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Dec 02 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.

MOTION TO DISMISS APPEAL

Pursuant to Rules 240 and 269, SCACR, PlanetONE Packaging, LLC (“Respondent” or “PlanetONE”) hereby moves for the dismissal¹ of Appellant Dorothy Pierce a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a Queen Dorothy Amolo’s (“Pierce” or “Appellant”) appeal (Appellate Case No. 2025-000490) on the grounds that this Appeal: (1) fails to comply with the South Carolina Appellate Court Rules, including Rules 207 (Transcript of Proceeding), 208 (Initial Briefs), 209 (Designation of Matter), 241 (Stay and Supersedeas in Civil Actions), 262 (Filing and

¹ Respondent filed its first Motion to Dismiss Appeal in this matter on March 13, 2025. (See Resp. Mot. to Dismiss, Mar. 13, 2025). The Court ultimately entered an Order on May 30, 2025 that, among other things, denied Respondent’s first Motion to Dismiss “as moot” based on subsequent filings of Appellant “[i]n light of the fact that Appellant has now appealed what appears to be a final order[.]” (Ct. App. Order at p. 2, May 30, 2025).

Service), 263 (Time), 266 (Subsequent Applications for Relief), 269 (Frivolous Appeals, Petitions, Motions, or Returns); (2) Appellant failed to serve her notice(s) of appeal, various motions, and other filings before this Court as required by the Rules; (3) seeks to appeal issues not raised and ruled upon by the lower court; and (4) is frivolous. Respondent further asks that this motion be decided on an expedited basis so that Appellant may not continue to use the appellate process to prejudice Respondent and cause undue delay.

BACKGROUND

The Appeal now before the Court is the most recent iteration in a series of unserved², interlocutory, unpreserved, and frivolous attempts by Appellant to abuse the court system and evade accountability under South Carolina law.

While still slightly unclear, it appears Appellant's current appeal (the fourth before this Court) is based off two Form 4 Orders issued by the Honorable R. Lawton McIntosh on January 31, 2025 and February 26, 2025, and Judge McIntosh's March 24, 2025 Order of Default Judgement in the amount of Two-Hundred and Sixty-Two Thousand One-Hundred Thirty Dollars and Thirty-Three Cents (\$262,130.33), plus interest, in Respondent's favor entered on March 24, 2025. In the meantime, Respondent has filed a series of lis pendens to preserve its rights under the judgment (even though enforcement is available to Respondent now) out of an abundance of caution. This current appeal should be dismissed given the significant procedural and legal deficiencies upon which it is based.

Appellant continues to seek a myriad of unavailable remedies and appellate court review (various motions, including seeking supersedeas, sanctions, and review of incomprehensible, unpreserved "issues" on appeal) all to try and evade enforcement of the orders against her.

² The issue of Appellant's consistent failure of service has already been briefed at length. In no way does PlanetONE waive any objections to service, or lack thereof.

Appellant sets forth an impressive laundry list of twenty-seven (27) “Issues on Appeal” in her latest filing in this matter. (*See* App. Initial Br. at pp. 7-9).³ None of these issues are preserved for appeal as briefed, at length, in prior iterations of this motion and in response to Appellant’s various attempts to turn this appeal into a trial. Out of respect for the Court’s and parties’ time and resources, particularly given the significant record of filings and arguments presented by to date, Respondent will refrain from going through each issue again and simply asks this Court to dismiss this appeal, sanction Appellant, and provide for the orderly final remittitur and path to enforcement of the judgment in Respondent’s favor without delay.

LEGAL STANDARD

An appellant who fails to follow procedural requirements strips the court of appellate jurisdiction. *State v. Brown*, 358 S.C. 382, 387, 596 S.E.2d 39, 41 (2004); *Great Games, Inc. v. S.C. Dep’t of Revenue*, 339 S.C. 79, 83 n. 5, 529 S.E.2d 6, 8 n. 5 (2000); *see also* Rule 260(a),

³ Note: on the merits, should the Court opt not to dismiss this appeal now—and in addition to the failures regarding Appellant’s unpreserved, manufactured issues—Appellant’s legal citations are fabrications that can grossly hallucinate and manipulate South Carolina case law. The “Standard of Review” for the “Initial Brief of Appellant” (Initial Brief of Appellant at pp. 21-22) alone contains fifteen (15) illusory citations to cases that have nothing to do with the Appellant’s assertions (*See Dixon v. Dixon*, 362 S.C. 388, 395, 608 S.E.2d 849, 852 (2005); *Whaley v. CSX Transp., Inc.*, 362 S.C. 568, 578, 609 S.E.2d 286, 291 (2005); *Moore v. Moore*, 376 S.C. 467, 474, 657 S.E.2d 743, 747 (2008); *Herron v. Century BMW*, 395 S.C. 461, 465–66, 719 S.E.2d 640, 642 (2011); *Floyd v. Page*, 124 S.C. 400, 403, 117 S.E. 409, 410 (1923; *Hoeffner v. The Citadel*, 311 S.C. 361, 366, 429 S.E.2d 190, 193 (1993); *Wilson v. Friedberg*, 323 S.C. 248, 252–56, 473 S.E.2d 854, 856 (1997); *Sturkie v. Sifly*, 280 S.C. 453, 457–58, 313 S.E.2d 316, 318–19 (Ct. App. 1984); *Mitchell v. Fortis Ins. Co.*, 385 S.C. 570, 585, 686 S.E.2d 176, 184 (2009); *Wright v. Craft*, 372 S.C. 1, 23–24, 640 S.E.2d 486, 498 (Ct. App. 2006); *Crary v. Djebelli*, 329 S.C. 385, 391, 496 S.E.2d 21, 24 (1998); *Raynor v. Byers*, 422 S.C. 128, 131, 810 S.E.2d 430, 432 (Ct. App. 2017); and *Palmetto Constr. Grp., LLC v. Restoration Specialists, LLC*, 444 S.C. 328, 348–49, 907 S.E.2d 129, 140 (Ct. App. 2024)). For instance, Appellant cites the *Dixon* case regarding the standards applicable to default judgments, yet *Dixon* does not address default at all, and Appellant already lost her appeal challenging the default judgment entered against her. Similarly, Appellant cites *Floyd* regarding the appellate standard for questions of law, yet the case actually deals with whether an appeal may be had after a mistrial. 124 S.C. at 409. Respondent reserves all rights regarding the filing of its Initial Brief should one be required after a ruling on dismissal.

SCACR (requiring dismissal of an appeal when an appellant fails to comply with the Appellate Court Rules).

ARGUMENT

As noted by former Chief Justice Jean H. Toal, “[b]ecause motions are used in the appellate courts to seek specific relief, there is no limit to the type of motion that could be filed in the appellate courts.” Jean H. Toal *et al.*, *Appellate Practice in South Carolina* 379 (3d ed. 2016).

This basic breach of contract matter has dragged on for close to three years, with Appellant intent on continuing the saga. Appellant’s attempt to delay this matter by filing successive, baseless motions, appeals, amended notices of appeal, irrational briefs – without regard for service, timing, or other procedural guidelines (these issues have been addressed in many prior motions and briefs by Respondent and, reserving all rights, Responding will not belabor those points again) – should be rejected for any one of the reasons set forth herein.

With each unsuccessful appeal, Appellant drains Respondent of its time and resources while attempting to weaponize the Court and create an untenable appellate posture. Every motion and appeal attempt to date is but a clutter of delay tactics disguised as non-preserved,⁴ non-appealable, and non-supersedeas matters. No reasonable attorney could find this series of appeals as anything but frivolous and calculated for delay only. *See* S.C. Code Ann. § 15-36-10 (A)(4)(a)(iv). A review of Appellant’s most recent “Initial Brief” makes it clear that this “appeal . . . is frivolous [and] solely for the purposes of delay,” in addition to her failure to comply with the rules of the appellate court. Dismissal, sanctions, and expedited review are appropriate. *See* Rule

⁴ Appellant’s laundry list of issues in this appeal all relate to the entry of default judgment that was the subject of a previous, unsuccessful appeal and petition to the South Carolina Supreme Court (*see* Appellate Case Nos. 2024-000334 (Ct. App.) and 2024-001156 (Sup. Ct.)), and are clearly not preserved here.

269, SCACR. Indeed, nothing in her brief was raised to, much less ruled upon by, the trial court. Dismissal and sanctions are appropriate.

CONCLUSION AND REQUEST FOR EXPEDITED CONSIDERATION

An appellant who fails to follow procedural requirements strips the court of appellate jurisdiction. *State v. Brown*, 358 S.C. 382, 387, 596 S.E.2d 39, 41 (2004); *Great Games, Inc. v. S.C. Dep't of Revenue*, 339 S.C. 79, 83 n. 5, 529 S.E.2d 6, 8 n. 5 (2000); *see also* Rule 260(a), SCACR (requiring dismissal of an appeal when an appellant fails to comply with the Appellate Court Rules). Given any one of the reasons set forth herein, this Court lacks jurisdiction to entertain this appeal due to service problems, timing defects, and the attempt to appeal unpreserved issues. Accordingly, the appeal must be dismissed and sanctions issued to deter Respondent's conduct.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

s/ Christopher B. Major
Christopher B. Major (SC Bar No. 72872)
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*Attorneys for Respondent PlanetONE Packaging,
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December 2, 2025
Greenville, South Carolina

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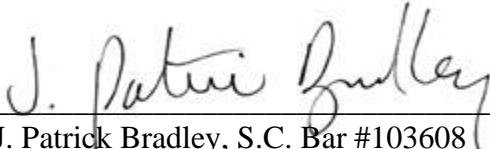
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OF WHOM Dorothy Pierce a/k/a Dorothy Wells a/k/a Dorothy Aleweny a/k/a Queen Dorothy Amolo is theAppellant.

PROOF OF SERVICE

I, the undersigned counsel for Respondent, do hereby certify that I have on December 2, 2025, caused *Respondent's Motion to Dismiss Appeal* to be served via U.S. Mail on the opposing party of record, Appellant, who is proceeding pro se in this matter, at the address shown below:

Dorothy Pierce, pro se
750 Mourning Dove Lane
Seneca, SC 29678



J. Patrick Bradley, S.C. Bar #103608
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December 2, 2025

VIA FIRST CLASS MAIL

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RE: *PlanetONE Packaging, LLC v. American Pharma Machinery, LLC, and
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Queen Dorothy Amolo*
C.A. No. 2023-CP-37-00232
Appellate Case No. 2025-000490

Ms. Pierce:

Please find enclosed for service upon you the following:

1. Respondent's Motion to Dismiss Appeal; and
2. Proof of Service for the same.

These have also been filed with the Clerk of Court for the South Carolina Court of Appeals as of the date of this correspondence.

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.



J. Patrick Bradley

Enclosures