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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appellate Case No. 2024-2189

APPEAL FROM OCONEE COUNTY

The Honorable R. Lawton McIntosh, Circuit Court Judge
2024-CP-37-00080

Dorothy Pierce……..Appellant,

v.

Danny Singleton…….…..Respondent.

RETURN TO APPELLANT'S REQUEST FOR SANCTIONS

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INTRODUCTION

In conjunction with her Motion to Strike Respondent's Designation of Matter to be Included in the Record on Appeal, and Motion to Strike Respondent's Initial Brief, Appellant filed the instant Request for Sanctions on September 17, 2025, which seeks, "under Rule 268(d)(2), SCACR, and the Court's inherent authority," to have sanctions imposed against both Respondent and his counsel. (*See* Req., 9/17/25, at 1) Respondent thus shows this Honorable Court the following:

ARGUMENT

I. Appellant's Request must be denied because the rule upon which Appellant's Request is premised does not provide for sanctions.

Throughout her Request, Appellant primarily contends she is entitled to relief pursuant to the terms of "Rule 268(d)(2), SCACR." (*See* Req., 9/17/25, at 1 ("under Rule 268(d)(2)"); id. ("sanctionable under Rule 268(d)(2)"); id. ("impose sanctions under Rule 268(d)(2)"); id. at 2 ("sanctionable misconduct under Rule 268(d)(2)"); id. at 3 ("[u]nder Rule 268(d)(2)"); id. at 5 (requesting sanctions be awarded "under Rule 268(d)(2)")) Broadly titled "Citation of South Carolina Authority," this particular subsection of the rule provides, in part, "[m]emorandum opinions and unpublished orders have no precedential value and should not be cited except in proceedings in which they are directly involved." Rule 268(d)(2), SCACR. Accordingly, as the rule upon which Appellant's Request is based has nothing to do with this Honorable Court's authority to impose sanctions for wrongful conduct, (*see* id. at 1-3, 5), Appellant's Request must be denied. *See* id.

II. Appellant's Request must be denied because the documents of which Appellant complains were embraced by her own Designation of Matter to be Included in the Record on Appeal.

Appellant contends Respondent "swept in thirty-four (34) documents from collateral

probate, appellate, and federal proceedings" which she claims were not "filed, presented, admitted, or considered in Case No. 2024-CP-37-00080." (Req., 9/17/25, at 1) Yet within her own Designation of Matter, Appellant identified "[a]ll pleadings . . . filed in the above-captioned civil case," (App.'s DOM ¶ 1), "[*a]ll written orders and rulings* issued by the Circuit Court," (id. at ¶ 2), "[t]he *full probate court record* in Estate of Doyle Elton Pierce, Case No. 2020-ES-37-0685, including orders, motions, transcripts, audio recordings, notices, hearing correspondence, and exhibits cited or relied upon in the civil lawsuit," (id. at ¶ 3), and "[*a]ny other relevant filings*, evidence, or rulings expressly cited by the parties or the court in the summary judgment motion, hearing, or final order." (Id. at ¶ 10) (emphases added)

Appellant identified within her Complaint a) the Last Will and Testament of Doyle Elton Pierce, b) the probate court order setting it aside, and c) Appellant's subsequent appeal of that order, thus implicitly dictating each were "presented" to the circuit court.[1] (*See* Comp. at 2; *compare* App.'s DOM ¶ 1 *with* Resp.'s DOM ¶¶ 1-5) Rule 210(c), SCACR. Moreover, the "full probate court record in Estate of Doyle Elton Pierce, Case No. 2020-ES-37-0685" contains documents pertaining to each appeal filed by Appellant of the various rulings associated with that estate case, including the documents forming the bases of such rulings and appeals, and the language "all written orders and rulings" from the circuit court obviously includes each order for each such probate court appeal. (*Compare* App.'s DOM at ¶¶ 2-3 *with* Resp.'s DOM ¶¶ 1-34) Thus Appellant's present contentions Respondent improperly "designated documents created months after the September 12, 2024[,] hearing" have no merit, as they were already implicitly designated by Appellant. (Req., 9/17/25, at 1; *but see* App.'s DOM at ¶ 3) Further, Respondent "expressly cited," (App.'s DOM ¶ 10), within his briefing for the instant summary judgment, that

[1] Appellant included similar language in the "Statement of Facts" contained in her initial brief. (*See* App. Br. at 9, ¶¶ 2-3)

Appellant "previously filed a similar Complaint against [Respondent] in the District Court (8:23-CV-5609-TMC)" which was dismissed with prejudice on the basis of judicial immunity, thus the complaint in the federal case and the docket showing the federal court's ruling was not appealed are relevant now, and each clearly involved "matter" presented to the lower court. (*See* Def.'s SJ Mem. at 1; *compare* App.'s DOM ¶ 10 *with* Resp.'s DOM ¶¶ 36, 39) *See generally* Rules 209(b) & 210(c). In short, Appellant cannot be heard to complain about documents in the Record on Appeal she herself designated for inclusion in the Record on Appeal. (*Compare* Req., 9/17/25, at 1 *with* App.'s DOM at ¶¶ 1-3, 10) Accordingly, Appellant's Request must be denied. *See* Parker v. Parker, 313 S.C. 482, 487, 443 S.E.2d 388, 391 (1994) ("Equitable estoppel occurs where a party is denied the right to plead or prove an otherwise important fact because of something which he has done."); Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282, 285 (Ct. App. 1987) ("An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable.").

III. Appellant's Request must be denied because there is no Rule 210(b)(1) of the South Carolina Appellate Court Rules, and Appellant again invents caselaw in support of her arguments for sanctions to be imposed.

Appellant states "South Carolina appellate courts have repeatedly enforced [the] mandate" of "Rule 210(b)(1), SCACR." (Req., 9/17/25, at 2) Notably, the rule asserted by Appellant to provide a "mandate" which has been "repeatedly enforced" does not exist, and thus the "mandate" which Appellant urges governs her Request likewise does not exist. (*See* id.) *Cf.* Rule 210(b), SCACR. Nonetheless, in support of her contention "South Carolina appellate courts have repeatedly enforced" a "mandate" which does not exist, Appellant cites:

> "*State v. Adams*, 354 S.C. 361, 580 S.E.2d 785, 787 (2003) ("An appellate court is bound by the record and cannot consider facts not in the record."); *In re Timmerman*, 331 S.C. 455, 457, 503 S.E.2d 175 (1998) ("Matters not presented to the trial court are outside the record on appeal and will not be considered.").

(Req., 9/17/25, at 2) The Adams case cited by Appellant was a decision of this Honorable Court which dealt with the Interstate Agreement on Detainers Act, subject matter versus personal jurisdiction, the propriety of granting a mistrial, general principles of evidence, including the doctrines of relevance and *res gestae*, and harmless error. *See* 354 S.C. at 370-81, 580 S.E.2d at 789-95. The language Appellant contends appears at the pinpoint citation of the Southeastern Reports is not on page 787, or anywhere else in the decision. (*See* id.) *Cf*. id.

Similarly, the Timmerman case was another decision of this Honorable Court which dealt with issue preservation, ultimately holding "[w]hen a party receives an order that grants certain relief not previously contemplated or presented to the trial court, the aggrieved party must move, pursuant to Rule 59(e), SCRCP, to alter or amend the judgment in order to preserve the issue for appeal." 331 S.C. at 460, 502 S.E.2d at 922. The language Appellant states appears at the pinpoint citation of the South Carolina Reports is not on page 457, or anywhere else in the decision. (*See* Req., 9/17/25, at 2) *Cf*. id. at 457-61, 502 S.E.2d at 920-23.

Shockingly, Appellant goes on to claim "[c]ourts in South Carolina and beyond have not hesitated to impose sanctions where parties attempt to expand the record in bad faith." (Req., 9/17/25, at 2) Appellant cites as authority for this assertion

> *U.S. v. Gallardo*, 915 F.2d 149, 150 (5th Cir. 1990) (sanctions for including unnecessary and irrelevant documents in appellate record, which "needlessly increased the burden on the court"); *N.L.R.B. v. Trans Ocean Export Packing, Inc.*, 473 F.2d. 612, 616 (9th Cir. 1973) (sanctions warranted where designation of extraneous materials served only to "harass or needlessly increase the burden of litigation[.]").

(Id.) The Gallardo decision addressed an issue of statutory interpretation regarding 18 U.S.C. § 2252(a)(1), finding the defendant's mailing of "four separate envelopes containing child pornography" to equate to "four separate acts of transporting or shipping" such material. 915 F.2d at 151. Neither the principle for which Appellant cites the Gallardo case, nor the quoted

language Appellant attributes to it, appears anywhere in the decision. (*See* id.) *Cf*. 915 F.2d at 149-51.

The same is true with respect to the Trans Ocean case, where the plaintiff sought enforcement of its order requiring the defendant company to produce various business records. *See* 473 F.2d at 613-14. The Fifth Circuit ultimately found the company and its president in civil contempt of court and provided a mechanism whereby each could "purge themselves of this contempt." Id. at 617-18. Neither the principle for which Appellant cites the Trans Ocean case, nor the quoted language Appellant attributes to it, appear anywhere in the decision. (*See* Req., 9/17/25, at 2) *Cf*. 473 F.2d at 613-18. Accordingly, Appellant's Request must be denied.[2] *See* Rules 210(b) & 268(d)(2), SCACR.

III. Because Appellant's Request utilizes non-existent rules and provides no accurate citations of authority for her various assertions, her Request should be deemed abandoned.

Appellant's third argument is wholly irrelevant with respect to any impropriety by Respondent regarding the instant appeal, (*see* Req., 9/17/25, at 3-4), her fourth argument consists of conclusory assertions of fact regarding Respondent and his counsel, (id. at 4), and her fifth argument is again premised upon caselaw which she fraudulently presents to this Honorable Court as authoritative. (*See* id. at 4-5) Thus, each of these arguments, and Appellant's Request as a whole, should be deemed abandoned, and her Request for Sanctions must therefore be denied. *See* R & G Constr., Inc. v. Lowcountry Reg'l Transp. Auth., 343 S.C. 424, 437, 540 S.E.2d 113, 120 (Ct. App. 2000) ("An issue is deemed abandoned if the argument in the brief is only

[2] In light of her citations regarding the Adams, Timmerman, Gallardo, and Trans Ocean decisions, (*see* Req., 9/17/25, at 2, 5), Respondent respectfully notes Appellant has again attempted to commit intrinsic fraud upon this Honorable Court, and Appellant's Request is thus frivolous. *See* Chewning v. Ford Motor Co., 354 S.C. 72, 81, 579 S.E.2d 605, 610 (2003) (noting intrinsic fraud is "fraud which misleads a court in determining issues and induces the court to find for the party perpetrating the fraud."); Rule 269, SCACR.

conclusory."); State v. Colf, 332 S.C. 313, 322, 504 S.E.2d 360, 364 (Ct. App. 1998) (determining a conclusory argument which cited only an evidentiary rule as authority was deemed abandoned); State v. Black, 319 S.C. 515, 518 n.2, 462 S.E.2d 311, 313 n.2 (Ct. App. 1995) ("[A] conclusory argument of an issue by [the] appellant amounts to an abandonment of the issue.").

CONCLUSION

FOR THE REASONS SET forth herein, Respondent prays this Honorable Court to DENY Appellant's Request for Sanctions.

Respectfully submitted,

s/James W. Logan, Jr,.

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This 27th day of October, 2025.

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PROOF OF SERVICE

I certify that I have served a copy of the following (1) Return to Appellant's Motion to Strike Respondent's Initial Brief, (2) Return to Appellant's Request for Sanctions, (3) Return to Appellant's Motion to Strike Respondent's Designation of Matter to be Included in the Record on Appeal, and (4) Exhibit A on the below date by electronic mail to the Appellant, Dorothy Pierce, at dorothypierce84@gmail.com.

Respectfully Submitted,

WILLSON JONES CARTER & BAXLEY

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October 27, 2025.