

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 IN PARTIAL OPPOSITION TO RESPONDENT'S MOTION
FOR LEAVE TO FILE APPENDIX TO RECORD ON APPEAL**

Appellant Dorothy Pierce, appearing pro se, respectfully submits this Return in partial opposition to Respondent PlanetONE Packaging, LLC's Motion for Leave to File Appendix to Record on Appeal.

Appellant does not oppose supplementation with material that was properly designated, was actually omitted from the filed Record on Appeal, and is properly includable under Rules 209, 210, and 212, SCACR.

- i. Appellant opposes Respondent's proposed Appendix in its present form because Respondent: did not establish effective August 17, 2026 service of its Motion upon Appellant;
- ii. reproduced substantial material already contained in Appellant's Record despite representing that the Appendix contains only omitted material;

- iii. inserted Court-of-Appeals-only material that was not presented to the Circuit Court;
- iv. misidentified or failed to supply certain material it claims to supplement; and
- v. made representations concerning the Appendix and underlying procedural history that cannot be reconciled with the documents Respondent itself submitted.

Respondent expressly represented: “The proposed Appendix does not include any additional or different items not designated by Respondent.”

Respondent’s Appendix goes further, stating that its index refers “only to the items not already contained within the current Record on Appeal filed by Appellant.” The proposed Appendix does not conform to either representation.

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

Respondent's Proof of Service certifies that its Motion for Leave 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.

II. RESPONDENT'S PROPOSED APPENDIX DUPLICATES MATERIAL ALREADY CONTAINED IN APPELLANT'S RECORD ON APPEAL

Respondent represents that its Appendix contains only designated items omitted from Appellant's Record. A comparison with Appellant's R.1–233 demonstrates that this statement is blatantly false.

Document	Already in Appellant's ROA	Respondent's Appendix
December 5, 2023 Order	R.18–26	R.239–247
January 16, 2024 Form 4	R.15–17	R.248–250
January 29, 2025 Damages Memorandum	R.124–130	R.257–263
Exhibits to January 29, 2025 Damages Memorandum	R.161–200	R.264–303
February 26, 2025 Form 4	R.27–29	R.316–318
March 24, 2025 Default Judgment	R.10–12	R.331–333 and R.334–336
March 24, 2025 Amended Notice of Appeal and Proof of Service	R.8–9	R.425–426

The duplication of the January 29 damages filing is particularly substantial. Respondent reproduces its seven-page memorandum at R.257–263 even though the same memorandum already appears at R.124–130. Respondent then reproduces all forty pages of the accompanying exhibits at R.264–303 even though those exhibits already appear at R.161–200. Thus, Respondent's entire R.257–303 submission duplicates material already contained in Appellant's Record.

Respondent also duplicates documents within its own Appendix. The Motion for Default Judgment appears at R.251–253 and again at R.346–348; the January 31, 2025 Form 4 appears at R.310–312 and again at R.313–315; the March 24, 2025 Form 4 appears at R.319–324 and again at R.325–330; and the March 24 Default Judgment appears at R.331–333 and again at R.334–336.

The index further assigns R.251–253 both to the Motion for Default Judgment and to Respondent's Memorandum in Opposition to the Motion to Set Aside Default. R.251–253 is the Motion for Default Judgment.

Respondent therefore did not submit an Appendix limited to material omitted from Appellant's Record. The duplicate material should be removed or disregarded as surplusage and the index corrected.

III. RESPONDENT INCLUDED APPELLATE-COURT MATERIAL WITHOUT ESTABLISHING THAT IT WAS PRESENTED TO THE CIRCUIT COURT

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

R.416–417 consists of Court of Appeals correspondence from the prior appellate proceeding. It is not part of the “First Notice of Appeal,” although Respondent's index places it within R.411–417 under that description.

R.420–424 likewise consists of appellate transmitting correspondence, a Motion to Amend Notice of Appeal, and related appellate proof-of-service material. Respondent has not established that R.416–417 or R.420–424 was presented to the Circuit Court.

The issue is material because Respondent cites those newly numbered Appendix pages in its Final Brief to support dismissal, including R.421 for the assertion that Appellant “only emailed” her Notice of Appeal.

Respondent should not be permitted to place selected documents from this Court's appellate file into a Rule 212 Appendix as lower-court Record pages and then rely upon those pages as evidence supporting dismissal without satisfying Rule 210(c).

Appellant therefore requests exclusion of R.416–417 and R.420–424 from the Rule 212 Appendix. R.425–426 should separately be treated as duplicative because the Amended Notice of Appeal and its Proof of Service already appear at R.8–9.

If the Court nevertheless considers Respondent's selected appellate materials in deciding the service issue, Appellant respectfully requests consideration of the corresponding appellate procedural history, including the May 30, 2025 consolidation Order and the March 31, 2026 Order denying Respondent's subsequent Motion to Dismiss.

IV. RESPONDENT'S APPENDIX CONTAINS MATERIAL DESIGNATION AND INDEXING ERRORS

A. Item 25 — Continuance Order

Respondent designated Item 25 as the “Order granting Appellant's request for continuance of damages hearing” and Item 26 separately as the Public Index message resetting the hearing.

Respondent assigns R.419 to both. R.419 is the Public Index scheduling material, not the separately designated continuance order. Respondent should identify where the Item 25 order already appears in the Record or supply the document it actually designated.

B. R.251–253 — Item 13 Is Misidentified

Respondent's index identifies R.251–253 as its Memorandum in Opposition to Appellant's Motion to Set Aside Default. Those pages are the Motion for Default Judgment.

Because the opposition memorandum was already contained in Appellant's filed Record, no supplementation of that document was necessary. The index should be corrected.

C. R.342–345 — Wrong Motion Identified

Respondent identifies R.342–345 as Appellant's hand-delivered July 21, 2023 Motion to Dismiss. R.342–345 bears the June 1 date and June 1 certificate of service.

Respondent's own Final Brief identifies the different, updated July 21 motion at R.99–103. The Appendix index should therefore be corrected.

D. R.254–256 — Material Not Designated by Respondent

R.254–256 is Appellant's November 7, 2024 Motion for Continuance. Respondent designated the subsequent order granting the continuance and the Public Index notice resetting the hearing, not the underlying motion.

Respondent nevertheless inserted R.254–256 and cites it in its Final Brief. That contradicts Respondent's representation that its Appendix “does not include any additional or different items not designated by Respondent.”

If R.254–256 remains because it was encompassed by Appellant's own Designation, it should not be treated as material supplied pursuant to Respondent's Designation.

V. RESPONDENT'S REPRESENTATIONS ARE CONTRADICTED BY ITS OWN APPENDIX

The foregoing discrepancies are not limited to pagination.

Respondent represented that the Appendix contains only material omitted from Appellant's Record, yet it reproduced extensive material already contained in R.1–233 and duplicated several documents again within its own Appendix.

Respondent represented that it included no additional or different material, yet included R.254–256, which it did not designate.

Respondent's index assigns the same pages to different documents and misidentifies R.342–345 and R.419.

The same problem appears in Respondent's appellate-service argument. Respondent asserts that Appellant “only emailed” her appellate filing and that service was never attempted. Yet Respondent's own Appendix includes filed proofs of service at R.424 and R.426 stating service through the United States Postal Service.

The transmitting emails do not erase those proofs of service. If Respondent disputes whether the service certified in the proofs actually occurred, that is a different issue. The existence of transmitting emails does not establish that Appellant “only emailed” the Notices.

Respondent's position is also internally inconsistent. For the present Motion, Respondent relies upon its own August 17, 2026 Proof of Service as establishing service by U.S. Mail. Yet Respondent asks the Court to disregard Appellant's filed proofs of service stating service through the United States Postal Service and instead infer non-service from separate transmitting emails.

Respondent additionally states that counsel “never received any proof of mailing” after the August 21, 2023 hearing. Yet R.242, Respondent's own copy of the Circuit Court's December 5 Order, states that Appellant emailed images of the mailing receipts to Plaintiff's counsel, and Respondent's Appendix contains those receipts at R.368–369.

Appellant does not ask the Court to infer intentional misconduct from an isolated indexing error. The cumulative and materially one-sided nature of these discrepancies, however, warrants scrutiny of Respondent's representations and weighs against accepting the proposed Appendix in its present form.

VI. APPELLANT REQUESTS LEAVE TO SUPPLEMENT THE APPENDIX

Appellant respectfully requests leave to supplement the Appendix pursuant to Rule 212, SCACR, with three documents directly relevant to the procedural and service issues raised by Respondent:

1. the May 30, 2025 Order consolidating the related appeals;
2. the March 31, 2026 Order denying Respondent's Motion to Dismiss; and
3. Appellant's March 25, 2025 USPS mailing receipt, corroborating Appellant's filed proofs of service.

The supplemental materials are attached hereto beginning at R.427 and continue the pagination of Respondent's Appendix, which ends at R.426.

Appellant respectfully requests that the Court grant

WHEREFORE

Appellant respectfully requests that this Court:

1. determine that Respondent has not established effective August 17, 2026 service under Rule 262(c)(2), SCACR;
2. alternatively, if August 17 is deemed effective service, enlarge Appellant's time under Rule 240(e) through the date this Return is filed;
3. grant Respondent's Motion only as to material actually omitted from Appellant's Record and properly includable under Rule 210(c);
4. remove or disregard as surplusage material already contained in R.1–233 and duplicate copies within Respondent's Appendix;
5. direct correction of the inaccurate Appendix index and document descriptions identified above;
6. exclude R.416–417 and R.420–424 unless Respondent establishes that those materials satisfy Rule 210(c), and treat R.425–426 as duplicative of R.8–9 without disregarding the filed Proof of Service in resolving Respondent's appellate-service argument;
7. grant Appellant leave pursuant to Rule 212, SCACR, to supplement the Appendix beginning at R.427 with the May 30, 2025 consolidation Order, the March 31, 2026 Order denying Respondent's subsequent Motion to Dismiss, and the March 25, 2025 USPS mailing receipt, and consider those materials in resolving Respondent's Motion;
8. grant such other and further relief as the Court deems just and appropriate.

Respectfully submitted, this August 18, 2026



Dorothy Pierce, Appellant, Pro Se
P.O. Box 209910, Kampala GPO
Kampala, Uganda
Email: dorotheypierce84@gmail.com