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Aug 28 2026

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 the Appellant.

APPELLANT'S RETURN TO RESPONDENT'S MOTION TO STRIKE AND TO CLARIFY

Appellant Dorothy Pierce hereby files this Return to Respondent's Motion to Strike and to Clarify pursuant to Rule 240, SCACR, and respectfully opposes the relief requested therein.

Respondent's assertion is overbroad, unsupported, and based on an incorrect formulation of Rule 210(c). Respondent identifies only general categories—"Additional email exchanges," a Red Pepper article, a Wikipedia article concerning Okello Engola, Nile Post News, airline tickets, and then the undefined phrase "many others", but does not identify the particular Record pages it contends were never presented below.

As to the emails, Respondent's contention is especially untenable. All email correspondence included by Appellant was part of the lower-court proceedings and involved communications with or among Appellant, Respondent's counsel, the Clerk's Office, chambers, and other court personnel concerning matters actually before the Circuit Court. Respondent itself designated extensive email correspondence, included more than sixty pages of such communications in its proposed Appendix, and affirmatively relies upon several of those emails in its Final Brief.

I. RULE 210(c) DOES NOT REQUIRE THAT EVERY DOCUMENT HAVE BEEN SEPARATELY “RULED UPON”

Respondent repeatedly asserts that challenged material was not “presented to and ruled upon by” the lower court.

That is not the language of Rule 210(c).

Rule 210(c) provides that the Record “shall not, however, include matter which was not presented to the lower court or tribunal.”

The controlling question is therefore whether the material was **presented to the Circuit Court**, not whether the judge entered a separate ruling specifically addressing every email, attachment, exhibit, article, receipt, or other page.

A document does not become extra-record merely because the Circuit Court did not expressly discuss that individual document in a written order.

Respondent’s Motion should therefore be evaluated under the Rule as written.

II. RESPONDENT DOES NOT IDENTIFY THE RECORD PAGES IT SEEKS TO STRIKE

Respondent identifies only general categories of material: “Additional email exchanges,” a Red Pepper news article, a Wikipedia article concerning Okello Engola, Nile Post News, and airline tickets. Respondent then expands its request through the undefined assertion that “these items, and many others” were not presented to the trial court.

Respondent does not identify the Record page or pages corresponding to the “Additional email exchanges.” Nor does Respondent identify what documents constitute the supposed “many others.”

Appellant should not be required to guess which portions of a 233-page Record Respondent intends the Court to remove, nor should the Court be asked to strike unidentified portions of the Record based upon a generalized characterization.

Accordingly, Appellant responds to the categories Respondent actually identified. As to “many others,” there is nothing specific for Appellant to answer because Respondent identifies neither the documents nor their Record pages.

III. RESPONDENT ITSELF DESIGNATED, SUBMITTED, AND RELIES UPON EXTENSIVE EMAIL CORRESPONDENCE

Respondent’s position concerning email correspondence is internally inconsistent.

Respondent’s own Designation expressly identified:

“Pierce Emails to Court and HSB regarding service and pro se representation.”

Respondent then submitted a sixty-one-page correspondence block at R.350–410 in its proposed Appendix. That block includes communications involving Appellant, Respondent’s counsel, the Oconee County Clerk of Court, Judge McIntosh’s staff, and other court personnel, including:

1. R.350–356: July 2023 email chain concerning Appellant’s Uganda Motion to Dismiss;
2. R.359–367: communications concerning pending motions and the October 31 hearing;
3. R.368–369: Posta Uganda receipts;
4. R.370–377: correspondence concerning mailing evidence and pending motions;
5. R.378–386: correspondence concerning Respondent’s proposed order and proof-of-mailing issues; and
6. R.387–410: additional correspondence concerning the affidavit, mailing evidence, judicial directions, and anticipated further determination of the proof.

Respondent’s own Appendix therefore demonstrates that email correspondence was a substantial component of the proceedings below.

Indeed, R.381 contains Respondent’s counsel’s contemporaneous statement that “The Judge ruled that there would be a later hearing and finding on the proof,” and that there would “no doubt” be a separate order containing the Court’s findings.

Respondent also affirmatively relies upon Appellant’s email correspondence in its Final Brief, including the July 2023 email chain at R.350–356 and Appellant’s October 23 email.

Respondent cannot designate, reproduce, and rely upon extensive lower-court email correspondence while seeking categorical exclusion of Appellant’s correspondence merely by labeling it “Additional email exchanges.” If Respondent contends that a particular email was never presented below, it must identify that specific Record page.

IV. THE TRAVEL AND DEATH-RELATED EVIDENCE WAS EXPRESSLY PRESENTED IN THE LOWER COURT AND WAS MADE PART OF THE RECORD

Respondent cannot characterize the challenged travel records and related news materials as matters first introduced on appeal. At the October 31 hearing, R.33, Appellant expressly informed the Circuit Court that her friend, a Ugandan minister, had been killed on May 2 and that, as a result, “I had to fly to Uganda.” Appellant further testified that, while in Uganda, she mailed her Motion to Dismiss to both the Circuit Court and Respondent on June 1.

The challenged news articles and travel records were submitted as evidence supporting those very facts. Appellant presented the materials with her Motion to Dismiss and again with her Motion to Reconsider. The Record identifies the Motion to Dismiss at R.91 and the Motion to Reconsider at R.110. Thus, the challenged materials were not newly introduced for purposes of this appeal; they had already been presented in the proceedings below and made part of the record.

The lower-court record independently corroborates the Uganda submission. At R.157, Chief Deputy Clerk Amanda Watkins confirmed that the Circuit Court had received “a package ... from Uganda with a motion to dismiss enclosed.” Respondent’s own correspondence likewise confirms its receipt of the Uganda submission.

Appellant subsequently presented the same evidence with her Motion to Reconsider in the Court of Appeals and her petition for writ of certiorari to the South Carolina Supreme Court. Appellant does not rely upon those subsequent appellate submissions to establish compliance with Rule 210(c). Rather, they demonstrate her consistent reliance upon the same evidence throughout the proceedings. The basis for inclusion under Rule 210(c) remains that the evidence was presented to the Circuit Court and made part of the lower-court record.

Accordingly, Respondent’s contention that the challenged news articles and travel records were not presented below is contradicted by the record itself. The underlying death and Appellant’s resulting travel to Uganda were expressly presented to the Circuit Court at R.33, and the documentary evidence supporting those facts was submitted in Appellant’s lower-court filings. The materials therefore are not matters introduced for the first time on appeal.

V. RESPONDENT HAS NOT ESTABLISHED EFFECTIVE AUGUST 17, 2026 SERVICE; ALTERNATIVELY, APPELLANT REQUESTS ENLARGEMENT OF TIME

“Respondent’s Proof of Service certifies that its Motion to Strike and to Clarify was served on August 17, 2026 “via U.S. Mail” to Appellant at 750 Mourning Dove Lane, Seneca, South Carolina 29678.

Rule 262(c)(2), SCACR requires mailed service to be properly addressed to the person’s last known address. Before August 17, Respondent had received Appellant’s July 27, 2026 Proof of

Service and August 11, 2026 Supplemental Proof of Service, both identifying Appellant's mailing address as:

P.O. Box 209910, Kampala GPO, Kampala, Uganda

Respondent nevertheless mailed its Motion to the former Seneca address.

Respondent's August 17 email does not establish a different method of service. Respondent expressly described the emailed copy as a "courtesy copy" and stated that its proof of service "was mailed today." Accordingly, Respondent has not established effective August 17 service under Rule 262(c)(2).

Alternatively, if the Court deems the August 17 mailing effective, Appellant respectfully requests enlargement under Rule 240(e) through the date this Return is filed. Any delay was minimal and appellant understood that a filing was done on the 18th according to stamped documents of respondent by the court.

On August 27, 2026, the tenth day if August 17 is treated as effective service, Appellant attended a previously scheduled 2:00 p.m. meeting at Uganda's Ministry of ICT & National Guidance concerning the National Accountability System. Appellant acted promptly thereafter, and Respondent suffers no prejudice.

The proposed Appendix itself was transmitted through a ShareFile link on August 17 and was subsequently transmitted as PDF files on August 18 following communication with the Clerk's Office. The Court should therefore distinguish the purported August 17 service of the Motion from the subsequent transmission of the Appendix itself.

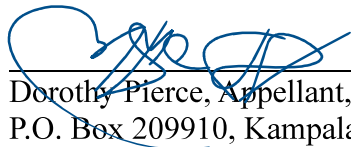
VI. CONCLUSION

For the foregoing reasons, Appellant respectfully requests that the Court:

1. DENY Respondent's Motion to Strike and to Clarify;
2. reject Respondent's contention that Rule 210(c) requires material to have been separately "ruled upon" in addition to having been presented to the lower court;
3. deny Respondent's request to strike unspecified "Additional email exchanges" and unidentified "many others" because Respondent fails to identify the particular Record pages allegedly not presented below;

4. recognize that Respondent's own Designation, Appendix, and Final Brief demonstrate that extensive email correspondence formed part of the lower-court proceedings;
5. decline to strike the articles, travel documentation, and related supporting materials because those matters were presented below in connection with Appellant's motions and the facts addressed at the October 31 hearing;
6. require Respondent, if it continues to seek removal of any particular material, to identify each challenged document by Record page and state the factual basis for its contention that the document was not presented to the Circuit Court;
7. deem this Return timely or, alternatively, enlarge the time for filing through the date filed pursuant to Rule 240(e); and
8. grant such other relief as the Court deems just and proper.

Respectfully submitted, this August 18, 2026



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