The South Carolina Court of Appeals

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.

Appellate Case No. 2026-000480

ORDER

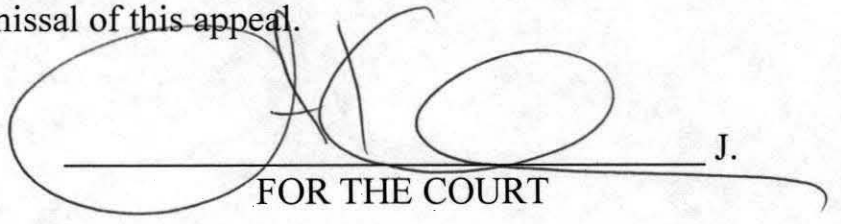
On February 27, 2026, Appellant filed a notice of appeal from a circuit court order that (1) noted Appellant was not present, (2) noted the circuit court had previous ordered default judgment against Appellant, and (3) determined the amount of damages and attorney's fees Appellant owed to Respondent. There is no indication that a motion to reconsider or a motion pursuant to Rule 60 of the South Carolina Rules of Civil Procedure were filed, but there is some evidence that Appellant (1) sought a continuance prior to the damages hearing, which was denied; and (2) submitted a memorandum in opposition to the damages claimed by Respondent.

On August 7, 2026, Appellant filed her initial brief and designation of matter.

On September 3, 2026, Respondent filed a motion to dismiss the appeal and a motion to strike portions of Appellant's designation of matter. In its motion to dismiss, Respondent contends this court should grant the motion to dismiss because (1) Appellant never moved to set aside the entry of default or the default judgment and thus cannot maintain an appeal, (2) none of Appellant's fourteen issues on appeal are preserved for appellate review, and (3) the appeal is frivolous and pursued for purposes of delay. Respondent further requests costs under Rule 222 of the South Carolina Appellate Court Rules and the imposition of sanctions

under Rule 269 of the South Carolina Appellate Court Rules. In its motion to strike portions of Appellant's designation of matter, Respondent contends Appellant has designated matters that were not before the circuit court, matters not relevant to the appeal, and matters that were too open-ended to satisfy the "clearly identify" requirement of Rule 209 of the South Carolina Appellate Court Rules. Appellant filed a return to both motions, opposing the requested relief. Respondent filed a reply to the return to the motion to dismiss the appeal.

After careful consideration, we deny Respondents' motion to dismiss the appeal, for sanctions, and for costs, the latter of which is denied without prejudice as premature. *See* Rule 222(d), SCACR ("A party desiring costs to be taxed shall, within fifteen (15) days of the issuance of the remittitur, serve and file a motion requesting that costs be assessed under this [r]ule."). However, we grant Respondent's motion to strike Appellant's designation of matter. *See* Rule 209(b), SCACR ("The Designation must clearly identify what the party desires to have included in the Record on Appeal, and the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [See Rule 210(c)]."). Appellant shall serve and file an amended designation of matter within ten days of the date of this order that does not include matters 7, 20, 21, and 66-88. Failure to comply may result in the dismissal of this appeal.



J.

FOR THE COURT

Columbia, South Carolina

FILED
Oct 07 2026

cc:
Dorothy Pierce
Mason A. Goldsmith, Jr., Esquire
Alan Grant Jones, Esquire
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Henry Drennan Quattlebaum, Esquire