

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM OCONEE COUNTY
Court of Common Pleas
The Honorable Jane H. Merrill, Circuit Court Judge

Court of Common Pleas Case No. 2021-CP-37-00149
Appellate Case No. 2026-000480

Firewalker Hot Sauce Company, LLC,
v.

Respondent,

American Pharma Machinery, LLC, Dorothy Wells a/k/a Dorothy Alweny a/k/a
Queen Dorothy Amolo a/k/a Dorothy Pierce, and the Estate of Doyle Elton Pierce,
Defendants, of which Dorothy Pierce is the Appellant

**APPELLANT'S RETURN IN OPPOSITION TO RESPONDENT'S MOTION TO
DISMISS APPEAL**

Appellant Dorothy Pierce ("Appellant" or "Pierce"), appearing pro se, respectfully submits this Return pursuant to Rule 240(e), SCACR, in opposition to Respondent Firewalker Hot Sauce Company, LLC's ("Firewalker" or "Respondent") Motion to Dismiss Appeal. The Motion should be denied because its three asserted grounds - an alleged absolute bar under Winesett, wholesale lack of preservation, and frivolousness - are contradicted by the circuit-court record and by published South Carolina authority. Pursuant to Rule 240(c)(3), SCACR, because the Record on Appeal has not yet been filed, Appellant also submits and relies upon the Definitive Supporting Exhibit Volume A-BA as support for the facts necessary to decide this Motion.

I. INTRODUCTION

1. This appeal concerns an \$87,619.47 personal judgment entered against Dorothy Pierce after the circuit court imposed default against her individually and then used that default to

impute American Pharma Machinery, LLC's contractual and statutory liability to her through alter ego. Mrs. Pierce is the sole appellant. She seeks review of the judgment entered against her personally and does not seek relief on behalf of APM.

2. The appeal presents substantial, record-based questions concerning whether the circuit court abused its discretion in refusing to excuse an eleven-day pleading delay despite Mrs. Pierce's prompt appearance, years of active participation, asserted meritorious defenses, and absence of demonstrated prejudice; whether default was entered against an appearing defendant without the notice required by Rule 55(b)(2); whether APM's contractual, warranty, UCC, and SCUTPA liabilities could lawfully be imposed upon Mrs. Pierce individually; whether the alter-ego determination satisfied South Carolina law; and whether the resulting damages, treble damages, and attorney-fee award can stand.
3. The supporting materials submitted with this Return are substantial. They include Appellant's Notice of Appearance, Answer, Affirmative Defenses, and sworn Affidavit; the contested 2021 default proceedings; extensive documentary and photographic evidence concerning the machine transaction; the circuit court's judicial stay; renewed motion practice after the stay ended; Appellant's Amended Answer, Affirmative Defenses, Counterclaims, and Rule 55(c) opposition; the October 2025 proceedings; the orders entering default; the January 2026 damages record; Exhibit AF identifying Appellant's written Brief in Opposition to Damages and supporting evidence transmitted to the court and counsel; the January 9 Order expressly stating that the court "reviewed and considered" documents Appellant filed on the hearing date; and the final judgment. This is therefore not an appeal arising from an empty record created by a defendant who ignored the litigation.

4. Indeed, the underlying record directly contradicts the premise on which Respondent now seeks dismissal. Mrs. Pierce appeared and answered in April 2021, personally appeared at the August 30, 2021 default hearing, and opposed Firewalker's request for default. The circuit court did not then enter default; it deferred the matter while related proceedings remained pending. When litigation resumed, Mrs. Pierce continued defending the action and filed amended pleadings, counterclaims, and a written Memorandum opposing default and requesting relief under Rule 55(c).
5. The individual default challenged in this appeal was therefore not entered against a defendant who failed entirely to participate. It was entered after years of contested litigation and after the case had progressed to the point of trial preparation. By then, Mrs. Pierce had filed substantive defenses, affidavits, documentary evidence, counterclaims, and a written opposition specifically asking the circuit court to permit adjudication on the merits.
6. Most importantly for Respondent's present Motion, Mrs. Pierce expressly sought relief from default. Her September 2025 filing addressed the eleven-day delay, presented meritorious defenses, opposed default, and requested that the case proceed on the merits. The December 8 Order nevertheless entered default while stating that "no objection has been filed by any opposing party." The record thus presents an appellate question concerning the circuit court's exercise of discretion; it does not establish the absence of an issue for appellate review.
7. Respondent nevertheless asks this Court to dismiss the appeal on the theory that Mrs. Pierce had "no status" below, never sought relief from default, presented none of her issues to the circuit court, and created no record capable of appellate review. Those assertions cannot be reconciled with the record now before this Court.

8. Respondent's reliance on *Winesett v. Winesett*, 287 S.C. 332, 338 S.E.2d 340 (1985), therefore begins from a false equivalence. *Winesett* concerns the traditional nonappearance default problem—a defendant who does not appear and answer, issues never presented below, and no adequate record for review. This case presents the opposite circumstances: Mrs. Pierce appeared and answered; default itself was contested; Rule 55(c) relief was sought; substantial defenses and evidence were placed before the circuit court; and a developed record exists for meaningful appellate review.
9. Published South Carolina authority recognizes that distinction. In *Balloon Plantation, Inc. v. Head Balloons, Inc.*, 303 S.C. 152, 399 S.E.2d 439 (Ct. App. 1990), the Court expressly declined to apply the *Winesett* procedure where the defendants had appeared and answered, the default issue had already been presented below, and an adequate record existed. And *Palmetto Construction Group, LLC v. Restoration Specialists, LLC*, 432 S.C. 633, 856 S.E.2d 150 (2021), confirms that an adverse determination concerning relief from an entry of default ordinarily becomes reviewable after damages have been determined and final judgment entered.
10. That is the appellate posture presented here. Mrs. Pierce challenges the circuit court's exercise of discretion in allowing default to determine liability despite her participation and Rule 55(c) showing; the procedure by which default was entered against an appearing defendant; the use of default to impose APM's liabilities upon her personally; and the resulting monetary judgment. Those questions go to the merits of the appeal. They cannot be eliminated by relabeling this extensively litigated case as though Mrs. Pierce never appeared at all.

11. Nor does Respondent's preservation argument justify wholesale dismissal. Even if this Court ultimately concludes that a particular argument was not adequately preserved, preservation must be assessed issue by issue. The default issue was presented below; notice and participation are documented in the record; damages objections were submitted; and the circuit court expressly proceeded to an evidentiary damages determination. Respondent therefore cannot establish that the entire appeal contains nothing capable of appellate review.
12. The same record defeats Respondent's demand for sanctions. An appeal challenging an \$87,619.47 personal judgment on grounds expressly supported by the lower-court record and published South Carolina authority is not rendered frivolous merely because Respondent characterizes Winesett as an "absolute bar."
13. The Motion to Dismiss should therefore be denied and the appeal permitted to proceed to merits review.
14. For purposes of this Return only, Appellant accepts arguendo Respondent's premise that the February 3, 2026 Order is final and appealable. Appellant does not waive the separate Rule 54(b) finality issue raised in her Initial Brief. Even accepting Respondent's premise, however, nothing in Winesett authorizes dismissal of this appeal.

II. PROCEDURAL FACTS RELEVANT TO THE MOTION

15. The procedural history is material because Respondent invokes Winesett on the premise that Appellant failed to appear, failed to present the default issue below, and created no record capable of appellate review. The lower-court proceedings extended from February 2021 through February 2026 and included contested default proceedings, intervention, a related probate appeal, a formal multi-year stay, renewed motion practice, counterclaims, separate default proceedings against APM and Appellant individually, continuance and remote-

participation requests, an evidentiary damages hearing, and multiple interlocutory and final orders.

16. Commencement, Service, and Firewalker's Initial Default Filing — February–April 2021.

Firewalker commenced this action on February 23, 2021 against American Pharma Machinery, LLC (“APM”), Dorothy Pierce (“Appellant”), and the Estate of Doyle Elton Pierce, and filed an Amended Summons and Complaint the following day. Firewalker states that the Defendants were served on March 12, calculated April 12 as the response deadline, and filed an Affidavit of Default on April 14. No judicial ruling or default judgment had been entered at that time. (Exs. A–C.)

17. Appellant Appears, Answers, and Places Merits Defenses in the Record — April 23, 2021.

Eleven days after Firewalker's asserted deadline, Appellant filed and served her Answer, Affirmative Defenses, Notice of Appearance, and a sworn three-page Affidavit. Firewalker later expressly acknowledged that Appellant and the other Defendants had filed and served Answers on April 23. Appellant's Affidavit addressed the underlying machine transaction, including delivery, condition, subsequent possession and handling, packaging-film issues, warranty matters, and Doyle Elton Pierce's lack of involvement in the transaction. (Exs. D–F.)

18. Firewalker Moves for Default Judgment — July 15, 2021. Firewalker filed a formal Motion for Default Judgment against all Defendants. Its contention was not that Appellant had never appeared or answered, but that the April 23 Answers were untimely. Firewalker requested default judgment followed by a damages hearing. (Ex. F.)

19. Default Is Set for a Contested Hearing — August 30, 2021. Firewalker's Motion for Default Judgment was placed on the circuit court's motions calendar for an in-person hearing before

Judge J. Cordell Maddox, Jr. Appellant personally appeared pro se. The later intervention order memorialized her appearance, and Firewalker's own 2025 filings later identified August 30 as a hearing concerning its 2021 default motion and other pending matters. (Exs. G, J.)

20. Appellant Contests Default at the August 30 Hearing. Appellant personally appeared pro se and opposed Firewalker's default request. Consistent with the sworn Affidavit already filed in the circuit-court record, Appellant's filed position disputed Firewalker's allegations concerning the machine transaction and Doyle Elton Pierce's involvement. The record establishes Appellant's appearance and opposition; Appellant does not rely on an untranscribed account of the hearing to prove the substance of any particular oral argument. (Exs. E, G, J.)
21. Related Estate Litigation and Intervention — August 2021. During the same period, litigation concerning Doyle Elton Pierce's Estate was proceeding in Probate Court. After the August 18 probate ruling and Appellant's notice of intent to appeal, Jared Adam Pierce moved to intervene in the Firewalker action to protect asserted Estate interests. (Ex. H.)
22. Firewalker's Default Motion Is Deferred, Not Granted — September 7, 2021. Following the August 30 proceedings, Judge Maddox ordered that Firewalker's Motion for Default Judgment be "rescheduled to a term after the hearing on Defendant Dorothy Pierce's appeal from the Probate Court." The order expressly did not end the case. No default judgment against Appellant was entered in 2021; the motion remained unresolved. (Ex. I.)
23. Intervention Is Formally Granted — October 20, 2021. The circuit court entered its formal intervention order, confirming that the litigation remained active rather than having concluded through default. (Ex. J.)

24. Related Probate Appeal and Continuing Abeyance. The Estate dispute proceeded ultimately to the South Carolina Court of Appeals as Appellate Case No. 2021-001552. Firewalker later acknowledged that its default proceedings were sidelined during that appellate litigation. (Exs. I, L–M.)
25. Appellant Files Substantial Merits Evidence — October 18, 2022. While the case remained pending, Appellant filed an extensive Evidence Packet containing machine photographs, communications, text messages, invoice and transaction documents, contractual terms, and product materials. Firewalker now acknowledges that packet as part of the circuit-court record, although it seeks to exclude it from the appellate record. (Ex. K.)
26. Formal Judicial Stay — July 26, 2024. The circuit court expressly ordered: “This case is stayed until the remittitur is returned in appellate case number 2021-001552.” The order did not end the case. Thus, the multi-year delay was attributable to a judicial stay while Firewalker’s original default request remained unresolved. (Ex. L.)
27. Related Appeal Concludes and Firewalker Reactivates Proceedings — February–March 2025. The related appeal was dismissed by agreement on February 25, 2025, and the disposition was filed in the Firewalker action on March 7. Five days later, Firewalker moved specifically against APM to strike its Answer because it had been filed by Appellant, a nonlawyer, and to enter APM’s default. (Exs. M–N.)
28. Appellant Prospectively Requests Remote Participation — July 2025. Before travelling abroad, Appellant sought permission to participate virtually in hearings during her anticipated Uganda travel. The request was denied, but its existence was later acknowledged in the circuit-court proceedings and in Firewalker’s own appellate filings. (Exs. O, AA.)

29. September 25 Hearing Is Formally Noticed. The court placed Firewalker’s pending APM-related motions on the September 25, 2025 nonjury roster and required attorneys, pro se parties, and witnesses to appear in person. (Ex. P.)
30. Appellant Files Amended Pleadings and Express Rule 55(c) Opposition — September 23–25, 2025. Appellant filed an Amended Answer, Affirmative Defenses, and Counterclaims, followed by a written Memorandum expressly invoking Rule 55(c), SCRCF. The Memorandum addressed the original eleven-day delay, meritorious defenses, prejudice, and Appellant’s continued participation, and expressly requested that Firewalker’s default motion be denied and “the entry of default be set aside.” It included a Certificate of Service upon Firewalker’s counsel. (Exs. Q–R.)
31. APM, Not Appellant Individually, Is Placed in Default — September 30, 2025. After the September 25 proceedings, Judge McMaster struck APM’s Answer because it had been filed by a nonlawyer and entered default against APM. The order did not enter individual default against Appellant. (Ex. S.)
32. Case Is Placed on the October Jury Trial Roster; APM Seeks Reconsideration. The case appeared on the October 27 trial roster. APM thereafter moved for reconsideration of its default, which Judge McMaster denied on October 10. (Exs. T, V.)
33. Appellant Departs for Uganda — October 5, 2025. Appellant’s October 21 filing states that she remained in the United States through the September proceedings and departed for Uganda on October 5 without having received notice before departure that the action had been placed on the October jury trial term. (Ex. Y.)
34. Firewalker Files Renewed Individual Default Motion After Appellant’s Departure — October 14, 2025. Firewalker filed multiple motions, including a Motion for Continuance, a

Motion to Strike Appellant's amended pleadings, a Motion for Default Judgment against APM, and a separate renewed Motion for Default Judgment against Appellant individually. Firewalker expressly characterized the individual motion as a renewal of its July 15, 2021 request. (Ex. W.)

35. The October 14 Individual Motion Acknowledges Appellant's Prior Appearance but Contains No Certificate of Service on Its Face. Firewalker's individual-default motion expressly states that Appellant filed a "pro se Notice of Appearance and Answer on April 23, 2021" and thereafter continued submitting pleadings and other documents. Nevertheless, it asserted that she had never sought to set aside default, despite her September Rule 55(c) filing. Appellant disputes that she was served with the October 14 individual motion. The copy reproduced in Exhibit W contains no Certificate of Service on its face.
36. If Respondent relies upon a separate certificate or other document to establish timely service, that document belongs in the appellate record and creates a record-based merits issue concerning what was served, when it was served, and whether Rule 55(b)(2)'s notice protection for an appearing defendant was satisfied. (Exs. R, W.)
37. October 17 Order Reflects Procedural Uncertainty. An October 17 order found that Appellant's amended pleadings and attempted joinder of Donohue had created "significant procedural uncertainty" requiring additional judicial consideration. The body of the order stated that Firewalker's continuance motion was GRANTED and that trial was continued, while the electronic signature page stated "order denied." (Ex. X.)
38. Appellant Seeks Removal from Trial Docket and Continuance — October 21, 2025. Appellant moved to remove the action from the October trial docket, asserting that the case had only recently resumed after years of abeyance, discovery and mediation had not

occurred, counterclaims remained unanswered, and pretrial matters were unresolved. She also disputed receiving proper trial notice and referenced her prior request for virtual participation. (Ex. Y.)

39. Firewalker Confirms That Its Original 2021 Default Motion Remained Pending — October 23, 2025. Firewalker’s Renewed Motion for Continuance expressly acknowledged that its original 2021 Motion for Default Judgment remained pending and that renewed default proceedings had been filed on October 14. Firewalker argued that a default ruling could eliminate the need for jury trial. (Ex. Z.)
40. October 24–27 Default Proceedings While Appellant Is Abroad. On October 24, Judge McIntosh denied the continuance requests. Late that Friday, court staff advised the parties that they should be prepared to argue the outstanding default motion the following Monday. Appellant immediately requested permission to participate by video or telephone from Uganda. The request was denied. Appellant then expressly asked the court to consider her previously filed Rule 55(c) opposition and supporting materials. (Exs. AA–AB, R.)
41. Individual Default Is Entered — November 24, 2025. Judge McIntosh entered a Form 4 stating that Appellant was in default and that a damages hearing would be held later. The order contained no findings concerning Appellant’s Rule 55(c) request, the eleven-day delay, her meritorious-defense showing, prejudice, prior appearance, or participation, and expressly stated that it did not end the case. (Ex. AC.)
42. Formal Default Order — December 8, 2025. Judge McIntosh entered a formal default order against APM and Appellant while expressly leaving the amount of judgment for determination at a later damages hearing. The order stated that no objection had been filed, notwithstanding Appellant’s previously filed and served Rule 55(c) opposition. (Exs. R, AD.)

43. Damages Hearing Is Set for January 8, 2026. Firewalker noticed an in-person damages hearing before Judge Jane H. Merrill. Appellant, then in Uganda, requested a continuance and later requested permission to appear remotely. (Exs. AE–AF.)
44. Appellant Submits Written Opposition to Damages. On the morning of the January 8 hearing, Appellant transmitted a written Brief in Opposition to Damages and supporting materials to the court and counsel. Exhibit AF identifies the Brief and evidence as attachments to Appellant's email. More importantly, the January 9 Order expressly states that, on the day of the hearing, Appellant filed several documents that the court "reviewed and considered." (Exs. AF, AI.)
45. January 8 Evidentiary Damages Hearing. The hearing proceeded with Firewalker represented by Bryan Kelley, APM represented by Ashaley Boatwright, and Francis Donohue testifying for Firewalker. Judge Merrill recognized that Boatwright represented APM, not Appellant individually, and proceeded after denying Appellant's requested continuance. (Ex. AG.)
46. Firewalker Relies on Default to Impose Personal Liability and Seeks Extensive Damages. Firewalker sought the \$16,000 machine price, \$945 in film costs, \$2,196.87 in employee/facility/produce expenses, \$4,650 in storage costs, anticipated lost profits, attorney's fees, and treble damages. Firewalker expressly relied upon the entries of default to impute APM's liability to Appellant through alter ego and to establish its UTPA allegations. (Ex. AG.)
47. Firewalker Acknowledges the Multi-Year Abeyance. During the damages hearing, Firewalker's counsel expressly acknowledged that the original effort to place Appellant and

APM in default had been held in abeyance during the probate-related appeal and that the case had been “stagnant for a number of years.” (Ex. AG.)

48. Separate Damages Record Is Created. Firewalker introduced five damages exhibits, including the invoice, film materials, expense checks, Biltmore-related correspondence, and a supplemental attorney-fee affidavit and invoices. (Exs. AG–AH.)
49. January 9 Order Expressly Recognizes Appellant’s Written Submissions. Judge Merrill’s Form 4 stated: “On the day of the hearing, Defendant Pierce filed several documents which the court reviewed and considered.” The court rejected Firewalker’s lost-profits claim as speculative but awarded the machine price, film costs, employee/material costs, storage, attorney’s fees, and trebling under the UTPA, while directing counsel to prepare a detailed final order. (Ex. AI.)
50. Proposed Final Order Is Served — January 30, 2026. Firewalker filed a Certificate of Service stating that its proposed final default judgment had been mailed to Appellant’s South Carolina address and identifying her email address. (Ex. AJ.)
51. Final Monetary Judgment — February 3, 2026. Judge Merrill entered the six-page Order for Damages Default Judgment, calculating actual damages of \$23,791.87, trebling them to \$71,375.61, awarding \$16,243.86 in attorney’s fees, and entering a total judgment of \$87,619.47 jointly and severally against APM and Appellant. The claimed lost profits were rejected as too speculative. (Ex. AK.)
52. Notice of Appeal — February 27, 2026. Appellant timely appealed from the February 3 judgment “and from any and all prior or related orders related to this matter.” Firewalker concedes that the Notice was timely. (Ex. AL.)

53. Appellant Files Initial Brief and Designation — August 8, 2026. Appellant filed an Initial Brief presenting fourteen appellate issues and an eighty-eight-item Designation of Matter encompassing the underlying pleadings, default proceedings, judicial stay, renewed motion practice, damages proceedings, and final judgment.
54. Firewalker Moves to Dismiss and Strike — September 3, 2026. Firewalker filed both the present Motion to Dismiss and a Motion to Strike portions of Appellant’s Designation. It contends principally that Winesett bars the appeal because Appellant did not file a post-judgment Rule 60(b) motion, that none of the fourteen appellate issues was preserved, and that the appeal is frivolous.
55. The Lower-Court Record Contradicts Firewalker’s Characterization of a Nonappearing Default. Firewalker presently asserts that Appellant was “in default throughout the life of this case,” had “no status before the trial court,” never presented the issues below, and created no record capable of appellate review. The record instead reflects Appellant’s Answer and sworn Affidavit, a contested default hearing, an order deferring Firewalker’s original default motion, intervention proceedings, a substantial evidentiary filing, a formal multi-year judicial stay, renewed motion practice, an express Rule 55(c) request to set aside default, continued efforts to participate in the renewed default proceedings, written damages objections that the circuit court expressly stated it “reviewed and considered,” an evidentiary damages hearing, and a final monetary judgment. (Exs. D–AL.)

III. ARGUMENT

- I. WINESETT DOES NOT BAR THIS APPEAL BECAUSE THIS IS NOT A NONAPPEARANCE DEFAULT; APPELLANT APPEARED, LITIGATED THE CASE ON THE MERITS, EXPRESSLY SOUGHT RULE 55(c) RELIEF, AND**

**CHALLENGES THE CIRCUIT COURT’S DISCRETIONARY DEFAULT RULING
ON A FULL RECORD.**

56. Respondent’s request for dismissal rests principally upon *Winesett v. Winesett*, 287 S.C. 332, 338 S.E.2d 340 (1985). But Respondent attempts to extend *Winesett* far beyond the circumstances that justified its rule.
57. *Winesett* identified three reasons supporting the traditional rule governing direct appeals from default judgments in the ordinary case: a defendant who does not appear and answer ordinarily lacks status to appeal; issues ordinarily have not first been presented to the trial court; and the resulting record often is inadequate for meaningful appellate review. *Id.* at 333–34, 338 S.E.2d at 341. None of those concerns controls the record presented here.
58. Appellant did not fail to appear. Firewalker itself repeatedly acknowledged her April 2021 Notice of Appearance and Answer. Its position has always been that the Answer was eleven days late, not that no Answer or appearance occurred. (Exs. F, N, W.) That distinction matters. An untimely responsive pleading may leave a party technically in default, but it does not erase the appearance itself. See *Stark Truss Co. v. Superior Construction Corp.*, 360 S.C. 503, 511–12, 602 S.E.2d 99, 103–04 (Ct. App. 2004). Nor did Appellant merely file a late Answer and disappear. She litigated the controversy.
59. Her original filings included substantive affirmative defenses and a sworn Affidavit contesting Firewalker’s claims on the merits. Firewalker’s original default request was contested before the circuit court rather than summarily converted into judgment. The circuit court deferred that motion, and the action later remained subject to a judicial stay while related appellate proceedings were pending. (Exs. D–L.)
60. Most significantly, when the case returned to active litigation in 2025, Appellant placed a substantial merits case before the circuit court before individual default was entered against

her. Her September filings included an Amended Answer and Affirmative Defenses, affirmative Counterclaims against Firewalker and Franco Donohue, a request to amend, and a separate Memorandum opposing default supported by sworn affidavits and documentary exhibits. Those filings asserted affirmative claims and sought substantive relief; they were not merely administrative or defensive notices.

61. The September filings are particularly important because they destroy Respondent's suggestion that Appellant had no litigation position before the circuit court. Appellant was asserting substantive defenses and affirmative claims against Firewalker and Donohue, and Firewalker itself responded by moving to strike those pleadings. The circuit court later recognized that the amended pleadings had created substantive and procedural issues requiring additional judicial consideration.
62. At the same time, Appellant separately placed the default question squarely before the court. Her September Memorandum expressly invoked Rule 55(c), addressed the explanation for the original eleven-day delay, presented meritorious defenses, addressed prejudice, relied upon sworn and documentary support, and specifically requested that "the entry of default be set aside." (Ex. R.)
63. Thus, immediately before Firewalker renewed its individual default request, the circuit court had before it far more than a technically late 2021 Answer. It had Appellant's original sworn merits defense, the substantial 2022 Evidence Packet, her September 2025 amended defenses and affirmative claims, sworn affidavits, documentary exhibits, and an express Rule 55(c) request for relief. Firewalker was litigating against those filings, and the action had reached the jury-trial stage.

64. Firewalker’s own October 2025 filings confirm that this remained an actively contested merits case. In its October 14 Motion for Continuance, Firewalker acknowledged that Appellant’s September pleadings had altered the posture of the litigation, raised substantive issues, and required responsive motions, additional analysis, and further judicial attention. Firewalker contemporaneously filed a Motion to Strike those pleadings, a Motion for Default Judgment against APM, and a separate renewed Motion for Default Judgment against Appellant individually. (Exs. W, X.)
65. The renewed individual default motion is especially significant because Firewalker itself acknowledged that Appellant had filed a “pro se Notice of Appearance and Answer on April 23, 2021” and had thereafter continued to submit pleadings and other documents to the circuit court. Yet the same motion asserted that Appellant had never moved to set aside default, notwithstanding her September Rule 55(c) Memorandum expressly requesting that “the entry of default be set aside.” (Exs. F, R, W.)
66. The circuit court likewise did not treat the matter as an empty nonappearance default. Its October 17 order found that Appellant’s September filings had created “significant procedural uncertainty,” “raised new substantive issues,” and required additional motions, analysis, and judicial consideration before trial. (Ex. X.)
67. Firewalker’s October 23 filing then confirmed that the original 2021 default motion remained pending, that the action had appeared on the jury trial roster, and that—absent a favorable default ruling—Firewalker would be required to carry its burden of proof before a jury on claims including fraud and veil piercing. Firewalker expressly argued that a ruling in its favor on default could “eliminate the need for the jury’s time and attention.” (Ex. Z.)

Default therefore did not precede the litigation here; it was the ruling Firewalker sought to displace a merits trial after the case had already been litigated for years.

68. The default now challenged on appeal was therefore not the consequence of Appellant's failure ever to participate. It was a judicial ruling entered after extensive participation and after the grounds for relief from default had been expressly presented to the circuit court.
69. That distinction is precisely why *Balloon Plantation, Inc. v. Head Balloons, Inc.*, 303 S.C. 152, 399 S.E.2d 439 (Ct. App. 1990), defeats Respondent's characterization of Winesett as an "absolute bar."
70. Although the default in *Balloon Plantation* arose as a Rule 37 discovery sanction rather than from an untimely answer, its treatment of Winesett directly refutes Respondent's claimed "absolute bar." The Court expressly held: "The procedure required by the Court in Winesett is not required in the instant case." 303 S.C. at 157-58, 399 S.E.2d at 442. The Court reached that conclusion because the defendants had appeared and answered, the default controversy had already been presented below, and an adequate record existed for appellate review - the same Winesett rationales Respondent invokes here.
71. The significance of *Balloon Plantation* is therefore not that the mechanism of default was identical, but that Winesett does not operate mechanically where its underlying concerns are absent: the defendants had appeared and answered, the default controversy had been presented below, and an adequate record existed for review.
72. The same principles apply here with considerable force. Appellant appeared. She answered. She litigated the underlying dispute. She placed substantial evidence and affirmative claims before the court. She expressly sought Rule 55(c) relief. Firewalker renewed the same

default controversy. The circuit court ultimately left Appellant in default, and that ruling became the foundation for the judgment now on appeal.

73. This appeal therefore presents a conventional appellate question: whether the circuit court abused its discretion in allowing default to determine Appellant's liability notwithstanding the Rule 55(c) showing and the extensive contested record before it.
74. Respondent cannot use the very discretionary ruling being challenged as a jurisdictional device to prevent this Court from reviewing whether that ruling was erroneous.
75. Nor can Respondent manufacture Winesett's inadequate-record rationale through its companion Motion to Strike. Firewalker seeks to exclude many of the same documents that establish Appellant's appearance, defenses, contested default proceedings, evidentiary submissions, September merits litigation, and Rule 55(c) request, and then argues that Appellant created no record. The two positions are irreconcilable.
76. The question at this stage is not whether Appellant ultimately will prevail on her Rule 55(c) claim. It is whether Winesett prohibits this Court from reviewing it at all. Under Balloon Plantation, it does not.

A. Firewalker's assertion that Appellant "moved to set aside nothing" is directly contradicted by the record.

77. Respondent's Winesett argument depends heavily upon its assertion that Appellant never challenged the entry of default under Rule 55(c). Respondent states that she "never filed" such a motion and later declares that she "moved to set aside nothing." That is not an interpretation of Exhibit R. It is contradicted by Exhibit R.
78. Rule 55(c) permits the circuit court, "[f]or good cause shown," to set aside an entry of default. Appellant's September Memorandum expressly invoked that Rule, expressly

addressed good cause, explained the circumstances of the eleven-day delay, identified substantive defenses, addressed prejudice, and concluded by asking that: “the entry of default be set aside, her Answer and Counterclaims be deemed timely filed, and this matter be allowed to proceed.” (Ex. R.)

79. The filing also contained a Certificate of Service upon Firewalker’s counsel. The substantive character of that filing matters more than its caption. It presented the precise relief Rule 55(c) authorizes and gave the circuit court the grounds upon which Appellant contended that relief should be granted.
80. Respondent’s later October motion did not create a different default controversy. Firewalker expressly described it as a renewal of the original default request. Its own subsequent filing again acknowledged that the original motion remained pending. (Exs. W, Z.)
81. Accordingly, Appellant’s September Rule 55(c) submission remained directly relevant to the relief Firewalker continued to seek. When Appellant was later denied remote participation, she again directed the circuit court to her previously filed opposition and supporting materials. (Ex. AB.)
82. The circuit court ultimately entered default without separately addressing the Rule 55(c) showing. Whether the court overlooked that submission, rejected it implicitly, considered it legally insufficient, or failed to exercise its discretion under the proper standard is a matter for appellate review.
83. What Respondent cannot do is convert the court’s failure to expressly discuss Exhibit R into proof that Exhibit R never existed.

B. Respondent improperly equates technical default with nonappearance.

84. Respondent repeatedly argues that Appellant had “no status” because she was technically in default.
85. That formulation conflates two different concepts.
86. Appellant does not contend that the filing of an Answer eleven days after Firewalker’s asserted deadline necessarily cured technical default automatically. But technical default does not mean the party never appeared.
87. Stark Truss is directly instructive. The Court of Appeals held that a late answer constituted an appearance for purposes of Rule 55(b)(2), entitling the defendants to notice and a hearing before judgment by default was entered. *Stark Truss Co. v. Superior Construction Corp.*, 360 S.C. 503, 511–12, 602 S.E.2d 99, 103–04 (Ct. App. 2004).
88. Here, Appellant’s appearance is considerably more substantial. She filed a formal Notice of Appearance, Answer, Affirmative Defenses, and sworn Affidavit; personally participated in proceedings; filed extensive documentary evidence; resumed active merits litigation when the stay ended; asserted amended defenses and affirmative claims; filed a Rule 55(c) opposition supported by affidavits and exhibits; and sought participation when default was again taken up.
89. Firewalker itself repeatedly acknowledged that participation.
90. The relevant question is therefore not whether technical default may have existed. The relevant question is whether a defendant who appeared and actively litigated may be treated, for purposes of *Winesett*, as though she never appeared at all.
91. Stark Truss demonstrates that she cannot.

C. Rule 55(c), Balloon Plantation, and Palmetto Construction distinguish interlocutory default relief from post-judgment appellate review and do not support Respondent’s claimed jurisdictional bar.

92. Respondent further argues that even though Appellant sought Rule 55(c) relief before judgment, she was required to file another motion after the final judgment under Rule 60(b) before appealing.
93. That argument ignores the distinction written into Rule 55(c).
94. Rule 55(c) provides that an entry of default may be set aside for “good cause shown,” while a judgment by default may be set aside in accordance with Rule 60(b).
95. Rule 55(c)’s “good cause” standard governing relief from an entry of default is more liberal than the post-judgment standard under Rule 60(b). *Sundown Operating Co. v. Intedger Industries, Inc.*, 383 S.C. 601, 607–08, 681 S.E.2d 885, 888 (2009). Under *Sundown*, a party first must provide a satisfactory explanation for the default; the court then considers the timing of the request for relief, whether a meritorious defense exists, and the degree of prejudice to the plaintiff.
96. Appellant invoked Rule 55(c) while default liability remained interlocutory and damages had not been determined.
97. The South Carolina Supreme Court’s decision in *Palmetto Construction Group, LLC v. Restoration Specialists, LLC*, 432 S.C. 633, 856 S.E.2d 150 (2021), establishes the timing of appellate review of an adverse Rule 55(c) determination. The Court explained that a party in default may do nothing pending judgment, appear under Rule 55(b)(2), or seek to set aside the entry of default under Rule 55(c), but “[u]nder either option, the party has no right of appeal until after final judgment.” *Id.* at 635–36, 856 S.E.2d at 151. The Court further

instructed that, after damages and final judgment, an aggrieved party may challenge the circuit court's good-cause determination on appeal. *Id.* at 639–40, 856 S.E.2d at 153.

98. That is precisely why Appellant did not immediately appeal when individual default was entered. Damages remained unresolved and no final monetary judgment existed.

99. Once damages were determined and judgment was entered, Appellant timely appealed.

100. Respondent's theory would produce an anomalous result. Appellant expressly sought Rule 55(c) relief before individual default liability became final. The circuit court later entered orders leaving Appellant in default and proceeded to damages without separately addressing that Rule 55(c) showing. Because those rulings remained interlocutory while damages were unresolved, Appellant could not obtain ordinary appellate review until entry of a final judgment. (Exs. R, AC–AD.)

101. Palmetto Construction involved an express refusal to set aside an entry of default, whereas the circuit court here did not enter a separate order expressly adjudicating Appellant's Rule 55(c) request. That procedural difference does not assist Respondent. Palmetto Construction establishes the timing principle that review of the adverse default determination follows final judgment; Balloon Plantation supplies the separate answer to Respondent's demand for another trip to the trial court where the default controversy had already been presented below and an adequate record exists.

102. Accordingly, Respondent has not established that a second Rule 60(b) motion was a jurisdictional prerequisite.

D. Respondent's remaining default authorities do not control this contested record.

103. Respondent's remaining default authorities do not alter the analysis. The threshold question raised by the Motion is whether Winesett forecloses appellate review on this record. For the

reasons above, its stated concerns, nonappearance, failure to present the issue below, and an inadequate record, are not the circumstances presented here.

104. Respondent relies on *Potts v. McCarty Enters., LLC*, 2019-UP-061; *Nationstar Mortg. LLC v. Lowery*, 2018-UP-227; and *United Auto Insurance Co. v. Freeman*, 2017-UP-412 - unpublished memorandum dispositions - to support its claimed categorical bar. Rule 268(d)(2), SCACR, provides that memorandum opinions and unpublished orders have no precedential value and should not be cited except in proceedings in which they are directly involved. This appeal does not directly involve those cases.

105. Those nonprecedential dispositions therefore cannot supply the "absolute bar" Respondent advances, particularly in the face of published South Carolina authority directly addressing appearance, contested default, and post-judgment appellate review, including *Balloon Plantation*, *Stark Truss*, and *Palmetto Construction*.

106. Respondent's *Winesett* ground for dismissal therefore fails.

**II. ASSUMING ARGUENDO THAT THE FEBRUARY 3 ORDER WAS FINAL, THE
INTERMEDIATE DEFAULT RULINGS ARE REVIEWABLE WITH THAT
JUDGMENT UNDER S.C. CODE ANN. § 14-3-330(1).**

107. Respondent separately attempts to isolate the February 3 damages judgment from the default rulings that produced it.

108. South Carolina law does not permit that artificial separation. Section 14-3-330(1) authorizes the appellate court, on appeal from a final judgment, to review intermediate orders necessarily affecting that judgment.

109. The November and December default rulings necessarily affected the February 3 judgment because they supplied its liability foundation. The final judgment did not independently try Appellant's liability. Instead, default permitted Firewalker to treat its pleaded liability theories as established and to use those theories to impute APM's obligations to Appellant personally.
110. Without the default rulings, the \$87,619.47 judgment against Appellant could not have been entered in the manner it was.
111. Those rulings were therefore not collateral to the judgment. They necessarily affected it.
112. The Court of Appeals' decision in *Sullivan-Carter v. Carter*, 439 S.C. 406, 887 S.E.2d 146 (Ct. App. 2023), arose in a family-law context, but its holding interprets the generally applicable appellate statute, S.C. Code Ann. § 14-3-330(1). It confirms that an intermediate ruling necessarily affecting the final judgment need not be immediately appealed or separately identified in the notice of appeal in order to be reviewed with the final judgment.
113. Here, Appellant's Notice was broader still: it expressly appealed the February 3 Order "and from any and all prior or related orders related to this matter." (Ex. AL.)
114. Respondent therefore cannot avoid appellate review of the default rulings by labeling the February 3 Order a damages order detached from everything that preceded it.
115. For purposes of this Return only, Appellant accepts *arguendo* Respondent's premise that the February 3 Order constituted a final appealable judgment. She does not waive Issue I of her Initial Brief concerning unresolved claims and Rule 54(b).
116. But if Respondent is correct that February 3 supplied finality, § 14-3-330(1) necessarily permits review of the intermediate default rulings upon which that judgment depended.

IV. RESPONDENT’S BLANKET PRESERVATION THEORY CANNOT SUPPORT DISMISSAL OF THE ENTIRE APPEAL.

117. Respondent next attempts to convert ordinary preservation doctrine into a jurisdictional basis for extinguishing all fourteen appellate issues. The record does not support that sweeping proposition.

118. The central default issue plainly was presented below. Appellant expressly invoked Rule 55(c), presented grounds for good cause, asserted substantive defenses, addressed prejudice, and requested that default be set aside. (Ex. R.)

119. The circuit court thereafter left default in place. The December 8 Order nevertheless stated that “no objection has been filed by any opposing party.” (Ex. AD.) That inconsistency does not demonstrate lack of preservation. It creates the very appellate question Appellant seeks to have reviewed.

120. Firewalker’s own October filings independently defeat the categorical assertion that Appellant presented nothing below. Firewalker moved to strike Appellant’s September Amended Answer, Affirmative Defenses, and Counterclaims precisely because those pleadings were before the circuit court and demanded judicial action. Its companion Motion for Continuance represented that those filings had altered the procedural posture of the case, raised new substantive issues, and required additional motions and analysis. (Exs. W, X.)

121. The circuit court then made substantially the same finding, expressly recognizing that Appellant’s September filings had created procedural uncertainty and raised substantive issues requiring further judicial consideration. (Ex. X.) Respondent therefore cannot maintain on appeal that nothing was presented below when its own motions sought relief from those filings and the circuit court expressly recognized the issues they created. Whether

every theory was ultimately ruled upon in the manner required for preservation is an issue-specific merits question; it is not a basis for declaring the entire appeal nonexistent.

122. Likewise, Respondent's assertion that Appellant filed nothing after October 24 is contradicted by the circuit court's own damages record. The January hearing transcript records the transmission of Appellant's written damages submission, and Judge Merrill's January 9 order expressly states that Appellant filed documents which the court "reviewed and considered." (Exs. AG, AI.)

123. Respondent's companion Motion to Strike argues that some of those materials were not formally admitted as trial exhibits. That is a different issue. A written memorandum need not become an evidentiary exhibit before it can preserve legal argument or demonstrate that an issue was placed before the court.

124. More fundamentally, preservation is issue-specific.

125. Even if Respondent ultimately establishes during merits briefing that a particular theory was not adequately preserved, it does not follow that every appellate issue must be dismissed.

126. The record indisputably presents, among other matters, the Rule 55(c) dispute, the status of Appellant as an appearing defendant, the notice surrounding the renewed default proceeding, the circuit court's treatment of Appellant's filed opposition, the damages objections placed before Judge Merrill, and the evidentiary basis for the unliquidated damages award.

127. Respondent may contest preservation of particular arguments during merits review. It may not convert those issue-specific disputes into a categorical assertion that there is no appeal.

V. THE RULE 55(b)(2) NOTICE ISSUE ITSELF DEMONSTRATES WHY THIS APPEAL REQUIRES MERITS REVIEW RATHER THAN SUMMARY DISMISSAL.

128. Rule 55(b)(2) affords specific protection to a defendant who has appeared.

129. That protection is directly implicated here because Appellant's appearance is established both by the record and by Firewalker's own filings.

130. Under Stark Truss, even an untimely Answer may constitute an appearance triggering Rule 55(b)(2). Appellant did considerably more: she filed a formal Notice of Appearance and subsequently litigated the action.

131. Firewalker's October 14 renewed individual default motion itself acknowledges her prior Notice of Appearance and Answer. (Ex. W.)

132. The manner in which the October 14 motions were filed makes the notice issue substantial rather than hypothetical. Firewalker filed four motions that day: a Motion for Continuance, a Motion to Strike Appellant's September pleadings, a Motion for Default Judgment against APM, and the separate renewed Motion for Default Judgment against Appellant individually. By then, Appellant had already departed for Uganda. (Exs. W, Y.)

133. Each of the four October 14 motions reproduced in Exhibit W ends with counsel's signature block and filing date; the reproduced motions do not contain a Certificate of Service on their face. Appellant maintains that she was not served with the renewed individual-default motion. Appellant does not ask this Court to resolve that factual dispute on the Motion to Dismiss. If Respondent contends that a separate certificate or other proof establishes service, that position confirms the existence of a record-based merits issue concerning what was served, when it was served, and whether the service satisfied Rule 55(b)(2)'s protection for an appearing defendant. (Ex. W.)

134. Respondent's companion Motion to Strike itself refers to designated "service documentation for the 2021 default and the October 2025 default motion." That assertion does not eliminate the notice issue; it makes the issue suitable for ordinary appellate review, where the Court

can determine the legal effect of whatever service documentation Respondent identifies rather than assume at the dismissal stage that Rule 55(b)(2) was satisfied.

135. The record instead reflects that the specific instruction to be prepared to argue the outstanding default motion was communicated late on Friday, October 24, for proceedings the following Monday. Appellant immediately sought remote participation from Uganda and, when that request was denied, directed the court to her previously filed opposition. (Ex. AB.)

136. That record presents a substantial legal and factual question concerning compliance with Rule 55(b)(2).

137. At this stage, Appellant need not prove the ultimate answer to that question to defeat dismissal. Respondent may contend during merits review that some other service satisfied the Rule. The point relevant to this Motion is that a concrete, record-supported notice controversy exists. That alone is inconsistent with Respondent's portrayal of the appeal as jurisdictionally empty or frivolous.

138. The December 8 Order adds another legal issue. It referenced Rule 55(b)(3) in connection with the proposition that no objection had been filed. But Rule 55(b)(3) concerns attorney's fees. Rule 55(b)(2), not subsection (b)(3), governs default procedure in "all other cases" involving an appearing defendant.

139. Accordingly, to the extent subsection (b)(3)'s fee-specific procedure was treated as a general prerequisite for opposing default liability, that interpretation presents a legal question for appellate review—not a ground for dismissing the appeal.

V. EVEN IF THIS COURT ULTIMATELY LIMITS REVIEW OF LIABILITY, THE UNLIQUIDATED-DAMAGES JUDGMENT REMAINS REVIEWABLE.

140. Respondent's effort to dismiss the entire appeal also disregards a fundamental distinction between default liability and proof of damages.
141. Default establishes liability but does not establish the amount of unliquidated damages. *Solley v. Navy Federal Credit Union, Inc.*, 397 S.C. 192, 203–04, 723 S.E.2d 597, 603 (Ct. App. 2012). Firewalker therefore remained required to prove the amount of recoverable damages notwithstanding default.
142. Appellate review of such damages remains available. In *Jackson v. Midlands Human Resources Center*, 296 S.C. 526, 529, 374 S.E.2d 505, 506–07 (Ct. App. 1988), the Court reviewed a damages judgment entered after default and reversed an unsupported component of the award.
143. Those authorities are sufficient for the present Motion: even if liability is treated as established by default, the amount and legal recoverability of unliquidated damages remain matters requiring evidentiary support and subject to appellate review.
144. Firewalker's damages were plainly unliquidated.
145. It sought the machine price, film costs, payroll and facility expenses, storage costs, lost profits, treble damages, and attorney's fees. Those claims required evidence and judicial determination.
146. The damages hearing generated its own evidentiary record. Firewalker presented testimony and exhibits. Mitigation, storage, foreseeability, consequential damages, lost profits, and attorney's fees were matters requiring adjudication. Judge Merrill ultimately rejected Firewalker's lost-profit claim as too speculative.
147. Appellant also submitted written opposition and supporting materials. The court expressly stated that those submissions were reviewed and considered.

148. The February 3 Order ultimately awarded actual damages, trebled them, added attorney's fees, and entered an \$87,619.47 personal judgment.

149. Therefore, even if this Court ultimately concludes that some challenges to underlying liability are restricted by default principles, that would not justify dismissal of the entire appeal.

134. The damages judgment remains independently subject to appellate scrutiny.

**VI. RESPONDENT'S REQUEST FOR RULE 269 SANCTIONS AND RULE 222 COSTS
IS UNSUPPORTED.**

135. Respondent's sanctions theory depends on the same propositions underlying dismissal: that Winesett absolutely forecloses the appeal, that Appellant never challenged default below, that none of her issues was preserved, and that no reviewable record exists.

136. Each premise is materially disputed by the record and published authority.

137. Balloon Plantation expressly limits mechanical application of Winesett where a party appeared and the default controversy was presented below.

138. Stark Truss establishes that an untimely Answer may constitute an appearance.

139. Palmetto Construction recognizes appellate review of an adverse Rule 55(c) determination after final judgment.

140. Section 14-3-330(1) permits review of intermediate rulings necessarily affecting a final judgment.

141. And Solley and Jackson confirm that default does not eliminate the need to prove unliquidated damages or appellate review of the resulting damages award.

142. The supporting record contains substantial support for the appeal: Appellant's appearance and responsive pleadings; sworn merits evidence; contested default proceedings; extensive documentary submissions; the September 2025 amended pleadings, affirmative claims, affidavits, exhibits, and Rule 55(c) opposition; the notice dispute surrounding renewed default; the damages transcript; Appellant's written damages submission identified in Exhibit AF; the January 9 Order stating that her filed documents were "reviewed and considered"; and the final judgment.

143. The supplemental probate materials also demonstrate that Appellant's separate finality issue has an objective factual basis: Firewalker's own Probate Court Answer acknowledged the pending Circuit Court action against the Estate, and the Probate Court's creditor-claim order disallowed the probate claim while expressly recognizing that the Circuit Court action against the Estate remained pending. (Exs. AY-AZ; see also Ex. BA.) Appellant relies on those probate materials under Rule 240(c)(3) for purposes of this Motion and does not contend that a document never presented below automatically becomes part of the Record on Appeal.

144. Firewalker's own October filings make the sanctions request particularly untenable. Its renewed individual default motion admits Appellant's Notice of Appearance, Answer, and continuing submissions. Its Motion for Continuance acknowledges that Appellant's September pleadings raised substantive issues requiring additional judicial attention. Its October 23 filing acknowledges that the original 2021 default motion remained pending, that the matter had appeared on the jury trial roster, and that without a favorable default ruling Firewalker would be required to prove fraud and veil-piercing claims before a jury. (Exs. W, X, Z.)

145. Those are Respondent's own admissions. They establish at minimum a substantial, contested appellate question concerning the legal effect of default in a case that had proceeded through years of participation and had reached the jury-trial stage. A party does not pursue a frivolous appeal merely by asking this Court to review the very default ruling that Respondent itself sought in order to avoid carrying its burden before the jury.

146. Respondent may disagree with Appellant's legal conclusions. That disagreement does not make the appeal frivolous.

147. Nor does unrelated litigation involving Appellant establish that this appeal was filed for delay. Sanctions must be assessed against the conduct and record of this proceeding.

148. Here, Appellant timely appealed a substantial personal judgment and advances legal arguments grounded in the circuit-court record and published South Carolina authority.

149. Rule 269 sanctions and Rule 222 costs should therefore be denied.

**VII. THE MOTION SHOULD BE DENIED AND THE APPEAL ALLOWED TO
PROCEED TO MERITS REVIEW.**

150. Respondent's Motion asks this Court to decide far more than whether some appellate arguments ultimately may fail.

151. It asks the Court to conclude, at the threshold, that no legally cognizable appeal exists. The record cannot support that conclusion.

152. This is not a case in which Appellant first appeared after judgment and attempted to manufacture appellate issues that had never existed below. The default controversy was actually litigated. Appellant expressly requested Rule 55(c) relief. The circuit court left default in place. That determination became the liability foundation for a later \$87,619.47 judgment.

153. The proper appellate questions include whether the circuit court abused its discretion in leaving default in place despite the showing made under Rule 55(c); whether the procedure used to enter individual default complied with the protections applicable to an appearing defendant; whether the intermediate default rulings are reviewable with the resulting judgment; and whether the unliquidated damages and related monetary awards are legally sustainable.

154. Those are merits questions. Respondent remains free to argue in its merits brief that the circuit court acted within its discretion, that particular issues were not preserved, that particular documents have a limited purpose, or that the judgment ultimately should be affirmed. But those arguments do not establish that the appeal should be extinguished before merits review.

155. Respondent's Motion to Dismiss, request for costs, and request for sanctions should therefore be denied.

VIII. PRAYER FOR RELIEF

WHEREFORE, Appellant Dorothy Pierce respectfully requests that this Court:

1. DENY Respondent's Motion to Dismiss Appeal in its entirety;
2. DENY Respondent's request for costs under Rule 222, SCACR, and sanctions under Rule 269, SCACR;
3. Permit this appeal to proceed through the ordinary appellate process;
4. Permit review of the intermediate rulings necessarily affecting the February 3, 2026 judgment, subject to the Court's ordinary issue-by-issue preservation analysis; and
5. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted this September 15, 2026



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