

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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 is the Appellant.

Case No. 2023-CP-37-00232  
Appellate Case No. 2025-000490

**RECEIVED**  
**Feb 12 2026**  
SC Court of Appeals

**APPELLANT’S SUR-REPLY TO RESPONDENT’S REPLY TO MOTION TO  
DISMISS; REBUTTAL OF FACTUAL INACCURACIES; AND COUNTER-  
MOTION FOR SANCTIONS**

Appellant Dorothy Pierce, appearing *pro se*, submits this Sur-Reply to address significant factual misrepresentations and ethical lapses contained in Respondent’s February 9, 2026, Reply. Respondent’s Reply does not cure the fundamental defects in its Motion to Dismiss but instead introduces demonstrably false premises regarding Appellant’s ability to effect service.

Respondent’s Reply does not cure the fundamental defects in its Motion to Dismiss. Rather than identifying any specific violation of the South Carolina Appellate Court Rules, Respondent relies on rhetoric and generalized accusations while failing to address the documentary record already placed before this Court.

**I. Respondent Still Fails to Identify Any Specific Rule Violation**

Despite seeking dismissal and sanctions, Respondent’s Reply does not:

- i. identify a single filing that was untimely;
- ii. identify any document that was not served;
- iii. identify any subsection of Rules 207, 208, 209, 241, 262, 263, 266, or 269 that Appellant allegedly violated;
- iv. explain how any alleged defect prejudiced Respondent; or
- v. state what action by Appellant deprived this Court of jurisdiction.

Instead, Respondent repeats broad assertions of “non-service” without connecting those claims to any specific procedural requirement or factual deficiency. Conclusory allegations do not satisfy the burden required to dismiss a pending appeal.

## **II. Respondent Does Not Address the Evidence Presented in Appellant's Return**

Appellant's Return included sworn proof of mailing, documentary service records, hand-delivery evidence, and filings demonstrating Respondent's actual notice. Respondent's Reply does not dispute or rebut that evidence. Specifically, Respondent does not deny:

- a) that Appellant mailed filings via United States Mail;
- b) that physical delivery of appellate filings occurred;
- c) that Respondent filed substantive motions within twenty-four hours of receiving Appellant's filings;
- d) that Respondent acknowledged receipt of the Amended Notice of Appeal and appeal from the Final Judgment; or
- e) that this Court previously denied dismissal motions and consolidated the appeal.

The failure to engage with the evidentiary record confirms that Respondent's argument is not grounded in lack of notice but in technical objections untethered to prejudice.

## **III. Respondent Fails to Identify Any Unpreserved Issue:**

Respondent again claims that Appellant seeks review of "unpreserved" issues, yet the Reply does not identify a single specific issue that was not raised, ruled upon, or reflected in the written orders and transcripts comprising the appellate record. General accusations of non-preservation, without citation to the record or identification of a particular issue, provide no basis for dismissal and do not establish a jurisdictional defect.

## **IV. Respondent Does Not Correct or Defend Key Assertions Raised in Appellant's Return**

Equally significant, Respondent's Reply leaves unaddressed several material points raised in Appellant's Return, including:

- a) the Court of Appeals' May 30, 2025 Order mooted earlier dismissal arguments and confirming final-order jurisdiction;
- b) Respondent's own Proof of Service demonstrating reliance on U.S. Mail;
- c) Respondent's prompt filings immediately after Appellant's service efforts, confirming actual notice; and
- d) the absence of any rule requiring handwritten envelopes or personal mailing by a pro se litigant.

By declining to confront these issues, Respondent effectively concedes that the dispute concerns form rather than notice.

## **V. Respondent’S Assertion That Appellant “Cannot Serve By U.S. Mail” Is Factually Incorrect**

Respondent asserts that Appellant’s **temporary presence** in Uganda renders her unable to effect service by United States Mail. That assertion is factually incorrect. Appellant utilizes a United States-based third-party legal mailing system to transmit documents for domestic mailing within the United States. Attached as Exhibit, is Invoice No. 3930765 from Postal Methods (QuickSend Portal), dated February 11, 2026, confirming active U.S. mailing services paid for by Appellant. post mail-Invoice no.3930765. This documentation demonstrates:

- a) Appellant has access to and uses a U.S.-based mailing intermediary;
- b) Documents are processed and mailed within the United States;
- c) Service is not dependent on Appellant’s physical location.

The South Carolina Appellate Court Rules require service, not personal physical presence within the United States. Nothing in Rules 262 or 263, SCACR, requires a pro se appellant to be physically present in the United States in order to effect service by U.S. Mail.

Respondent’s argument therefore rests on an incorrect factual premise. Appellant’s use of a third-party U.S. mailing system satisfies the practical and procedural function of service: delivery of filings within the United States to opposing counsel. Accordingly, Respondent’s contention that Appellant “cannot and has not” attempted proper mailing due to her temporary international location is unsupported by the record.

## **VI.Request For Sanctions Against Respondent**

Respondent’s Renewed Motion to Dismiss does not identify a single specific procedural defect, missed deadline, or jurisdictional failure. It does not address the documentary proof of service in the record. It does not specify which issue is allegedly unpreserved. It does not identify any subsection of the Appellate Court Rules that Appellant failed to satisfy.

Instead, the motion relies on conclusory allegations, rhetoric, and repetition of arguments previously rendered moot by this Court’s May 30, 2025 Order.

Rule 269, SCACR authorizes sanctions where a motion is frivolous or interposed for delay. A motion is frivolous where no reasonable attorney could conclude that it has merit under existing law.

Here:

- i. The Court has already exercised jurisdiction and consolidated the appeal.
- ii. Service has been documented and acknowledged.
- iii. The transcript was timely ordered and confirmed by the Clerk.
- iv. No specific rule violation is identified.
- v. No prejudice is shown.

Repackaging previously rejected arguments under different rule numbers does not create a valid ground for dismissal. Filing a renewed dismissal motion without identifying a concrete procedural defect imposes unnecessary burden on the Court and the opposing party.

Accordingly, Appellant respectfully requests that this Court:

1. Deny Respondent's Renewed Motion to Dismiss in its entirety;
2. Deny Respondent's request for sanctions against Appellant; and
3. Impose appropriate sanctions under Rule 269 against Respondent for filing a frivolous renewed motion that lacks legal foundation and serves only to delay merits review.

Respectfully submitted this February 12, 2026

**/s/Dorothy Pierce**

Pro Se Appellant

750 Mourning Dove Lane

Seneca, South Carolina 29678

(864) 324-3247

[dorothypierce84@gmail.com](mailto:dorothypierce84@gmail.com)

# INVOICE

# Postal Methods

QuickSend Portal System

## Customer Detail

Name: **DorothyPierce**

Auto Recharge: **OFF**

Pay As You Go: **OFF**

## Payment Detail

Payment Status: **PAID**

Amount Paid: **100 USD**

Card Name: **Queen Dorothy Pierce**

Masked Number:

\*\*\*\* \* 8171

Card Provider: **Visa**

## Invoice Detail

Invoice No. **3930765**

Date: **02-11-2026**

Invoice Type: **System**

No.	Description	Cost	Quantity	Total
1	Silver \$100	\$100.00	1	\$100.00

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Grand Total

# \$100.00

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PROOF OF SERVICE

I hereby certify that this February 12<sup>th</sup> 2026, a true and correct copy of the foregoing APPELLANT'S SUR-REPLY TO RESPONDENT'S REPLY TO MOTION TO DISMISS; REBUTTAL OF FACTUAL INACCURACIES; AND COUNTER-MOTION FOR SANCTIONS was served upon counsel for Respondent by the following methods:

**Service by Electronic Mail:**

J. Patrick Bradley, Esq.  
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Respectfully submitted,

**/s/Dorothy Pierce**

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