

**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 Court Case No. 2026-000480

Firewalker Hot Sauce Company, LLC, Respondent,
v.

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
STRIKE PORTIONS OF APPELLANT'S DESIGNATION OF MATTER**

Appellant Dorothy Pierce ("Appellant"), appearing pro se, submits this Return pursuant to Rule 240(e), SCACR, in opposition to Respondent Firewalker Hot Sauce Company, LLC's Motion to Strike Portions of Appellant's Designation of Matter. Appellant also submits and relies upon the Definitive Supporting Exhibit Volume A–BA filed contemporaneously with this Return. The same exhibit lettering is used in Appellant's companion Return concerning dismissal so that the Court may follow one consistent chronology.

I. INTRODUCTION

1. Respondent's Motion to Strike is not directed at stray, cumulative, or collateral material. It seeks to remove the very lower-court filings necessary to understand how the appealed

judgment was produced, what Appellant actually filed and argued below, what the Circuit Court had before it, how APM's liability was later imposed upon Appellant personally, and whether all parties and claims had been resolved when the February 3, 2026 Order was treated as final. Respondent expressly asks this Court to strike broad portions of that history—including Appellant's Answer and sworn defenses, appearance and service materials, the original default proceedings, Rule 55(c) opposition, APM proceedings, Estate and intervention materials, jury-roster and continuance proceedings, and service records—characterizing them as irrelevant “liability-phase history.” Its requested relief extends to Items 4 through 45, Item 51, and Items 66 through 88.

2. That characterization cannot be reconciled with the actual procedural history. Firewalker sued APM, Appellant, and the Estate in 2021. Appellant filed and served an Answer, Affirmative Defenses, Notice of Appearance, and sworn merits evidence shortly after Firewalker's asserted deadline. Firewalker's own July 2021 default motion acknowledged that Answers had been filed and served; its contention was that they were untimely. The original default request then proceeded to a contested August 2021 hearing, after which the Circuit Court deferred rather than granted default. Jared Pierce was permitted to intervene, and the case was later formally stayed during the related probate appeal. The action therefore remained pending for years rather than proceeding directly from nonappearance to default judgment.
3. When the stay ended in 2025, Firewalker first pursued a separate default track against APM. Appellant meanwhile filed amended defenses and a written memorandum expressly invoking Rule 55(c), addressing the eleven-day delay, good cause, meritorious defenses, prejudice, and requesting that “the entry of default be set aside.” APM was then defaulted

through an order striking its Answer because it had been filed by a nonlawyer. Appellant was not individually defaulted by that September order. Firewalker later filed a separate renewed default motion against Appellant, together with motions directed at her amended pleadings and the trial setting. The case appeared on a jury roster, continuance and participation disputes followed, and only thereafter was individual default entered against Appellant in November and formalized in December.

4. The February 3 judgment thus did not arise in isolation. It rests upon that sequence. The Order attributes the operative contractual and statutory wrongdoing principally to APM, expressly declares APM and Appellant alter egos, and states that APM's liability is imputed to Appellant. It then enters the \$87,619.47 judgment against APM and Appellant jointly and severally. Respondent therefore cannot plausibly maintain that APM's default history, liability record, and related proceedings are irrelevant to an appeal from the personal judgment that expressly derives Appellant's liability from APM.
5. The same defect appears in Respondent's treatment of the Estate and intervention materials. Firewalker chose to sue the Estate, pursued a creditor claim against the Estate in Probate Court, and continued to identify the Estate as a Defendant in the Circuit Court action. The newly obtained Probate Court papers show that Firewalker itself expressly acknowledged the pending Circuit Court action, and the Probate Court's later order disallowing the creditor claim expressly stated that the Circuit Court action against the Estate remained pending. (Exs. AY, AZ, BA.) The status and disposition of those claims therefore cannot be determined by deleting the very materials that explain them.
6. Respondent's position is even more difficult to sustain when its Motion to Strike is read together with its companion Motion to Dismiss. There, Respondent tells this Court that

Appellant had no status below, preserved nothing, sought no relief from default, and “cannot provide this Court with any record capable of supporting appellate review, because she created none.” Yet the Motion to Strike simultaneously seeks exclusion of the Answer, appearance and service materials, contested default proceedings, Rule 55(c) memorandum, stay order, motion practice, service records, and damages submissions that bear directly on those assertions.

7. The Rule 55(c) contradiction is particularly direct. Respondent affirmatively contends that Appellant never filed a Rule 55(c) motion and “moved to set aside nothing,” while asking this Court to strike the very September 2025 filing in which Appellant expressly invoked Rule 55(c) and requested that the entry of default be set aside. Respondent cannot prove the absence of preservation by removing from appellate review the lower-court filing that contradicts its assertion.
8. Nor can Respondent reduce this appeal to a sterile review of the damages number while severing the procedural record that produced the judgment. The original Answer, the contested default hearing, the deferral order, the judicial stay, the Rule 55(c) filing, the separate APM and individual default tracks, the jury-roster and continuance proceedings, the damages submissions, and the final judgment form a single procedural progression. That chronology is not background noise. It is the pathway by which liability was imposed upon Appellant.
9. Respondent is free to argue that particular filings ultimately do not establish reversible error. What it should not be permitted to do is remove the lower-court materials necessary for this Court to test Respondent’s own factual and legal assertions. Rule 209 governs relevance; it is not a device for reconstructing the trial-court history into a record more favorable to one

party. Rule 210(c) excludes matter never presented below; it does not authorize the removal of relevant pleadings, motions, orders, service records, and proceedings merely because their existence undermines Respondent's present characterization of the case.

10. The Motion should therefore be denied to the extent it seeks exclusion of lower-court materials bearing upon Appellant's appearance, default, Rule 55(c) relief, notice, preservation, APM-derived liability, Estate and intervenor status, finality, and damages. The Record on Appeal should reflect what actually occurred in the Circuit Court—not only what remains after Respondent removes the documents that contradict the narrative advanced in its companion Motion to Dismiss.

II. GOVERNING STANDARD AND SCOPE OF THE RECORD

11. Rules 209 and 210, SCACR, require a designation to identify with specificity the transcript, pleadings, orders, exhibits, and other materials proposed for inclusion; prohibit irrelevant matter; and prohibit inclusion in the Record on Appeal of matter that was not presented to the lower court or tribunal. Rule 210(h) further provides that appellate review ordinarily is limited to facts appearing in the Record on Appeal.
12. Rule 240(c)(3), made applicable to this Return by Rule 240(e), separately permits affidavits and other supporting documents when the Record on Appeal has not yet been filed or when the facts relied upon on an appellate motion are not yet contained in the Record. Thus, supporting documents submitted with this Return may establish the factual basis for deciding the Motion to Strike even though only material actually presented below may later be reproduced in the Record on Appeal.
13. Respondent's Motion proceeds from a materially narrower premise: that because the February 3, 2026 Order fixed damages, the Record should contain little beyond the damages

hearing. But Appellant’s appeal challenges the procedural path to the judgment—including default, her Rule 55(c) request, appearance and notice, the distinct APM and individual-default tracks, the imputation of APM’s liability to Appellant, the status of the Estate and other parties, and the resulting damages judgment. The Record must be sufficient to permit review of those issues.

14. The Notice of Appeal states that Appellant appeals from the February 3 judgment “and from any and all prior or related orders related to this matter.” (Ex. AL.) In any event, S.C. Code Ann. § 14-3-330(1) permits review, on appeal from final judgment, of an intermediate order necessarily affecting that judgment. The November 24 and December 8 default rulings necessarily affected the February 3 judgment because the final Order used default to establish liability and then imputed APM’s liability to Appellant through alter ego. (Exs. AC, AD, AK.)
15. *Palmetto Construction Group, LLC v. Restoration Specialists, LLC*, 432 S.C. 633, 639–40, 856 S.E.2d 150, 153 (2021), confirms that an adverse entry-of-default determination may remain interlocutory until final judgment. *State v. Harris*, 278 S.C. 46, 292 S.E.2d 40 (1982), does not authorize a record stripped of documents needed to decide the issues actually raised. Appellant agrees that genuinely irrelevant padding should not be included; the materials defended here establish appearance, preservation, notice, the judicial stay, separate default tracks, the status of parties and claims, and damages.

**III. THE ESTATE-RELATED ITEMS ARE NECESSARY TO EXPLAIN THE
PROCEDURAL HISTORY, THE COURT-ORDERED STAY, AND THE STATUS
OF FIREWALKER’S CLAIMS AGAINST THE ESTATE**

16. Respondent seeks to strike eight Estate-related Designation items: Item 5 (Estate’s Answer and lack-of-privity defense); Item 7 (the Probate Court order concerning Firewalker’s creditor claim); Item 20 (Court of Appeals Order dismissing Appellate Case No. 2021-001552); Item 21 (remittitur and Circuit Court record reflecting its return); Item 28 (Estate’s September 25, 2025 opposition to default and motion to dismiss); Item 71 (any Circuit Court order disposing of Firewalker’s claims against the Estate); Item 72 (Circuit Court material showing presentation of the Probate Court ruling); and Item 87 (other Circuit Court material establishing the status of those claims). These materials concern different stages of one connected procedural history and are necessary to determine what occurred with Firewalker’s claims against the Estate and what the Circuit Court had resolved when it entered the February 3, 2026 judgment.

**A. ITEMS 5, 7, AND 72 — FIREWALKER’S PROBATE CLAIM AND ITS EXPRESS
CONNECTION TO THIS CIRCUIT COURT ACTION**

17. Firewalker itself named the Estate as a Defendant in this Circuit Court action and asserted liability arising from the same machine transaction. The Estate’s Item 5 Answer raised lack of privity as a Circuit Court defense. Firewalker thereafter filed a \$16,000 Statement of Creditor’s Claim in the Probate Court. That claim identified its basis as “Contract” and expressly stated that additional unliquidated claims awaited a default-judgment hearing in Civil Action No. 2021-CP-37-00149 pending in the Oconee County Court of Common Pleas. (Ex. BA.)

18. Firewalker’s own May 3, 2023 Answer in the Probate Court makes the connection even clearer. Under its Third Defense, Firewalker stated that it “has initiated Civil Action No. 2021-CP-37-00149 against Respondent Dorothy Wells and the Estate of Doyle Elton Pierce, among others,” that “there is another action pending between the parties,” and it incorporated the allegations of its Circuit Court Complaint into the Probate proceeding. (Ex. AY.) The Probate matter therefore cannot fairly be characterized as an unrelated controversy with no connection to this case.
19. The actual Probate Court Order likewise corrects a material characterization in Respondent’s Motion. The Order of Statement of Creditor’s Claim of Firewalker Hot Sauce Company, LLC disallowed the probate creditor claim because Firewalker failed to provide proof of service on the Personal Representative as required by S.C. Code Ann. § 62-3-804 and failed to adduce evidence that Doyle Elton Pierce owned American Pharma Equipment, LLC or that the company was his alter ego. (Ex. AZ.) The Order did not dismiss the Circuit Court action for lack of privity.
20. To the contrary, the Probate Court expressly stated that Firewalker then had “pending an action in the Oconee County Circuit Court wherein the Estate of Doyle Elton Pierce is a defendant,” and further contemplated the possibility that Firewalker could prevail against the Estate in that action. (Ex. AZ.) Thus, the Probate Court’s own ruling demonstrates that disallowance of the probate creditor claim did not itself adjudicate or dismiss Firewalker’s separate Circuit Court claims against the Estate.
21. Because the actual order is now available, Appellant clarifies that Item 7 should be identified by its exact title—Order of Statement of Creditor’s Claim of Firewalker Hot Sauce Company, LLC—rather than by the earlier shorthand description “denying

Firewalker’s claim against the Estate for lack of privity.” To the extent the Court finds that correction necessary under Rule 209, Appellant requests leave to conform the Designation to the exact title and disposition of the Order rather than strike the item.

22. Appellant further distinguishes the present Rule 240 motion record from the eventual Record on Appeal. Exhibits AY, AZ, and BA are submitted as supporting documents under Rule 240(c)(3). Their submission with this Return does not, by itself, make them part of the Record on Appeal. Item 7 and Item 72 seek inclusion only to the extent the Probate Court order, a certified copy, or material reflecting its disposition was actually presented to or contained in the Circuit Court record. Item 28, by contrast, is itself a Circuit Court filing and independently placed the Estate’s request for dismissal and the probate disposition before the Circuit Court.

B. ITEMS 20 AND 21 — THE MATERIALS THAT EXPLAIN THE COURT-ORDERED STAY AND RETURN OF THE CASE TO ACTIVE LITIGATION

23. Item 20 is the February 25, 2025 Court of Appeals Order dismissing Appellate Case No. 2021-001552, designated as having been filed in this action on March 7, 2025. Firewalker itself later represented to the Circuit Court that the order had been filed in this case. It therefore cannot properly be characterized as material wholly outside the record.
24. Item 21 designates the remittitur and Circuit Court record reflecting its return. Those materials are directly relevant because the July 26, 2024 Order expressly stayed this case until the remittitur was returned in Appellate Case No. 2021-001552. The dismissal order and remittitur establish when the court-imposed stay ended and when this action could resume.

C. ITEM 28 — THE ESTATE’S REQUEST FOR DISMISSAL AFTER THE STAY ENDED

25. Item 28 is the Estate’s September 25, 2025 Memorandum in Opposition to Default Judgment and Motion to Dismiss. It is relevant because, after the stay ended, the Estate expressly placed the continued viability of Firewalker’s Circuit Court claims against it before the Circuit Court. The appellate record must permit determination of whether that request was ever adjudicated before entry of the February 3, 2026 judgment.

D. ITEMS 71 AND 87 — WHETHER THE CIRCUIT COURT EVER FORMALLY RESOLVED FIREWALKER’S CLAIMS AGAINST THE ESTATE

26. Item 71 designates any Circuit Court order dismissing, adjudicating, or otherwise resolving Firewalker’s claims against the Estate. Item 87 designates other Circuit Court record material showing the status or disposition of those claims. These items are relevant because the Probate Court Order itself confirms that the Circuit Court action against the Estate remained pending after the creditor claim was disallowed. (Ex. AZ.)
27. At the January 8, 2026 damages hearing, the Circuit Court noted that the Estate remained listed as a Defendant, while Firewalker’s counsel stated that the damages request was “only against American Pharma and Ms. Pierce.” The February 3, 2026 appealed Order likewise continued to name the Estate in the caption while entering judgment only against APM and Appellant.
28. The record identified thus far does not show a separate Circuit Court order expressly dismissing or adjudicating Firewalker’s claims against the Estate. Appellant does not ask this Court, on this Motion to Strike, to decide that the February 3 Order was or was not final on that basis. She asks only that the Record retain the materials necessary for this Court to

determine the procedural status of the Estate claims and any resulting finality or jurisdictional consequence for itself.

29. Accordingly, Respondent's request to strike Items 5, 7, 20, 21, 28, 71, 72, and 87 should be denied; alternatively, Item 7 should be clarified to conform to the exact title and disposition of the Probate Court Order rather than eliminated.

IV. APM'S RECORD IS NECESSARY TO REVIEW THE PERSONAL JUDGMENT ENTERED AGAINST APPELLANT

30. Respondent argues that Items 22, 25, 29, 31, 32, 33, and 37 should be excluded because American Pharma Machinery, LLC ("APM") did not appeal. Appellant does not seek appellate relief on behalf of APM. The problem with Respondent's argument is that the appealed judgment expressly makes APM's conduct and liability the predicate for the judgment entered personally against Appellant.
31. The February 3 Order attributes the substantive wrongdoing principally to APM. It finds that Firewalker paid APM \$16,000 for the equipment; that Firewalker was entitled to recover the purchase price because of APM's breach of contract; that the film, payroll, facility, and storage expenses were reasonably foreseeable to APM; and that APM willfully and knowingly committed the alleged unfair and deceptive practices. (Ex. AK.)
32. The Court then states that APM and Appellant are alter egos and that "any liability of American Pharma is therefore imputed to Pierce." It thereafter enters the same \$87,619.47 judgment against APM and Appellant jointly and severally. (Ex. AK.) Thus, Appellant's personal judgment does not merely coexist with APM's liability; the Order expressly derives Appellant's liability from APM's liability.

33. That structure makes the APM record directly relevant to Appellant's appeal. Where the judgment against Appellant is imposed by imputing APM's liability to her, the Court cannot meaningfully review Appellant's personal judgment while excluding the materials establishing how APM was placed in default, what claims and defenses existed, what reconsideration was sought, and what liability was ultimately imputed to Appellant.
34. APM and Appellant also did not reach default through the same proceeding. APM was first placed in default after its Answer was struck because the Answer had been filed by a nonlawyer on behalf of the company. Appellant was thereafter pursued through a separate motion for default against her individually. That distinction matters because Respondent cannot use APM's default history as a predicate for Appellant's liability while simultaneously asking that the documents showing the distinct procedural tracks be removed from the Record.
35. Having obtained a judgment that identifies APM's alleged wrongdoing, imputes APM's liability to Appellant through alter ego, and imposes the resulting damages jointly and severally, Respondent cannot now sever the APM record from appellate review of the personal judgment that rests upon it. Items 22, 25, 29, 31, 32, 33, and 37 should remain to the extent they bear on the liability and procedure imputed to Appellant.

**V. THE INTERVENTION MATERIALS EXPLAIN THE 2021 DEFAULT
PROCEEDINGS AND THE STATUS OF ESTATE AND HEIR INTERESTS**

36. Respondent challenges Items 12, 16, 17, 70, and 88 concerning Jared Adam Pierce. Appellant does not seek appellate relief on Jared Pierce's behalf. Those materials are relevant because Jared Pierce was not a stranger to this litigation. He moved to intervene as an heir of Doyle Elton Pierce specifically to protect the interests of the Estate and the heirs

from Firewalker's claims against the Estate, and the Circuit Court granted his motion. (Exs. H, J.)

37. Jared Pierce's Motion for Intervention expressly alleged that he was an heir of Doyle Elton Pierce and that the Estate's ability to protect its interests had been impaired. He requested intervention "to protect the interests of the Estate and the heirs of the Estate." The October 20, 2021 Order granted that intervention.
38. The intervention was directly connected to Firewalker's original default proceedings. The September 7, 2021 Order states that the Circuit Court heard Jared Pierce's Motion to Intervene during the August 30 default proceedings and thereafter rescheduled Firewalker's default motion until after the related Probate Court appeal. (Ex. I.) The intervention materials therefore document why Firewalker's original request for default against all Defendants was not reduced to judgment at that time.
39. Items 70 and 88 are not offered merely to obtain review of Jared Pierce's status. They seek any actual lower-court disposition necessary to show what became of the intervention and the Estate/heir interests for which it was granted. If no separate disposition exists, the Court may assess the significance of that fact when determining the procedural posture and finality of the appealed judgment; Appellant does not ask the Court to assume the answer merely from the absence of a document.
40. The relevant question on this Motion is therefore not whether Appellant may appeal for Jared Pierce. It is whether the intervention materials form part of the procedural history necessary to understand the original default proceedings, the Estate's status, and the issues the Circuit Court had before it. Items 12, 16, 17, 70, and 88 should not be struck merely because the Intervenor did not separately appeal.

**VI. THE 2021–2025 LIABILITY-PHASE MATERIALS ARE THE CORE RECORD OF
APPEARANCE, DEFAULT, RULE 55(c) RELIEF, NOTICE, AND PRESERVATION**

41. Respondent expressly asks this Court to strike substantial portions of the liability-phase record. In Section V of its Motion, Respondent specifically seeks to strike Items 4, 6, 8–11, 13–15, 19, 23–24, 26–27, 30, 34–45, and 66–68. Its Conclusion goes further and asks the Court to strike Items 4 through 45, Item 51, and Items 66 through 88.
42. These materials are not collateral history. They are the procedural record necessary to determine how Appellant came to be subjected to default judgment, whether she appeared and defended, what relief she requested below, what notice she received, what issues were preserved, and how the Circuit Court moved from active litigation to individual default and ultimately judgment.
43. Designation Items 4, 6, 8, 9, and 10, reproduced principally in Exhibits D–F, establish that Appellant appeared, filed and served an Answer, and placed sworn merits defenses before the Circuit Court. Firewalker itself acknowledged in its July 15, 2021 Motion for Default Judgment that Defendants had “filed and served Answers” on April 23, 2021; Firewalker’s contention was that those Answers were untimely. Whether the timing affected default is a separate legal question from whether the Answer and appearance are relevant to appellate review.
44. Firewalker did not obtain an order striking Appellant’s original April 23, 2021 individual Answer. When Firewalker later sought to strike APM’s Answer, it filed a specific motion and obtained a specific order striking that pleading because a nonlawyer could not represent the LLC. Firewalker’s October 14, 2025 motion sought to strike Appellant’s later Amended

Answer, Affirmative Defenses, and Counterclaims—not the original April 2021 individual Answer.

45. The August 30, 2021 proceeding, September 7 deferral order, and October 20 intervention order establish that Firewalker’s original default request did not proceed directly and uncontested to judgment. Exhibit K documents the merits materials subsequently filed, while Exhibits L and M explain the later court-ordered stay and the event that permitted the litigation to resume. These documents show what actually occurred between the original 2021 default request and the renewed default proceedings in 2025.
46. Designation Item 27, reproduced as Exhibit R, is especially important because Respondent’s companion Motion to Dismiss asserts that Appellant “never filed ... a Rule 55(c) motion challenging the entry of default itself” and later states that she “moved to set aside nothing.” Exhibit R expressly invoked Rule 55(c), addressed good cause, prejudice, and meritorious defenses, and asked that “the entry of default be set aside” and that Appellant’s Answer and Counterclaims be deemed timely filed. Whether that request ultimately warranted relief is a merits issue; its existence cannot fairly be erased from the Record while Respondent relies on its supposed absence.
47. The notice and service materials are independently relevant. *Stark Truss Co. v. Superior Construction Corp.*, 360 S.C. 503, 511–12, 602 S.E.2d 99, 103–04 (Ct. App. 2004), distinguishes the consequences of a late Answer for technical default from the significance of an appearance for Rule 55(b)(2) notice. Accordingly, even if Respondent maintains that Appellant’s Answer was late, the Answer, Notice of Appearance, certificates of service, individual-default motion, and proof of service remain relevant to the procedure used to obtain default judgment against Appellant individually.

48. The 2025 roster, continuance, pleading, and default materials likewise establish the posture of the case immediately before individual default was entered. Item 30 reflects that the action was placed on the October 27–31 jury-trial roster; Firewalker thereafter filed motions for continuance, individual default, striking of Appellant’s amended pleading, and default against APM. These documents bear directly on the progression from active merits litigation to default and on the issues Appellant attempted to preserve.
49. Respondent may dispute the legal effect of these filings. That dispute belongs to the merits. It does not make the filings irrelevant to the threshold questions whether Appellant appeared, requested Rule 55(c) relief, received the required notice, preserved objections, and was subjected to default through the procedure reflected in the lower-court file. The request to strike these materials should therefore be denied.

**VII. ITEMS 51 AND 69 WERE PRESENTED TO AND CONSIDERED BY THE
CIRCUIT COURT**

50. Respondent argues that Items 51 and 69 should be excluded because Appellant did not attend the January 8, 2026 damages hearing and her written submissions were not marked as one of Firewalker’s five numbered evidentiary exhibits. That argument conflates formal admission into evidence with the separate Rule 210(c) question whether matter was presented to the lower court.
51. The lower-court record establishes at least that Appellant transmitted filings to the court and counsel and that the Circuit Court received them. The January 6–8 email correspondence documents transmission of Appellant’s continuance, remote-participation, and damages materials. (Ex. AF.) Most importantly, the January 9 Form 4 expressly states that, on the day

of the hearing, Appellant filed documents that the court “reviewed and considered.” (Ex. AI.) Respondent’s Motion itself acknowledges that statement.

52. Appellant does not contend, for purposes of this Motion to Strike, that every photograph or attachment she transmitted was formally admitted as evidence. Her narrower position is that the documents actually filed and identifiable in the Circuit Court file, to the extent reflected in the January 9 Order and related lower-court record, were presented to and considered by the Circuit Court. The legal weight of those materials is a merits question; their presentation below defeats a categorical assertion that nothing from Appellant was before the court.

**VIII. ITEMS 66–88 SHOULD BE CLARIFIED WHERE NECESSARY, NOT
WHOLESALE STRICKEN**

53. Respondent separately challenges Items 66–88 because several use broad descriptions beginning with “any.” Appellant agrees that the final Record should identify actual lower-court documents with reasonable specificity. She does not agree that an overbroad description justifies excluding relevant documents that actually exist in, or were presented to, the Circuit Court.
54. The appropriate remedy is clarification. Service-related entries can be replaced by the specific certificate, filed motion, mailing record, or electronic-service document that actually exists. Status and finality-related entries can likewise be identified by the precise order, docket entry, stipulation, or filing that actually resolves—or reflects the status of—the Estate claims, Appellant’s counterclaims, the proposed Donohue claims, or the intervention.
55. Respondent itself requests amendment of the Designation as an alternative to striking. Accordingly, if the Court concludes that any portion of Items 66–88 is insufficiently specific

under Rule 209, Appellant requests leave to amend those descriptions by exact document title and filing date rather than exclusion of otherwise relevant lower-court material.

**IX. RESPONDENT’S MOTION TO STRIKE CANNOT BE USED TO CREATE THE
VERY RECORD DEFICIENCY ASSERTED IN ITS MOTION TO DISMISS**

56. Respondent’s companion Motion to Dismiss contends that Appellant had no status below, sought no relief from default, preserved no issues, and created no record capable of appellate review. At the same time, Respondent’s Motion to Strike seeks exclusion of the very materials bearing upon those assertions: Appellant’s Answer and appearance, service papers, default proceedings, Rule 55(c) memorandum, stay order, 2025 motion practice, notice materials, and written damages submissions.
57. The two positions must be considered together. Respondent cannot establish the absence of a reviewable record by first excluding relevant portions of the lower-court record that demonstrate appearance, participation, Rule 55(c) relief, notice, preservation, and the procedural history leading to the appealed judgment. Whether those materials ultimately establish reversible error is a merits question. The Court should have the relevant lower-court record before it when deciding that question.

X. PRAYER FOR RELIEF

1. Deny Respondent’s Motion to Strike as to lower-court materials relevant to Appellant’s challenges concerning default, appearance, Rule 55(c), notice, preservation, APM-derived liability, the procedural status of Estate and intervention matters, and damages;

2. Decline to exclude APM-, Estate-, or intervention-related materials merely because those parties did not separately appeal, where those materials bear directly upon Appellant's personal judgment or the procedural history of the action;
3. Retain Items 51 and 69 to the extent the corresponding documents are identifiable in the Circuit Court file and were presented to, received by, reviewed by, or considered by the Circuit Court;
4. Permit Appellant, if necessary, to clarify Item 7 to identify the exact Probate Court order and its actual disposition, and to clarify Items 66–88 by exact document title and filing date rather than striking relevant matter;
5. Deny Respondent's request for costs; and
6. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this September 14, 2026



Dorothy Pierce, Appellant, Pro Se

P.O. Box 209910, Kampala GPO

Kampala, Uganda

Email: dorothypierce84@gmail.com