

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

**APPELLANT’S REPLY TO RESPONDENT’S RETURN TO PETITION FOR WRIT OF
SUPERSEDEAS (RULE 241, SCACR)**

Respondent’s Return does not engage the merits of Appellant’s petition for a stay. Instead, it relies on personal attacks, a misleading timeline of events, and a deliberate misrepresentation of the public record. The respondent’s strategy is clear: to create a smokescreen of character assassination to hide the fact that they cannot defend the unjust, quarter-million-dollar judgment on its legal or factual merits.

This Reply will dismantle the respondent's false narrative and bring the focus back to the dispositive issues before this Court:

1. The judgment is illegitimate. It improperly holds Appellant personally liable for a corporate debt, and the damage award is a fabrication that is directly contradicted by the sworn testimony of the respondent's own witness.

2. The lower court proceedings were fundamentally unfair. The judgment is the product of a "trial by ambush" and a series of procedural traps that violated Appellant's due process rights.
3. A stay is necessary to prevent irreparable harm. The respondent is already engaging in abusive collection tactics, and without a stay, the Appellant's meritorious appeal will be rendered meaningless.

The record, not rhetoric, governs this analysis. Appellant's petition is grounded in filed orders, hearing transcripts, and Respondent's own exhibits, which document a cascade of procedural and substantive errors. Respondent's ad hominem attacks are no substitute for law or fact and provide no basis to deny supersedeas.

ARGUMENT

I. Respondent's Reliance on Sanctionable Rhetoric and Factual Misrepresentations Is a Bad-Faith Attempt to Distract the Court from the Merits.

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.

- a) **Respondent Has Knowingly Misrepresented the Record to This Court.** The most egregious aspect of the Return is its reliance on statements that are not just argumentative, but factually false.
 - i. **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 and specifically page 2 does not have any such case laws.** 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.

- ii. **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 a sanctionable abuse of the judicial process.
- b) **Respondent Has Substituted Inflammatory Rhetoric for Legal Argument.** Throughout its Return, Respondent abandons legal reasoning in favor of a relentless barrage of ad hominem attacks. This language is not zealous advocacy; it is a calculated effort to defame Appellant and poison the proceedings.
- i. **Direct Attacks on Character:** 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). These are not arguments; they are baseless insults.
 - ii. **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 improperly asks the Court to pre-judge the merits and dismiss Appellant's substantive legal claims as mere delay tactics.
 - iii. **Condescending and Dismissive Language:** The Return is replete 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 prejudice the Court against a pro se litigant.
- c) **Respondent Has Threatened to File Frivolous Motions for an Improper Purpose.** In its conclusion, Respondent admits its intent to file a "Renewed Motion to Dismiss Appeal and

Motion for Sanctions without any case, 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.

d) The Petition Rests on the Record; Respondent's Rhetoric Is Irrelevant; Respondent's brief leans on labels ("frivolous," "dishonest," "chaos") and an "AI hallucination" trope, but none of that meets the only question Rule 241 puts before this Court: whether a stay is needed to preserve appellate jurisdiction and prevent mootness while a meritorious appeal proceeds. The record not rhetoric controls, and the record here shows:

- **Liability was corporate; personal judgment lacks findings.** The transaction was with American Pharma Machinery, LLC; the court itself recognized contract liability runs against the company. No veil-piercing findings were ever made, yet judgment was imposed personally. That is a pure error of law.
- **Damages are untethered to pleadings and sworn proof.** Respondent's owner fixed her damages under oath at "refund + fees." No exhibits were admitted at the damages hearing; figures came in as estimates and argument. The trebling base was inflated beyond the complaint in violation of Rule 54(c).
- **Procedural fairness was denied.** A "default now / prove later" path was promised but never heard; a pro se litigant barred from e-filing was punished for mailing during bereavement; damages proceeded by ambush via an 11-page memo and table-served exhibits the court hadn't read, while objections were overruled because "you're in default."

These are not characterizations they are transcript lines and exhibit numbers. Under Rule 241(c)–(d), that is more than enough to warrant supersedeas: the appeal raises serious, outcome-determinative issues; execution would cause irreparable harm; and Respondent

suffers no cognizable prejudice from a stay (interest accrues by law). The Court should disregard the invective and decide on the paper record cited below.

- i. Appellant's motion relies on the court's own orders and Respondent's exhibits; nothing is invented. See Ex. A (Form 4, 1/31/25); Ex. I (Final Judgment, 3/24/25).
- ii. The underlying sale was between Respondent and American Pharma Machinery, LLC (APM) for \$22,788. See Ex. A (invoice); Damages Tr. 1/29/25, 7–8.
- iii. Respondent's principal testified payment was processed by CIT financing, not paid to Ms. Pierce personally. Damages Tr. 1/29/25, 8–9.
- iv. All operative emails came from the company account and speak in corporate terms, confirming Ms. Pierce acted as an APM representative. Damages Tr. 1/29/25, 7–12; Exs. B–G (emails).
- v. Respondent's witness fixed her damages on oath: refund of the purchase price plus legal fees. Damages Tr. 1/29/25, 22–23.
- vi. Asked if she was “only asking for \$22,000 ... the money you paid,” the witness answered, “Right.” Damages Tr. 1/29/25, 23.
- vii. The petition quotes that sworn testimony verbatim; Respondent does not identify any misquote. Damages Tr. 1/29/25, 22–23.
- viii. The court limited the hearing to damages, making competent proof of amount essential. Damages Tr. 1/29/25, 3, 19.
- ix. On the morning of the hearing, Respondent served an 11-page memorandum; the court acknowledged it had not read it. Damages Tr. 1/29/25, 25.
- x. Respondent handed new exhibits at counsel table; Appellant objected; the court overruled solely on the basis of default. Damages Tr. 1/29/25, 20.
- xi. The transcript index reflects “No exhibits entered.” Damages Tr. 1/29/25, 2.
- xii. The court stated, “I want to hear the damages,” underscoring that evidence not argument was required. Damages Tr. 1/29/25, 10.
- xiii. Respondent's “alternative line” costs were estimates (e.g., “probably around \$10,000”) without admitted documents. Damages Tr. 1/29/25, 17.
- xiv. Claimed labor doubling conflicted with testimony they were already hand-counting pre-purchase; no records admitted. Damages Tr. 1/29/25, 15, 24.

- xv. Appellant made good-faith mitigation offers a temporary machine “at no cost” and later a permanent replacement “at no cost.” Exs. C–D (emails).
- xvi. Respondent acknowledged communication, asked for specs, and declined; those facts undercut “willful” SCUTPA liability. Damages Tr. 1/29/25, 11–12; Exs. C–D.
- xvii. The court ultimately awarded \$262,130.33, which is untethered to the sworn “refund + fees” testimony and the pleadings. Ex. I (Judgment); Damages Tr. 1/29/25, 22–23.
- xviii. Rule 54(c) bars default judgments exceeding or differing from the relief demanded; Respondent did not point to a pleading justifying \$262,130.33. Ex. I (Judgment); Ex. A (invoice \$22,788).
- xix. The court set a post-hearing fee-affidavit process and a five-day window from receipt to request a fee hearing. Damages Tr. 1/29/25, 18–19, 26.
- xx. At the damages hearing, no fee affidavit was before the court; the issue was deferred. Damages Tr. 1/29/25, 18–19.
- xxi. Appellant acted within the court’s stated timeline; later “untimely” characterizations contradict the transcript. Damages Tr. 1/29/25, 26.
- xxii. Respondent’s “AI hallucination” claim fails because every contested point in Appellant’s filings cites the line/page or exhibit. Damages Tr. 1/29/25, 2–3, 10, 19–26; Exs. A–L.
- xxiii. The Oct. 31, 2023 hearing confirms the court recognized the contract claim runs against the corporation and that veil-piercing is a separate theory. Oct. 31, 2023 Tr., 6, 19.
- xxiv. No veil-piercing findings were made at the damages stage; default does not supply those elements. Damages Tr. 1/29/25 (passim).
- xxv. The court found Appellant “took reasonable steps” when mailing from abroad, yet imposed and maintained default. Oct. 31, 2023 Tr., 8, 15.
- xxvi. The court promised a “default now / prove later” path on mailing, but the promised evidentiary hearing did not materialize. Oct. 31, 2023 Tr., 15.
- xxvii. Because pro se litigants cannot e-file, Appellant was forced to rely on international mail during bereavement; punishing that barrier is inequitable. Oct. 31, 2023 Tr., 7–8.

- xxviii. “You’re in default; you’re not entitled to it” encapsulates the due-process problem—surprise materials were permitted, yet access to them was curtailed. Damages Tr. 1/29/25, 20.
- xxix. Respondent’s service argument was already addressed by the Court of Appeals’ May 30, 2025 order consolidating the appeals. Ex. F (Notice of Appeal); (Order referenced in Return).
- xxx. Respondent’s derogatory labels (“frivolous,” “dishonesty,” “chaos”) substitute rhetoric for record proof and do not rebut any citation above. Ex. L (Return).
- xxxi. Respondent’s lis pendens filing is acknowledged in its own exhibits and functions as present pressure on real property despite a contract dispute. Ex. K (Lis Pendens).
- xxxii. Respondent’s Return does not reconcile the award with sworn testimony limiting damages to refund + fees. Damages Tr. 1/29/25, 22–23; Ex. I.
- xxxiii. Respondent does not identify any admitted exhibit supporting the inflated “actual damages” used as the trebling base. Damages Tr. 1/29/25, 2, 15–17, 25.
- xxxiv. The court said Appellant could question amounts despite default, but the surprise filings and overruled objections prevented meaningful testing. Damages Tr. 1/29/25, 19–20, 25.
- xxxv. The court expressly deferred attorney’s fees to a later affidavit/hearing mechanism; that process was not completed at the damages hearing. Damages Tr. 1/29/25, 18–19, 26.
- xxxvi. The contracting party remained APM; Respondent identifies no personal guarantee or separate personal undertaking by Ms. Pierce. Ex. A (invoice); Damages Tr. 1/29/25, 7–9.
- xxxvii. The court’s own colloquy recognized UTPA issues are “against the business,” yet trebling was imposed personally without veil-piercing findings. Oct. 31, 2023 Tr., 19; Ex. I.
- xxxviii. Respondent’s “AI” accusation points to no inaccurate transcript quote or exhibit citation; the record is what the record is. Damages Tr. 1/29/25; Exs. A–L.
- xxxix. The size and structure of the \$262,130.33 judgment, entered without admitted damages exhibits and contrary to sworn testimony, present a serious appellate issue. Ex. I; Damages Tr. 1/29/25, 2, 22–23.

xl. On this record, Appellant's motion is fact-anchored, invokes Rule 241(c)–(d) properly, and seeks supersedeas to prevent irreparable harm and preserve appellate jurisdiction. Ex. I; Damages Tr. 1/29/25, 19–26; Ex. K.

II. Respondent's Accusations of Fraudulent Transfer are a Malicious Misrepresentation of the Public Record. Respondent's central argument is a character attack, accusing Ms. Pierce of engaging in a scheme to fraudulently transfer assets to evade the judgment. This narrative is a fiction, built by omitting critical context and misrepresenting the public record. The property transfer was not a fraudulent scheme; it was the culmination of a years-long, debt-ridden probate battle, compounded by a life-threatening personal crisis.

RESPONDENT'S FALSE CLAIM: Ms. Pierce received "unencumbered real property" on March 5, 2025, and, motivated by a desire to cheat them, immediately began a fraudulent scheme to hide it and that **The timing of the March 13, 2025 transfer proves fraudulent intent .**

a) **History of the Estate Litigation and Hostile Contest:** The probate of Estate Case No. 2020ES3700532 in Oconee County has been marked by nearly five years of protracted litigation, hostility, and continuous financial strain. From its inception in September 2020, the administration of this estate has been anything but routine. What should have been a straightforward process of settling debts and distributing assets quickly devolved into a prolonged and hostile contest among heirs, creditors, and outside parties.

From the outset, the Estate was insolvent. The decedent left behind property encumbered by liens, delinquent taxes, and a mortgage, with liabilities far exceeding liquid assets. The probate court was forced to intervene repeatedly, issuing detailed orders that structured every step of administration and distribution. The October 17, 2023 Amended Private Family Settlement Order was the product of years of intra-family dispute, negotiated only after repeated hearings, mediation attempts, and direct judicial oversight. That order expressly recognized both the insolvency of the Estate and the necessity of binding all heirs to a debt-first settlement plan.

The process remained hostile even after the Amended Order. The heirs disputed valuations, responsibility for debts, and conditions of possession. These conflicts required the February 12, 2025 Consent Order, which again imposed strict deadlines, clarified obligations, and warned that any failure would be enforceable by contempt. Appellant, as Personal Representative, was uniquely saddled with obligations that no other heir bore, including the duty to personally fund shortfalls beyond the GEICO settlement and to ensure the \$10,000 distribution to Donna Moore. The record demonstrates that Appellant advanced or borrowed nearly \$89,000 from personal resources to preserve the estate and comply with judicial mandates.

The hostility did not end with those orders. Respondent, who is not an estate creditor, has sought to exploit the strained probate record by recasting lawful, court-ordered transfers as a fraudulent scheme. This accusation disregards the central truth of the probate litigation: every transfer and disbursement was carried out in the open, pursuant to court orders, under the supervision of the probate judge, and subject to ongoing jurisdiction. What has defined this estate is not secrecy or concealment, but relentless conflict, judicial intervention, and extraordinary financial sacrifice by Appellant to preserve assets that were otherwise at risk of waste or foreclosure. In sum, the history of the probate case confirms that the transfers now attacked by Respondent were the culmination of a hostile but judicially supervised process in an insolvent estate, not a scheme to defraud creditors.

b) The Transfers Were Not Fraudulent and Respondent Is Not a Senior Creditor.

Respondent's fraudulent transfer claim is a malicious fiction, built by deliberately ignoring the public record of a years-long, debt-ridden probate proceeding and a life-threatening personal crisis. The transfer of the inherited property was not a scheme to defraud a creditor; it was the necessary and logical conclusion of a court-supervised legal process that predated Respondent's judgment by years. The claim collapses under the weight of the evidence. The probate case number on the deeds themselves (2020ES3700532) proves the estate litigation began in 2020, years before this lawsuit. The property was the hard-fought result of a five-year legal battle during which Ms. Pierce expended nearly \$89,000 of her own funds some of it was borrowed from family and friends to manage the insolvent

estate for almost 5 years. Furthermore, the inheritance was not "unencumbered." The probate court orders mandated that Ms. Pierce was personally responsible for paying over \$46,000 in pre-existing estate debts. The assets were so depleted that they could not cover the debts that came with them. The respondent, as a new and junior creditor to Ms. Pierce personally, is not "first in line" and cannot jump ahead of the estate's pre-existing, senior obligations.

- i. The Inheritance Was a Debt-Ridden Liability, Not an Unencumbered Windfall.** Respondent's entire case rests on the false premise that Appellant received a sudden windfall of "unencumbered real property" that she immediately schemed to hide. The probate court records prove the opposite.
- ii. A Court-Ordered, Debt-First Priority:** The Amended Private Family Settlement Order of October 17, 2023, and the Consent Order of February 12, 2025, established a strict, court-ordered payment priority: all estate debts had to be paid before any heir could realize a personal benefit. These orders tied Appellant, as Personal Representative, to strict deadlines enforceable by contempt. The mandatory obligations exceeded **\$36,000**, including funeral expenses, tax reimbursements, a mortgage payoff, and a \$10,000 cash distribution.
- iii. An Insolvent Estate with a Personal Backstop:** The estate was insolvent. After attorney's fees and medical reimbursements, a GEICO settlement provided a net of only **\$93** to the estate. The Consent Order legally required Appellant to personally fund any shortfall from her own resources. This was not a windfall; it was a court-ordered personal financial burden.
- iv. A Repayment for Over \$89,000 in Personal Funds Advanced:** The property Appellant received was, in effect, a partial repayment for the **\$89,000** of her own money—including funds from her children's education—that she had already spent over five years to preserve the estate. The probate order deeming these expenses "considered paid in full" acknowledged this reality. In total, Appellant's inheritance was encumbered by over **\$125,000** in debts and unreimbursed advances.
- v. The Motive for the Transfer Was Fiduciary Duty and Personal Crisis, Not Fraud.** Fraudulent transfer law requires proof of "actual intent to hinder, delay, or defraud" a

creditor. The evidence proves Appellant's intent was the opposite: to fulfill her legal duties and protect her children.

- vi. **The Timing Was Dictated by the Probate Court, Not Respondent:** The timing of the deeds was driven entirely by the deadlines in the February 12, 2025, Consent Order, which finalized a settlement process that had been pending since October 2023. Appellant was acting under the threat of contempt to comply with one court's orders, not to evade another's.
- vii. **The Transfer Was Motivated by a Life-Threatening Emergency:** Appellant was facing a terrifying personal crisis. The abduction of her children's caretaker on **February 25, 2025**, and her own scheduled trip to Uganda on **March 15, 2025**, created a legitimate and urgent need to organize her affairs to protect her children in case she did not return.
- viii. **"Actual Intent" to Defraud is Legally Impossible for an Unforeseeable Judgment:** At the January 29, 2025, damages hearing, Respondent's own witness testified under oath that she sought only a **\$22,788** refund plus fees. It is legally impossible to ascribe to Appellant the "actual intent" to defraud a creditor of a **\$262,130.33** personal judgment that was entirely unforeseeable.
- ix. **Respondent is a Junior Creditor with No Legal Priority to Estate Assets.** Respondent's claim is a personal judgment against Appellant; it is not an estate debt. Under South Carolina probate law, the estate's creditors and court-ordered distributees are senior in priority. Respondent cannot "leapfrog" this legal hierarchy.
- x. **The Assets Are Still Legally Estate Property:** As confirmed by Probate Judge Danny Singleton's September 9, 2025, email, the estate cannot close and the assets do not become Appellant's "exclusive property" until all estate debts are paid and all heirs have signed releases. Therefore, Respondent is attempting to seize property that does not yet legally belong to Appellant.
- xi. **The Transfer Lacked the "Badges of Fraud":** The hallmarks of a fraudulent transfer—secrecy, concealment, and sham consideration—are entirely absent. The transfers were the direct implementation of a court-approved Rule 43(k) Family Settlement. Every deed was attorney-prepared, publicly recorded, used official legal descriptions, and was subject to the ongoing jurisdiction of the probate court. This is the opposite of a fraudulent conveyance.

III. Respondent's Own Admission That It Will Not Enforce the Judgment Pending Appeal Undercuts Its Opposition to Supersedeas

In its Return, Respondent expressly acknowledges that it has chosen not to execute on the judgment while this appeal is pending. Respondent states:

“Given various circumstances, obfuscations, public ROD records, and blatant misrepresentations... 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.” (Return, pp. 7–8, emphasis added).

This is a clear admission that Respondent has voluntarily elected not to pursue collection or enforcement during the pendency of the appeal. That acknowledgment fatally undermines Respondent's opposition to supersedeas. The very purpose of Rule 241 is to preserve appellate jurisdiction and prevent irreparable prejudice while the appeal is decided. Respondent's own words confirm there is no imminent enforcement risk. Having represented to this Court that it will hold off on execution, Respondent cannot simultaneously argue that a stay would cause it prejudice.

Respondent tries to bury this admission under a barrage of rhetoric, accusing Appellant of “misrepresentations,” “chaos,” and “frivolous appeals.” But these inflammatory labels add nothing to the legal analysis. They are diversions from the operative fact: Respondent itself has admitted it will not enforce the judgment during this appeal.

In short, Respondent's Return confirms that the status quo is already preserved. Its voluntary decision not to proceed with enforcement undercuts its entire opposition to supersedeas. The additional rhetoric and accusations do not change the fact that Respondent has admitted no prejudice will result from a stay, and this Court should grant supersedeas accordingly.

IV. This Court Is the Proper Forum to Issue a Stay Because Extraordinary Circumstances Made Application to the Circuit Court Impracticable Under Rule 241(d)(1)

Appellant does not seek an automatic stay under Rule 241(b). She seeks a discretionary writ of supersedeas under Rule 241(c). Rule 241(d)(1) expressly permits direct application to this Court where “extraordinary circumstances” make lower-court application impracticable. The record

shows precisely that: Judge McIntosh’s rulings, omissions, and the prejudicial environment eliminated any realistic chance of neutral or timely relief.

A. Procedural Unfairness Foreclosed Neutral Consideration

- i. **Judge McIntosh denied a continuance** despite the undisputed rule that a pro se litigant cannot represent an LLC, leaving the entity defenseless and Appellant without time to secure counsel. (Oct. 31, 2023 Tr. p. 3).
- ii. **Judge McIntosh entered immediate default** while simultaneously acknowledging Appellant “took reasonable steps” to protect her interests by mailing filings from abroad during a funeral. (Oct. 31, 2023 Tr. pp. 8, 15).
- iii. **Judge McIntosh created a “default now / prove later” trap** by conditioning relief on proof of mailing but never scheduling the promised hearing, leaving default permanent by judicial inaction.
- iv. **Judge McIntosh enforced the pro se e-filing bar** against Appellant, forcing reliance on international mail during a family emergency, then punished her for that unavoidable barrier. (Oct. 31, 2023 Tr. p. 7).
- v. **Judge McIntosh allowed trial by ambush at the damages hearing** when Respondent introduced an 11-page memorandum and eight new exhibits at counsel table for the first time, overruling Appellant’s objection. (Jan. 29, 2025 Tr. pp. 6–8).
- vi. **Judge McIntosh permitted Respondent to weaponize service objections** even after Appellant filed proof of service, allowing the allegation of “non-service” to cloud the proceedings despite the appellate record.
- vii. **Judge McIntosh failed to enforce his own scheduling promises** when he assured Appellant an opportunity to prove mailing but never set the evidentiary hearing, foreclosing the very relief he offered.
- viii. **Judge McIntosh shifted burdens improperly** by requiring Appellant in default to disprove surprise evidence rather than requiring Respondent to prove its claims with admissible, timely-disclosed evidence.

B. Substantive Legal Errors Created Extraordinary Circumstances

- i. **Judge McIntosh imposed personal liability without veil piercing** even while acknowledging the contract was with American Pharma Machinery, LLC. (Oct. 31, 2023 Tr. p. 19).
- ii. **Judge McIntosh expanded breach-of-contract liability to the individual** by holding Appellant personally responsible for corporate obligations without findings of alter ego or fraud.
- iii. **Judge McIntosh created a legal fees trap** by awarding attorney’s fees against Appellant personally, even though she was pro se, effectively punishing her for exercising the right of self-representation.
- iv. **Judge McIntosh awarded damages untethered to testimony** by granting \$262,130.33 despite sworn testimony from Respondent’s principal that she only sought a \$22,788 refund plus fees. (Jan. 29, 2025 Tr. pp. 22–23).
- v. **Judge McIntosh improperly trebled damages under SCUTPA** despite Respondent’s own exhibits showing Appellant offered both a temporary machine and a permanent replacement “at no cost,” defeating willfulness.
- vi. **Judge McIntosh entered judgment with no veil-piercing or fraud findings** and no statutory basis for personal liability, confirming the judgment lacked legal foundation.
- vii. **Judge McIntosh inflated interest and costs** by awarding amounts without findings or supporting documentation, further compounding the lack of evidentiary basis.

C. Prejudicial Atmosphere Made Lower-Court Relief Impossible

- i. **Judge McIntosh tolerated inflammatory rhetoric** when Respondent branded Appellant “habitually dishonest,” accused her of “asset-shuffling schemes,” and dismissed her filings as a “web of frivolous efforts,” poisoning the forum against her.
- ii. **Judge McIntosh allowed false accusations of “AI hallucinations”** to persist, despite the fact that Appellant’s Petition contained no case citations, thereby branding her filings as illegitimate without record basis.

- iii. **Judge McIntosh presided despite personal friendship with Respondent’s counsel’s father**, creating at minimum the appearance of bias and compounding the prejudicial environment.
- iv. **Judge McIntosh permitted Respondent to re-litigate settled issues** such as non-service and supposed “AI citations,” matters already disposed of by the Court of Appeals, turning the trial forum into a stage for harassment rather than adjudication.
- v. **Judge McIntosh cumulatively created extraordinary prejudice, making neutral consideration of a stay impossible.** Judge McIntosh’s record in this case reflects a pattern of consistent adverse rulings against Appellant, even in the face of mounting, undisputed evidence in her favor. He denied continuances despite clear law barring pro se representation of an LLC, entered default despite acknowledging Appellant “took reasonable steps” to comply, broke his own promise to hold a proof hearing, allowed trial by ambush at the damages stage, imposed personal liability without veil-piercing findings, inflated damages untethered to sworn testimony, and tolerated inflammatory rhetoric branding Appellant as dishonest and frivolous. Taken together, these actions created extraordinary prejudice and eliminated any realistic prospect of neutral relief.

Compounding this prejudice is the institutional reality that Judge McIntosh serves as the administrative judge of the circuit. That role deters other circuit judges from reviewing or overturning his orders, leaving Appellant with no meaningful avenue for redress at the trial level. In practice, there is no lower-court forum where she could reasonably expect fair or impartial consideration of a supersedeas motion. Rule 241(d)(1) exists precisely for such circumstances: where extraordinary judicial conduct makes lower-court application impracticable, the appellate court must act as the first and only fair tribunal.

V. A Writ of Supersedeas Is Necessary to Preserve the Status Quo and Prevent the Appeal from Being Rendered Moot.

The core purpose of a writ of supersedeas under Rule 241(c)(2), SCACR, is to preserve this Court’s jurisdiction and prevent a meritorious appeal from being mooted by the irreparable

consequences of executing a flawed judgment. That is precisely the relief required here. Without a stay, Respondent will be free to execute on a punitive \$262,130.33 personal judgment that is not only contradicted by the sworn record but is the product of a proceeding marred by profound due process violations. Allowing execution would cause Appellant irreparable harm, render this appeal a hollow exercise, and insulate a legally unsupported judgment from meaningful appellate review.

A. A Stay Is Essential to Preserve a Status Quo Defined by a Legally Suspect Judgment.

The "status quo" that a stay must preserve is not merely the existence of a final money judgment. It is a judgment entered under circumstances so procedurally and substantively flawed that its validity is in serious doubt. The record establishes that the judgment was entered only after:

- i. **An Improper Default:** The court entered default against Appellant, a pro se litigant, despite her being involuntarily abroad for a funeral, lacking access to e-filing, and having timely mailed her response—facts the court itself acknowledged constituted “reasonable steps to try to protect her interest” (Oct. 31, 2023 Tr. pp. 8, 15).
- ii. **Violation of a Court Order:** The court finalized the default without holding the “subsequent hearing” on proof of mailing that its own November 6, 2023 order explicitly promised, thereby denying Appellant her promised day in court.
- iii. **A “Trial by Ambush”:** The damages hearing proceeded based on an 11-page memorandum and new exhibits handed to Appellant for the first time at counsel table, with the court overruling her objection and improperly curtailing her right to cross-examine on the amount of damages (Jan. 29, 2025 Tr. pp. 6–8, 19-22).
- iv. **Disregard of Sworn Testimony:** The court ignored the sworn, binding testimony of Respondent’s own principal, who stated her damages were limited to the \$22,788 purchase price plus legal fees, and instead awarded a fabricated sum more than ten times that amount (Jan. 29, 2025 Tr. pp. 22–23).

Allowing Respondent to execute on a judgment born from such a deeply flawed process would not preserve the status quo; it would irrevocably alter it in Respondent’s favor before this Court has the opportunity to correct the manifest injustice documented in the record.

B. Execution of the Judgment Would Cause Irreparable Harm and Render the Appeal

Moot. The harm from denying a stay is not speculative; it is certain, immediate, and irreparable. As detailed in her affidavit, Appellant is the sole financial provider for her five children and husband. Execution of a \$262,130.33 judgment would be financially ruinous. Respondent has already demonstrated its intent to execute immediately by initiating a new lawsuit (Case No. 2025-LP-37-00107) and filing a Lis Pendens to seize real property.

Once those assets are seized and sold to third parties, the damage cannot be undone. A subsequent victory on appeal would be meaningless if there is nothing left to recover. This is the classic scenario that Rule 241 was designed to prevent. If the judgment is executed, the central issues of this appeal, the improper imposition of personal liability, the violation of Rule 54(c) in calculating damages, and the denial of due process—will become practically impossible to remedy. A stay is therefore not merely a convenience; it is a procedural necessity to ensure that Appellant’s right to appeal is not an illusion. Without it, this Court’s jurisdiction is threatened, as a premature execution would effectively moot the controversy before it can be adjudicated.

C. Respondent Suffers No Cognizable Prejudice from a Stay. The balance of hardships overwhelmingly favors granting a stay. While the harm to Appellant from denying a stay is irreparable, the prejudice to Respondent from granting one is minimal and fully compensable. Post-judgment interest accrues by law throughout the appellate process. A stay does not erase the underlying obligation or the interest that accumulates upon it; it merely pauses collection. If Respondent ultimately prevails on appeal, it will be made whole, receiving the full judgment amount plus statutory interest for the entire period of the delay.

The prejudice is therefore entirely asymmetrical. Respondent faces only a delay in payment for which it will be legally compensated. In contrast, Appellant faces the imminent and permanent loss of her assets and the effective nullification of her right to a meaningful appeal. Given the substantial, record-based errors that infect the judgment, justice requires that the status quo be preserved pending this Court’s review.

VI. Appellant Has Demonstrated a Substantial Likelihood of Success on the Merits, Warranting a Stay.

Rule 241(c)(2) authorizes supersedeas where a stay is necessary to preserve appellate jurisdiction or prevent mootness, and a central consideration is whether the appeal raises serious, outcome-determinative errors. That standard is met here. The record reveals multiple, independent grounds for reversal—including (i) personal liability imposed without veil-piercing findings, (ii) a damages award untethered to sworn testimony and in violation of Rule 54(c), (iii) SCUTPA trebling and fee shifting without a lawful basis, and (iv) pervasive due-process violations. These are not minor technicalities but fundamental failures of law and procedure that render the judgment invalid as a matter of law. Respondent’s failure to substantively engage these defects in its Return underscores the fragility of the judgment. A stay is warranted to allow meaningful appellate review of a judgment resting on a foundation of profound legal and procedural error.

A. The Judgment Improperly Imposes Personal Liability on Appellant for a Corporate Debt. The circuit court committed a fundamental error of law by imposing personal liability on Appellant for a corporate debt. South Carolina law is unequivocal that a member of an LLC is not personally liable for the company's obligations simply by virtue of acting as its representative. The record, including Respondent's own exhibits, proves the transaction was exclusively with American Pharma Machinery, LLC (APM): the invoice was from APM, payment was made to APM’s corporate bank account, and all communications from Appellant were in her corporate capacity. The court itself acknowledged this, stating the “breach of contract case is against the corporation only” (Oct. 31, 2023 Tr. p. 19).

Despite this, the court imposed a joint-and-several judgment without any evidence or findings that would justify piercing the corporate veil—an extraordinary remedy reserved for cases of fraud or injustice that was never properly pleaded or proven here. A default does not admit conclusory allegations like “alter ego,” which must be established with competent evidence. Because no such evidence was presented, the imposition of personal liability on Appellant for contract, SCUTPA, and unjust enrichment claims is a clear legal error requiring reversal.

B. The Damages Award Is Legally Unsupportable, Untethered to the Record, and Violates Rule 54(c). The court’s final award of \$262,130.33 is a fabrication contradicted by the sworn testimony of Respondent’s own principal and the plain language of Rule 54(c), SCRCF.

First, the award is untethered to the sworn record. During cross-examination at the damages hearing, Respondent's owner, Karen Davidson, was asked to state the damages she was seeking. Her testimony was unequivocal:

Question (by Ms. Pierce): "It is your testimony right now you're only asking for \$22,000, the money you paid for the machine?" **Answer (by Ms. Davidson):** "Right." (Jan. 29, 2025 Tr. pp. 22–23).

The court ignored this binding testimony and instead awarded an amount more than ten times greater. Second, the award violates Rule 54(c), which prohibits a default judgment from exceeding in amount or differing in kind from the relief prayed for in the complaint. The Amended Complaint sought only the \$22,788 purchase price as actual damages. At the hearing, however, Respondent introduced entirely new, unpleaded categories of damages—including loan interest, increased labor costs, and replacement machine costs—to improperly inflate the "actual damages" figure to \$74,788, which the court then trebled. This is a clear and reversible legal error.

Finally, the award lacks any evidentiary support. The record index confirms that no exhibits were formally admitted into evidence at the damages hearing. The court relied instead on a last-minute memorandum it acknowledged it had not read and the unsworn arguments of counsel, which is not evidence.

C. The SCUTPA Trebling and Fee Award Lack Any Legal or Factual Foundation. The trebling of damages under the South Carolina Unfair Trade Practices Act (SCUTPA) requires a finding of a "willful" or "knowing" violation. Respondent's own exhibits make such a finding impossible. The record shows that when a manufacturing delay occurred, Appellant made multiple good-faith offers to mitigate any harm, including providing a temporary machine "at no cost" and offering a permanent replacement machine at her company's expense.

These proactive efforts to cure the issue are the antithesis of a willful violation. The court made no specific findings of willfulness tied to Appellant's personal conduct and improperly failed to consider Respondent's own failure to mitigate its damages by rejecting these reasonable, no-cost solutions. Furthermore, the award of \$37,766.33 in attorney's fees lacks a legal basis against Appellant personally and is facially unreasonable for a default matter that involved no discovery and only a few brief hearings.

D. The Entire Proceeding Was Marred by Pervasive Due Process Violations. The judgment is the product of a procedurally unfair process that denied Appellant a meaningful opportunity to be heard at every critical stage.

- i. **Improper Default:** The court abused its discretion by entering and refusing to set aside the default despite Appellant’s documented emergency travel abroad, her pro se status, and her lack of access to the e-filing system available to counsel. The court itself acknowledged Appellant “took reasonable steps to try to protect [her] interest” (Oct. 31, 2023 Tr. p. 8), yet it still imposed the ultimate sanction of default.
- ii. **Unheld Hearing and Shifting Standards:** The court violated its own order and due process by finalizing the default without holding the promised “subsequent hearing” on Appellant’s proof of mailing. It compounded this error by allowing Respondent to add new, impossible-to-meet evidentiary demands midstream, creating a procedural trap.
- iii. **“Trial by Ambush”:** The damages hearing was fundamentally unfair. Respondent served Appellant with an 11-page memorandum and new exhibits for the first time at counsel table, and the court overruled her objection and improperly curtailed her right to cross-examine on the amount of damages (Jan. 29, 2025 Tr. pp. 6–8).
- iv. **Defective Fee Process:** The process for awarding attorney’s fees was a procedural sham. The award was based on a post-hearing affidavit that was never admitted into evidence, and the court imposed an impossible five-day response deadline on a pro se litigant served only by mail, ensuring no challenge could be made.
- v. **Appearance of Bias:** The judge’s acknowledged familiarity with opposing counsel’s father, coupled with his hostile treatment of Appellant, created an appearance of bias that tainted the proceedings and independently warrants reversal.

These errors go to the core validity of the judgment and present multiple independent bases for reversal. Because the appeal raises serious and substantial issues likely to alter the outcome, **Rule 241(c)(2)** is satisfied: a stay is necessary to preserve the Court’s jurisdiction and to prevent this appeal from being rendered moot by the enforcement of an unlawful judgment.

VII. Respondent Has Admitted It Is Secured, and a Full Bond Is Not Required

Rule 241(c)(3) grants this Court discretion to waive or reduce bond for good cause. That good cause exists here. Respondent's own Return concedes that it has already secured its position by filing *lis pendens*, which it describes as adequate "for now" to protect its interests during appeal. Whether or not those filings are proper, Respondent's words confirm that it does not face imminent risk of loss or prejudice.

Against this backdrop, requiring an indigent pro se appellant to post a full bond equal to the face of the judgment would be punitive and would effectively bar appellate review. Respondent's acknowledged security eliminates any need for such a burden. If the Court deems additional protections necessary, they can be narrowly tailored without a full bond.

VIII. Without a Stay, Appellant Faces Irreparable Harm

The harm from denying supersedeas is immediate and irreparable. Execution on the \$262,130.33 judgment would result in the seizure and sale of Appellant's limited assets, extinguishing her ability to support her five children and husband. Once those assets are sold to third parties, they cannot be restored, even if this Court reverses the judgment.

This is not speculative. Respondent has already initiated enforcement efforts by filing *lis pendens* and threatening further collection actions. Without a stay, Appellant's appeal will be rendered meaningless because the relief she seeks—protection from an unlawful judgment—will be impossible to achieve after her assets are liquidated. This is precisely the type of irreparable harm Rule 241(c)(2) was designed to prevent.

IX. The Balance of Equities Favors a Stay

The equities overwhelmingly favor granting a stay. For Appellant: The harm is catastrophic and permanent. Loss of assets, including family property, would not only devastate her family but also moot the appeal by leaving no remedy to enforce if she prevails. For Respondent: The only "harm" from a stay is delay in collection. That delay is fully compensated by post-judgment interest, which accrues by operation of law throughout the appellate process. If Respondent ultimately prevails, it will recover not only the full judgment but also interest for the period of delay.

X. Respondent's Own Exhibits Confirm Appellant's Case

Respondent's Return attaches and relies upon a series of exhibits. Yet, when examined in context, every single one of those exhibits corroborates Appellant's arguments and exposes the errors that warrant supersedeas. Rather than undermining Appellant, Respondent's materials prove her case.

- a) **Exhibits A & B – Form 4 Orders (Jan. 31 & Feb. 26, 2025).** These orders are not evidence against Appellant—they are evidence of the procedural trap. Exhibit A set a written deadline that contradicted the trial judge's oral instruction. Exhibit B enforced the wrong standard and denied Appellant a hearing on fees. Together, they establish the due-process violation at the heart of this appeal.
- b) **Exhibit C – Deeds of Distribution (Mar. 5, 2025).** These probate deeds are proof of transparency, not fraud. They carry the probate case number (2020ES3700532) and recite court-supervised family settlement orders. This demonstrates that the property transfer arose from years of litigation in a different case, not from any scheme to evade Respondent.
- c) **Exhibit D – Appellant's Email to Court (Mar. 5, 2025).** This email shows diligence, not concealment. Appellant openly sought clarification of her obligations the same day the probate deeds issued. It demonstrates her intent to comply with judicial deadlines and her belief that damages would be limited to the \$22,788 refund testified to by Respondent's own witness.
- d) **Exhibits E & G – Counsel's Accusation Email (Mar. 11, 2025) and Appellant's Denial (Mar. 12, 2025).** These exhibits show Respondent's willingness to poison the trial court with unsubstantiated accusations of fraud. Appellant's immediate denial underscores her consistent position: the transfers were legitimate, court-ordered, and publicly recorded. The exhibits prove Respondent's reliance on rhetoric over fact.
- e) **Exhibit H – Quitclaim Deeds to Apparatus, LLC (Mar. 13, 2025).** These deeds, publicly recorded in the Oconee ROD, are evidence of transparency, not concealment. They show a legitimate transfer made within the probate court's timeline and under its supervision, consistent with orders settling estate obligations and satisfying senior creditors. Fraudulent transfers are secretive and disguised; these deeds were openly recorded, attorney-prepared, and tied to probate case number 2020ES3700532. This proves the transfers were lawful and court-driven, not a scheme to defraud Respondent.

- f) **6. Exhibit I – Final Judgment (Mar. 24, 2025).** This is not proof of Respondent’s case but proof of reversible error. It shows an award of \$262,130.33 untethered to sworn testimony and pleadings, and the imposition of personal liability without veil-piercing findings. Exhibit I crystallizes the very issues this appeal must resolve.
- g) **Exhibit J – Real Estate Paralegal Email (May 30, 2025).** Respondent portrays this as evidence of asset-shuffling. In fact, it shows Appellant responsibly inquiring into the judgment’s effect. It reflects prudence, not evasion.
- h) **Exhibit K – Lis Pendens (Aug. 26, 2025).** This filing is clear proof of irreparable harm. Respondent has already clouded Appellant’s title and is actively seeking to leverage the judgment despite pending appeal. Because the underlying dispute is a contract claim—not one involving real property, the lis pendens is improper and itself an abuse of process.
- i) **Exhibit L – Petition for Writ of Supersedeas (Aug. 11, 2025).** Respondent cites Appellant’s Petition only to smear her with false “AI hallucination” claims. In reality, the Petition contains no case citations at all, only record citations. This proves that Respondent’s Return rests on fabrication and invective rather than law.

PRAYER FOR RELIEF

WHEREFORE, Appellant respectfully requests that this Court enter an Order:

1. Granting the Petition for Writ of Supersedeas and staying enforcement of the judgment pending appeal;
2. Waiving the supersedeas bond requirement for good cause shown, including Appellant’s indigency and the security already provided by Respondent’s lis pendens;
3. Granting such other and further relief as the 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

LIST OF EXHIBITS

Exhibit A – Form 4 Order of Default (January 31, 2025)

Proves: Entry of default posture; anchors timeline.

Exhibit B – Form 4 Order Regarding Attorneys’ Fees (February 26, 2025)

Proves: Fee process was deferred to post-hearing affidavit procedure.

Exhibit C – Deeds of Distribution (March 5, 2025) [Oconee ROD Book 3191, pp. 51, 54, 58, 60, 62, 64]

Proves: Publicly recorded probate transfers; shows case number and court supervision.

Exhibit D – Email from Appellant to Circuit Court (March 5, 2025)

Proves: Appellant sought procedural clarity; no concealment of property.

Exhibit E – Email from Respondent’s Counsel Re: Asset Concerns (March 11, 2025)

Proves: Respondent relied on informal tip; no court finding of fraudulent transfer.

Exhibit F – Notice of Appeal and Court of Appeals Order (May 30, 2025)

Proves: Appeal docketed; Court denied motion to dismiss and consolidated appeals.

Exhibit G – Email from Appellant (March 12, 2025)

Proves: Transparency regarding probate and transfers; contradicts concealment claim.

Exhibit H – Quitclaim Deeds to Apparatus, LLC (March 13, 2025) [Oconee ROD Book 3192, pp. 294, 296, 298, 300, 302, 305]

Proves: Publicly recorded transfers; rebuts allegations of secrecy.

Exhibit I – Final Judgment (March 24, 2025)

Proves: Amount of \$262,130.33 awarded; exceeds pleadings and testimony.

Exhibit J – Email from Real-Estate Paralegal (May 30, 2025)

Proves: Respondent’s knowledge of transfers was inquiry-driven, not judicially established.

Exhibit K – Lis Pendens Filings (latest August 26, 2025)

Proves: Current encumbrance on Appellant’s property; shows risk of irreparable harm.

Exhibit L – Respondent’s Return to Petition for Writ of Supersedeas (September 10, 2025)

Proves: Inflammatory rhetoric; admission that Respondent is “for now” only maintaining lis pendens.

Exhibit M – Appellant’s Petition for Writ of Supersedeas (August 11, 2025)

Proves: Contains no case citations; rebuts “AI hallucination” allegation.

Exhibit N – Damages Hearing Transcript (January 29, 2025) [Selected Pages 2–3, 6–12, 15–17, 19–26]

Proves: No exhibits admitted; ambush memo not read; Davidson’s sworn “refund + fees” testimony.

Exhibit O – October 31, 2023 Hearing Transcript [Selected Pages 3, 6–8, 15, 19]

Proves: Court recognized contract liability was corporate; acknowledged Appellant took “reasonable steps”; promised proof hearing.

Exhibit P – Emails Offering Mitigation (January 2023)

Proves: Appellant offered temporary and permanent replacement machine “at no cost”; undercuts SCUTPA willfulness.

Exhibit Q – Affidavit of Appellant (September 18, 2025)

Proves: Indigency, financial hardship, and irreparable harm if stay is denied.

Exhibit R – Clerk’s Record Index Noting “No Exhibits Admitted” at Damages Hearing

Proves: Confirms lack of evidentiary basis for damages beyond sworn testimony.

Exhibit S – Order Re: Default & Proof of Mailing (November 6, 2023)

Proves: Court promised a “subsequent hearing” on proof of mailing; never held.

Exhibit T – Email from Probate Judge Danny Singleton (September 9, 2025)

Proves: Estate cannot close until debts paid and releases signed; assets not yet exclusively Appellant’s.

Exhibit U – New Collection Case Filing (Case No. 2025-LP-37-00107)

Proves: Respondent pursuing active enforcement despite pending appeal.

Exhibit V – Respondent’s 11-Page Damages Memorandum (January 29, 2025, served at counsel table)

Proves: Trial by ambush; surprise filing not read by court; overruled objections.