ct. App. 1984), misstating the requirements for piercing the corporate veil.

presiding judge before whom the judgment was obtained grants a stay of execution.” In *Stearns Bank National Association v. Glenwood Falls*, the South Carolina Supreme Court recognized that entry of default bars a direct appeal from a money judgment, unless and until the movant operates through the proper procedural channels and the court finds in their favor. *Stearns Bank Nat. Ass’n v. Glenwood Falls, LP*, 375 S.C. 423, 653 S.E.2d 274, 275 (2007).

In a case not automatically stayed under Rule 241, a party may move for an order imposing supersedeas if certain requirements are met. *See* Rule 241(c)(1), SCACR. This motion must be made first to the trial court, unless “extraordinary circumstances” make it “impracticable.” *Id.* at (d)(1). Rule 241 provides as an example of an extraordinary circumstance “the issuance of an ex parte order or decision, or an unnecessary delay by the lower court or administrative tribunal in ruling on this application.” *Id.*

A supersedeas suspends or stays proceedings to preserve the status quo when it is necessary to do so pending a final disposition of a valid appeal effort. *Id.*; *Melton v. Walker*, 209 S.C. 330, 40 S.E.2d 161, 164 (1946). In considering whether to grant a writ of supersedeas, the court “should consider whether such an order is necessary to preserve the jurisdiction of the appeal or to prevent a contested issue from becoming moot.” Rule 241(c)(2), SCACR. Further, the court may condition the supersedeas upon terms as the court deems appropriate, including requiring a bond. *Id.* at (c)(3).

DISCUSSION

Appellant’s motion misconstrues Rule 241 by seeking a stay of enforcement of the judgment under the facts (and her conduct here), and she offers no bond or security, much less a cogent legal basis for either position. Under these circumstances, a stay is neither warranted nor just and Appellant’s motion should be denied.

I. Appellant Misconstrues Rule 241 in an Attempt to Further Delay Enforcement of a Valid Judgment.

Appellant’s motion is premised on a fundamental misunderstanding of South Carolina Appellate Court Rule 241. Rule 241 provides, in plain terms, that the service of a notice of appeal does not stay execution of a money judgment. Rule 241(b), SCACR; *see also* S.C. Code Ann. § 18-9-130 (a)(1). A judgment creditor in South Carolina may proceed immediately with collection while an appeal is pending. Accordingly, the money judgment against Appellant was never stayed by her filing of appeal, much less by her lack of service upon Respondent of the notice.¹³

Supersedeas is not an automatic entitlement; it is an extraordinary remedy available only when the Court determines such an order is “necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.” Rule 241(c)(2), SCACR. An order for supersedeas must first be made to the trial court—the only exception is for “extraordinary circumstances” that make application to the trial court “impracticable,” such as “the issuance of an ex parte order or decision, or an unnecessary delay by the lower court or administrative tribunal in ruling.” *Id.* at (d)(1). There has been no opportunity for such extraordinary circumstances to occur because Appellant has refused to present her arguments on supersedeas to the circuit court.

Notably, Appellant appears to ignore the requirement of Rule 241 (d)(4)(C), SCACR that any supersedeas sought by this Court be accompanied with “a showing that an application for this relief was made to the lower court...and was unjustifiably denied...A certified copy of the lower court’s... ruling must be included.” *Id.* at (d)(4)(C). Appellant’s meager references in her motion to perceived “procedural unfairness” and “disregard for the evidentiary record” do not provide her

¹³ This issue has been briefed at length. Respondent in no way waives any objections to service, or lack thereof.

the path to supersedeas. A reluctance to accept the valid \$262,130.33 judgment looming over her is not a legitimate indicator of “extraordinary circumstances” or “impracticability.”¹⁴

Likewise, there is no contested issue before the Court that would be mooted if supersedeas was denied here. As of March 25, 2025, Respondent was fully entitled to execute on the judgment. Given various circumstances, obfuscations, public ROD records, and blatant misrepresentations made to the Court by Appellant, Respondent has simply opted, for now, to maintain a lis pendens on Appellant’s known real property asset(s) until the Court resolves her web of frivolous appeal efforts. Given the ongoing efforts to hide these assets behind an LLC that appears not to exist, Respondent would request this Court deny Appellant’s arguments and request for supersedeas given the threat that the judgment will be rendered uncollectable if Appellant is permitted to hide assets and shirk state law. Respondent has done nothing more than maintain its rights through the filing of the lis pendens and limited communications regarding Appellant’s attempted real property transfers.

Appellant’s suggestion that this Court must grant a stay to “preserve the status quo” tellingly fails to inform the Court of what the status quo is.¹⁵ Via this return, Respondent has attempted to shed light on the basics of the current status quo: this Court entered default judgment against Appellant and American Pharma, jointly and severally, for over \$260,000. Appellant recycles her usual laundry list of non-preserved, non-appealable, and non-served issues, and the vehicle she chose to pack these in for the Court’s review this time does not change the merits or facts. Indeed, what Appellant seeks is to invert Rule 241—creating an automatic stay where none exists and shifting all the risk and burden of her apparent new appeal strategy on Respondent. This

¹⁴ **Exhibit L**, Appellant’s Petition for Writ of Supersedeas, page 1.

¹⁵ *Id.*, page 2.

Court should dispose of the pending motion despite Appellant's attempt to turn Rule 241 on its head; this rule almost consistently operates to protect prevailing parties during appeal, not judgment debtors like Dorothy Pierce.

II. Appellant Has Engaged in Fraudulent Transfers to Evade Enforcement, Demonstrating Bad Faith and Heightened Risk of Nonpayment.

Even if Appellant could establish some colorable basis for supersedeas, her consistently dishonest conduct strips her of any claim to relief. On the very day she received property from the settlement of her late husband's estate, Appellant emailed Judge McIntosh, anxious to know whether this Court's Form 4 Orders counted as a final order.¹⁶ Shortly thereafter, and even after being specifically advised of counsel and the Court's notice of her actions, Appellant denied the facts apparent from the real estate records and doubled down on her efforts to hide assets.

Had it not been for an anonymous tip received, Respondent would have been oblivious to Appellant's asset shuffling schemes.¹⁷ Appellant vehemently denied any implication of impropriety yet turned around the next day and deeded the land distributed from her late husband's estate to Apparatus, LLC — an entity whose existence cannot be confirmed by Respondent, as it is not organized under South Carolina law and is not registered as doing business in this State. Interestingly, however, Apparatus, LLC **shares the same mailing address as to Dorothy Pierce's own company, her Co-Defendant in this matter, American Pharma, LLC** — in an obvious attempt to place assets beyond Respondent's reach but well within Appellant's ownership control.¹⁸

¹⁶ **Exhibit C**, Deeds of Distribution [Book/Page: 3191/51; 3191/54; 3191/58; 3191/60; 3191/62; 3191/64]; **Exhibit D**, March 5, 2025, Email from Appellant.

¹⁷ **Exhibit E**, March 11, 2025, Email from Counsel for PlanetONE.

¹⁸ **Exhibit G**, March 12, 2025, Email from Appellant; **Exhibit H**, Quitclaim Deeds to Apparatus, LLC [Book/Page: 3192/294; 3192/296; 3192/298; 3192/300; 3192/302; 3192/305].

III. If the Court Entertains Appellant's Motion, Any Relief Should Be Strictly Conditioned.

Not only is the judgment against Defendants valid, but Appellant has proven again and again that she has no likelihood of success on appeal. This is now Appellant's fourth appeal arising out of the same set of facts. With each unsuccessful appeal, she has forced Respondent to expend additional resources and has burdened the court with repetitive and meritless filings. At best, Appellant is wasting her own resources—squandering her own time and money chasing empty appeals and delay tactics that serve no purpose other than to try and manufacture “extraordinary circumstances.” Accordingly, it is in the best interest of all litigants and the Court to deny her instant motion.

However, if the Court is inclined to grant relief, even in part, it should exercise its necessary authority to impose strict conditions to not only deter the Appellant but to protect Respondent's judgment, including conditions like: (1) posting of a bond in the full amount of the judgment plus interest and costs; (2) prohibitions against further fraudulent transfers; (3) ordering Appellant to provide all information concerning Apparatus, LLC's corporate formalities, ownership, and existence; and (4) expedited appellate proceedings.

Rule 241 grants the Court discretion in conditioning supersedeas on the filing of a bond or terms the Court may deem appropriate. Rule 241(c)(3), SCACR. From the fraudulent transaction at the center of this matter to her attempts to evade a lawful judgment via post-judgment transfers of assets to an LLC of dubious provenance but shares an address with her other business(es), security in the form of a bond would be paramount if the Court opts not to deny Appellant's motion in full. To further secure PlanetONE, the Court must direct Appellant to cease any attempts to scatter her attachable assets. Finally, expedited appellate proceedings are warranted under Rule 241(c)(3) because Appellant has already engaged in fraudulent transfers designed to frustrate

enforcement of the judgment. Every additional day of delay increases the risk that PlanetONE's ability to collect will be permanently impaired. The interest of judicial economy favors prompt resolution of this appeal rather than permitting yet another round of waste.

CONCLUSION

For all the foregoing reasons, Respondent respectfully requests that the Court deny Appellant's Motion for Stay and Petition for a Writ of Supersedeas. In the alternative, if the Court grants any relief, it should be conditioned upon (1) posting of a bond in the full amount of the judgment plus interest and costs; (2) prohibitions against further fraudulent transfers; (3) ordering Appellant to provide all information concerning Apparatus, LLC's corporate formalities, ownership, and existence; and (4) expedited appellate proceedings

Alternatively, Respondent has filed (or plans to file in the immediate future) a Renewed Motion to Dismiss Appeal and Motion for Sanctions, the granting of which would moot Appellant's Motion for Stay and Petition for Writ of Supersedeas.

Respectfully submitted,

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