

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF OCONEE

CIVIL ACTION NO: 2022-CP-37-00108

Dorothy Pierce and American Pharma Machinery, LLC,

**RECEIVED**

**May 18 2026**

**SC Court of Appeals**

Plaintiffs,

v.

Clements Electrical, Inc.; Alton Frederick Clements, Jr.; Janet Gay Clements; Jason Dix; Nicholas Behringer; Jeffery Pilgrim; Sherry L. Burgess; Nicholson H. Jerry; Francesco Majia Armando Frank; Melissa C. Chastain; Jared Adam Pierce,

**ORDER GRANTING DEFENDANTS CLEMENTS ELECTRICAL, INC., ALTON FREDERICK CLEMENTS, JR., JANET GAY CLEMENTS, JASON DIX, NICHOLAS BEHRINGER, BRANDON DURHAM, AND JEFFREY PILGRIM'S MOTION TO STRIKE PLAINTIFF DOROTHY PIERCE'S COMPLAINT**

Defendants.

This matter comes before me upon motion by Defendants Clements Electrical, Inc., Alton Frederick Clements, Jr., Janet Gay Clements, Jason Dix, Nicholas Behringer, Jeffrey Pilgrim, and Brandon Durham's (hereinafter collectively "Clements Electrical Defendants"). On September 3, 2025, the Clements Electrical Defendants filed a Motion to Strike Plaintiff's Complaint. On November 18, 2025, a hearing was held via WebEx before the Honorable Judge R. Lawton McIntosh. Scott W. Giblin appeared on behalf of the Clements Electrical Defendants. Ashaley C. Boatwright appeared on behalf of Plaintiff American Pharma Machinery, LLC. The pro se Plaintiff, Dorothy Pierce, did not appear.

After reviewing the record, the memoranda of law filed by all parties, and hearing the able arguments of counsel, for the reasons set forth below, this Court grants Defendants Clements Electrical, Inc., Alton Frederick Clements, Jr., Janet Gay Clements, Jason Dix, Nicholas Behringer, Jeffrey Pilgrim, and Brandon Durham's Motion to Strike as to Plaintiff Dorothy Pierce's

Complaint only and dismisses Plaintiff Dorothy Pierce's causes of action. Plaintiff American Pharma Machinery, LLC's Complaint and its causes of action, specifically those causes of action for unjust enrichment, breach of contract, and conversion, are not disturbed and shall continue to trial.

### **LEGAL AUTHORITY**

Pursuant to Rule 37(a)(2), if a party fails to answer an interrogatory submitted under Rule 33, the discovering party may move for an order compelling an answer. *See also* Rule 37(a)(3), SCRCF, (“[A]n evasive or incomplete answer is to be treated as a failure to answer.”). If the court grants the motion, the court must also award the moving party reasonable attorney's fees, “unless the court finds that the opposition to the motion was substantially justified or that other circumstances make an award of expenses unjust.”

If a party then fails to obey an order to provide or permit discovery, “the court in which the action is pending *may* make such orders in regard to the failure *as are just*.” Rule 37(b)(2), SCRCF, (emphasis added). Therefore, in addition to the remedies set forth under Rule 37(a), SCRCF, if a party fails to comply with an order, the trial court may impose sanctions such as striking pleadings, dismissing the action, or rendering a default judgment. Rule 37(b)(2)(C), SCRCF. The selection of a particular sanction is “generally entrusted to the sound discretion of the Circuit Court.” *Downey v. Dixon*, 294 S.C. 42, 45, 362 S.E.2d 317, 318 (Ct. App. 1987).

Dismissal or a sanction tantamount to dismissal such as striking a pleading is appropriate only when there is bad faith, willfulness, or callous disregard for the rights of others. *Davis v. Parkview Apartments*, 409 S.C. 266, 762 S.E.2d 535 (2014) (Holding that the trial court did not err in issuing a dismissal order as sanction for appellants' noncompliance with court's orders where appellants' failure to comply with various court orders was willful and deliberate and caused

unnecessary delay of the case and prejudice to respondents); *Brandt v. Gooding*, 368 S.C. 618, 630 S.E.2d 259 (2006) (complaint dismissed as contempt sanction for filing false document); *Barnette v. Adam Bros. Logging, Inc.*, 355 S.C. 588, 586 S.E.2d 572 (2003) (upholding the dismissal of complaint for persistent refusal to authorize examination of relevant records); *QZO, Inc. v. Moyer*, 358 S.C. 246, 594 S.E.2d 541 (Ct. App. 2004) (violation of court order to preserve evidence on computer violated by reformatting hard drive supported striking of defendant's pleadings); *Griffin Grading and Clearing, Inc v. Tire Serv. Equip. Mfg. Co., Inc.*, 334 S.C. 193, 511 S.E.2d 716 (Ct. App. 1999) (failure to comply meaningfully with four prior discovery orders supported striking of pleadings); see also *Rickerson v. Karl*, 412 S.C. 215, 770 S.E.2d 767 (Ct. App. 2015). The trial court is given discretion in determining the severity of these sanctions in the event of willful noncompliance with discovery. *Samples v. Mitchell*, 329 S.C. 105, 112, 495 S.E.2d 213, 216 (Ct. App. 1997) (The trial court is given discretion in deciding the severity of sanctions "for failure to disclose evidence during the discovery process, the trial court should weigh the nature of the interrogatories, the discovery posture of the case, willfulness, and the degree of prejudice").

### DISCUSSION

The Clements Electrical Defendants' Motion to Strike and this Order are the result of years of Plaintiff Pierce refusing to willingly participate in discovery; subsequent court orders compelling Plaintiff Pierce to participate in discovery; Plaintiff Pierce's failure to comply with those orders compelling her to participate in discovery; subsequent court orders sanctioning her conduct; and her refusal thereafter to comply with those orders sanctioning her conduct. Plaintiff Pierce's pattern of willful noncompliance, gross indifference to the Defendants' rights, and disrespect of the Court's authority, as set forth below, necessitates the drastic remedy of striking her Complaint and dismissing her causes of action. The factual record providing the basis for this

Court's ruling that the Complaint of Plaintiff Dorothy Pierce shall be struck in accordance with Rule 37 of the South Carolina Rules of Civil Procedure is as follows:

1. On June 6, 2022, the Clements Electrical Defendants served their First Set of Interrogatories and First Set of Requests for Production on Plaintiffs.
2. Plaintiffs failed to respond to the Clements Electrical Defendants' First Set of Interrogatories or First Set of Requests for Production. Accordingly, on August 30, 2022, the Clements Electrical Defendants filed a Motion to Compel Plaintiffs' responses to their First Set of Interrogatories and First Set of Requests for Production.
3. Plaintiffs thereafter served their discovery responses and document production, although both remained deficient.
4. On January 27, 2023, Judge Sprouse heard the Clements Electrical Defendants' Motion to Compel Plaintiffs' responses to Clements Electrical Defendants' First Set of Interrogatories and First Set of Requests for Production.
5. On May 4, 2023, Judge Sprouse issued an Order which ordered Plaintiffs to "fully respond to all Interrogatories and Requests for Production submitted by Defendants and produce responsive documents within 30 days of [the] Order."
6. While awaiting Plaintiffs' responses to their first discovery requests, the Clements Electrical Defendants served their Second Set of Interrogatories (Interrogatories 33, 34, and 35) and Third Set of Interrogatories (Interrogatories 36, 37, 38, and 39) on Plaintiffs, on December 22, 2022, and February 6, 2023, respectively.
7. Plaintiffs did not respond to the Clements Electrical Defendants' Second Set of Interrogatories or Third Set of Interrogatories. Accordingly, the Clements Electrical

- Defendants filed Motions to Compel, on February 6, 2023, and March 22, 2023, respectively.
8. On March 2, 2023, Judge McIntosh heard the Clements Electrical Defendants' Motion to Compel Plaintiff's answers to the Clements Electrical Defendants' Second Set of Interrogatories. Prior to the hearing, Plaintiffs served their answers to Interrogatories 33 and 34 but refused to answer Interrogatory 35.
  9. On March 7, 2023, Judge McIntosh issued an Order which compelled Plaintiffs to respond to Interrogatory 35.
  10. The Clements Electrical Defendants' Motion to Compel Plaintiffs' answers to their Third Set of Interrogatories was scheduled for August 1, 2023. However, prior to the hearing, Plaintiffs served their answers to the Third Set of Interrogatories, thus negating the need for a hearing.
  11. Plaintiffs did not comply with the Court's May 4, 2023, Order within the prescribed thirty (30) days. Accordingly, on June 27, 2023, the Clements Electrical Defendants filed a motion to compel Plaintiffs' compliance with the May 4, 2023, Order.
  12. On August 21, 2023, Judge Maddox granted the Clements Electrical Defendants' Motion to Compel Compliance with Court Order. Thereafter, Judge Maddox issued an Order providing Plaintiffs thirty (30) days to comply with the May 4, 2023, Order and awarding attorney's fees to the Clements Electrical Defendants.
  13. Plaintiffs did not comply with the Court's August 21, 2023, Order, with the prescribed thirty (30) days. Accordingly, on October 20, 2023, the Clements Electrical Defendants filed a Motion for Contempt.

14. On February 8, 2024, Judge Sprouse heard the Clements Electrical Defendants' Motion for Contempt.
15. On March 28, 2024, Judge Sprouse issued an Order granting the Clements Electrical Defendants' Motion for Contempt. In the Order, Judge Sprouse found that Plaintiffs' noncompliance was willful and that Plaintiffs' noncompliance had paralyzed the case. Judge Sprouse declined to strike Plaintiffs' pleadings but sanctioned Plaintiffs by awarding attorney's fees, limiting Plaintiffs at the trial of the case "to the witnesses and documents that have been provided to the Defendants as of the date of the hearing," and by disallowing Plaintiffs to "supplement her discovery answers nor present any additional witnesses and/or documents at trial."
16. Plaintiff Pierce refused to sit for a deposition in this case, instead asserting that deposition testimony given by her in a separate case should also serve as her deposition testimony in this case.
17. On September 12, 2024, the co-defendants Richard Hunt McDuff, Morrell, Jahn & McDuff, PA, and MJM Law, LLC (hereinafter collectively "Attorney Defendants") blind-noticed Plaintiff Pierce's deposition for October 14, 2024.
18. On September 30, 2024, Plaintiff Pierce filed a Motion to Quash the notice of deposition, arguing the scheduled deposition was duplicative, burdensome, and constituted harassment because she had "already been subjected to an extensive 12-hour deposition in a related matter, covering many of the same issues, making the current deposition unnecessary."
19. On January 30, 2025, a hearing was held before Judge McIntosh on Plaintiff Pierce's Motion to Quash.

20. On February 7, 2025, Judge McIntosh issued an Order denying Plaintiff Pierce's Motion to Quash and ordered her to appear at the Oconee County Courthouse on March 17, 2025, at 10:00 a.m. for her deposition.
21. Plaintiff Pierce did not appear for the court-ordered deposition on March 17, 2025, advising that she had to leave the United States immediately because, eighteen (18) days prior to the date of her deposition, her assistant had been kidnapped in Uganda.
22. On March 26, 2025, the Clements Electrical Defendants moved to strike Plaintiff Pierce's Complaint.
23. On May 15, 2025, Judge Caraker heard the Clements Electrical Defendants' Motion to Strike.
24. On June 23, 2025, Judge Caraker issued an Order denying the Clements Electrical Defendants' Motion to Strike but ordering Plaintiffs to "pay the sanctions that were entered against her within 15 days of this order. Failure to do so will subject her to further sanctions of the court, up to and including dismissal of her pleadings."
25. Plaintiffs did not pay the court-ordered sanctions within fifteen (15) days of the Order.
26. On July 3, 2025, Plaintiff Pierce filed a Motion for Protective Order, requesting protection from in-court appearances from September 2, 2025, through January 30, 2026 (150 days).
27. On July 22, 2025, Judge McIntosh issued an Order denying the Motion.
28. On September 3, 2025, the Clements Electrical Defendants filed a second Motion to Strike Plaintiffs' Complaint.
29. On November 13, 2025, counsel for the Clements Electrical Defendants sent an email to Plaintiff Pierce and counsel for Plaintiff American Pharma Machinery, LLC (hereinafter,

“American Pharma”) requesting dates in December 2025 to take the 30(b)(6) deposition of American Pharma.

30. On November 13 and 14, 2025, Plaintiff Pierce responded that she is the principal of American Pharma, and she will be testifying on its behalf. However, Plaintiff Pierce stated she is currently campaigning in Uganda until January 12, 2026, and will not sit for an in-person deposition until February 2026.
31. On November 18, 2025, Judge McIntosh heard the Clements Electrical Defendants’ Motion to Strike via WebEx.
32. Plaintiff Pierce did not attend the hearing.
33. Although Plaintiffs’ Motion for Protective Order was denied, it is the Court’s understanding that Plaintiff Pierce left the United States in September 2025; Plaintiff Pierce will not return to the United States until February 2026; and Plaintiff Pierce will not attend any in-person events (e.g., depositions, site inspections, hearings, or trials) until February 2026.

Plaintiff Pierce has demonstrated a gross indifference to the Defendants’ rights and disrespect of the Court’s authority by her repeated willful noncompliance throughout the life of this case. Plaintiff Pierce has refused to willingly or meaningfully participate in written discovery, refused to willingly participate in depositions, and ignored the sanctions entered against her. She has left the United States and advised party counsel that she will not attend in-person events *despite* the Court denying her Motion for Protective Order. Most recently, on November 18, 2025, Plaintiff Pierce did not deign to appear for the virtual hearing on the Clements Electrical Defendants’ Motion to Strike her Complaint, at which six (6) of Plaintiff Pierce’s own motions were also

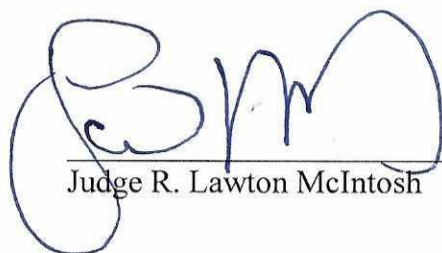
scheduled to be heard. Therefore, the Complaint of Plaintiff Dorothy Pierce shall be struck in accordance with Rule 37 of the South Carolina Rules of Civil Procedure.

For the above reasons, the Court **GRANTS** Defendants Clements Electrical, Inc., Alton Frederick Clements, Jr., Janet Gay Clements, Jason Dix, Nicholas Behringer, Jeffrey Pilgrim, and Brandon Durham's Motion to Strike as to Plaintiff Dorothy Pierce's Complaint only and dismisses Plaintiff Dorothy Pierce's causes of action.

AND IT IS SO ORDERED.

December 9, 2025  
~~Georgetown~~, SC

Anderson  
RLM



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Judge R. Lawton McIntosh