

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Master-In-Equity  
The Honorable Jeffery M. Tzerman

Case No. 2012-CP-28-0981

Appellate Case No. 2012-212971

**RECEIVED**

JUN 04 2013

SC Court of Appeals

CitiMortgage, Inc., ..... Respondent,

v

Ellen R. Springer, ..... Punished Appellant-Victim, Pro se.

E.R.S. MOTIOIN TO STRIKE ORDER GRANTING RESPONDENT'S PREVIOUS REQUEST  
FOR EXTENSION OF TIME TO FILE THEIR INITIAL BRIEF AND DESIGNATED MATTERS  
TO BE INCLUDED ON THE RECORD OF APPEAL, BY PUNISHED-APPELLANT-VICTIM,  
PRO SE

Mrs. Ellen Ruth Springer,  
Punished-appellant, victim  
18 Arlington Dr.  
Lugoff, S.C.  
c/o 147-21 109<sup>th</sup> Avenue  
Jamaica, New York, 11435  
Fax #: (716) 768-5162  
Fax #: (803) 438-9600

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CitiMortgage, Inc., ..... Respondent,

V.

Ellen R. Springer, ..... Punished-Appellant-Victim, Pro Se.

E.R.S. NOTICE OF MOTION TO STRIKE ORDER THAT GRANTED RESPONDENT'S PREVIOUS REQUEST FOR EXTENSION OF TIME TO FILE INITIAL APPEAL BRIEF AND DESIGNATED MATTERS TO BE INCLUDED ON THE RECORD OF APPEAL, BY PUNISHED-APPELLANT-VICTIM, PRO SE.

I, Ellen R. Springer, the above captioned "Punished-appellant-victim, Pro se, depose and says the following under the penalties and pains of perjury known to the Constitution of the United States of America and known to the Constitution of the State of South Carolina:

Pursuant to the doctrine of Laches: the United States Supreme Court Decision, Strickland v. Washington, 442 U.S. 662 [1984]: S.C. Code [15-75-60] and SCACR General Rule 240, your Appellant-Ellen R. Springer (hereinafter referred to as "Punished-Appellant-Victim, Pro se"), hereby, moves this Honorable S.C. Court of Appeals, Pro se, to Strike its order that, granted Respondent-CitiMortgage, Inc.'s request for "extension of time" to file their "Reply-brief" and "Designation of matters to be included in the record" on the instant appeal (annexed hereto), upon the ground that: the relief sought was procedurally barred by the doctrine of Laches traceable to the selling and buying of changed sides and inconsistent position proffered on the inanimate court, prevalent to the instant matter of appeal and review venue, Res judicata; and that, Respondent would be unjustly enriched by ineffective assistance of Officers of the S.C. Court of Appeals (Strickland v. Washington, 442 U.S. 662 [1984]), were any of the requested relief denied, Res judicata. The grounds for the relief sought are interposed as follows:

Pursuant to Strickland v. Washington, 442 U.S. 662 (1984), it is well established constitutional law that, Officers of the court (judges and attorneys are officers of the court) are

held to a more stringent due process standard of reasonableness to seek justice, and not injustice, with intent to injure the defending party, simply to win the case, in order to leave an infirm judgment undisturbed, Res judicata.

The gist of the instant motion to strike is that, on July 9<sup>th</sup>, 2012, the position formerly-asserted was lost before the lower court. The judgments appealed from (denial of emergency motion for equitable estoppel relief, inter alia) (denial of Rule 60 (B) emergency Pro se motion for show cause relief seeking to dismiss the civil foreclosure complaint, inter alia), were rendered in excess of the procedural prohibitions of the doctrine of equitable estoppel: this was treason on the court, Res judicata. What this means was that, the judgment appealed from was procured in excess of the procedural prohibitions of the doctrine of fraud on the court: this was fraud on the court by an officer of the court, Res judicata. Based upon the merits of the conduct, alone, it is clear that your punished-appellant-victim (Ellen R. Springer) brought a justifiable claim for estoppel relief, Pro se that satisfied the three general requirements that warranted estoppel relief. (1) A change in the position formerly-asserted and relied upon to lure the victim into the jurisdiction of the court. (2) Your punished-appellant-victim relied upon the position formerly-asserted to win the case. (3) Your punished-appellant-victim was injured in the lower court proceedings by acts traceable to respondent's predecessor attorney agent (Rogers, Townsend and Thomas, LLC), that abandoned the position formerly asserted and, therefrom, used the procedures of the court to win the client's case, to the detriment of the victim who relied on said position to win the case, Res judicata.

Accordingly, the "fair play" principle vested in the doctrine of estoppel was crafted by Legislature to procedurally bar the selling and buying of changed sides and inconsistent position proffered on the inanimate lower court, prevalent in the instant matter of appeal and, inherently, barred all opposition to the instant matter of appeal, based upon the merits of the improper conduct: this was a purely private act, not found under color of law, Res judicata.

Accordingly, the nature of the judgments appealed from was that, the inconsistent position of the Officers of the Lower Court posed on the integrity of the instant quest for the truth and, therefrom, proffered inconsistent position on the inanimate lower court and, thereby, defrauded and defiled said inanimate lower constitutional court, from going about its

usual manner of performing its impartial task of objectively adjudicating the instant case, brought for adjudication, Res Judicata. Said judgments, rendered in favor of Respondent, were clearly "self-executed, in want of directive" and, on this point, was an abuse of discretion unsupported by the facts and, a reversible err. of the lower court, of a constitutional magnitude, controlled by law, Res judicata. Were it not for the neglect of the lower court officers, the outcome of the lower court proceeding would have favored your Punished-appellant-victim, Res judicata.

Inherently, the order that granted respondent's former request for extension of time to file their initial brief, inter alia, was precluded, as a matter of due process of law, Res judicata, and was a procedural nullity, appearing on the face of the record; that was a void nullity on its face and in fact, without effect, enforcement, efficacy and or respect in any court, Res judicata (see S.C. Law of Void Judgment [holding that, any judgment rendered in a manner that deprives the Pro se litigant due process of law was a void judgment]).

Based upon the entire aforementioned, and upon the documented evidence to the case that control the facts; this court has a legal duty and moral obligation to dismiss any judgment found upon a void judgment, as prevalent in the instant matter of appeal, Res judicata, and, therefore, this court who must follow the path set out by duty (Amer. Juris Prudence Law), henceforth, must grant the instant Pro se motion to strike this court's previous order that granted relief to respondent-CitiMortgage, Inc. on motion for extension of time to file a reply brief and designated matters to be included on the record of appeal, based upon the merits of the conduct, alone, Res judicata; and that, Respondent-CitiMortgage, Inc., their attorney agent and their predecessor attorney agent, and their predecessors, known and unknown: would be unjustly enriched, traceable to ineffective assistance of the Officers of the S.C. Court of Appeals (see Strickland v. Washington, supra), if any of the requested relief were denied; and for such other and further relief controlled by the doctrine of Estoppels (equitable estoppel, fraud on the court, and Laches), Res Judicata, Non Pro Tunc.

Dated: Jamaica, New York  
May 21<sup>st</sup>, 2013

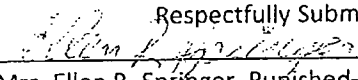
Respectfully Submitted,  
  
Mrs. Ellen R. Springer, Punished-Appellant-Victim, Pro se.  
18 Arlington Dr., Lugoff, S.C-C/o 147-21 109th Avenue  
Jamaica, New York, 11435: Fax # (716) 768-5162

EXHIBIT-A

# The South Carolina Court of Appeals

Citimortgage Inc., Respondent,

v.

Ellen R. Springer, Peggy S. Charles f/k/a Peggy S. Roberts, Defendants,

Of whom Ellen R. Springer is the Appellant.

Appellate Case No. 2012-212971

The Honorable Jeffrey Marc Tzerman  
Kershaw County  
Trial Court Case No. 2011CP2800981

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## ORDER

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The time for serving and filing the respondent's initial brief and designation of matter is hereby extended until May 29, 2013.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

**FILED**

5/6/13 AS

cc:

EXHIBIT-B

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Master-In-Equity  
The Honorable Jeffery M. Tzerman

Case No. 2012-CP-28-0981

Appellate Case No. 2012-212971

CitiMortgage, Inc.....Respondent,

V.

Ellen R. Springer,..... Punished-Appellant-Victim, Pro Se.

PROOF OF SERVICE

I, the undersigned Punished-Appellant-Victim, Pro Se, do hereby certify that I have served all former parties in interest to the instant action with a copy of the Pleading (s) herein below specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address:

Pleading: E.R.S. Notice of Motion to Reverse, Rescind and Vacate judgment granting Respondent-CitiMortgage, Inc.'s Request for extension of time to file their initial appeal brief and designated matters to be included in the record of appeal, Pro se.

Parties served:


Alleged-Attorney for Respondent,

Nelson, Riley & Scarborough, LLP, Columbia, S.C.

Dated: May. 24th, 2013.

County of Queens.

Respectfully,



Mrs. Ellen Ruth Springer, Punished,  
Appellant-Victim, Pro se.

18 Arlington Dr.

Lugoff, S.C.

C/o 147-21 109<sup>th</sup> Avenue

Jamaica, New York, 11435

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Ellen R. Springer, Punished-appellant-victim, Pro se  
18 Arlington Drive: Lugoff, South Carolina  
C/o 147-21 109<sup>th</sup> Avenue  
Jamaica, N.Y. 11435  
Fax # (716) 768-5162

June 3<sup>rd</sup>, 2013

To the Hon. Claire Allen, Deputy Clerk  
1015 Sumter Street  
Columbia, S.C. 29201

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JUN 04 2013

SC Court of Appeals

68634

Re: CitiMortgage, Inc. v. Ellen R. Springer, Appellate Case No. 2012-212971

Dear Madam of the Court:

Enclosed herewith, do find the original motion (1), six (6) copies thereof, Proof of Service and, lastly, the requisite filling fee in the amount of twenty five (25) dollars, in the form of a money order. Please file accordingly.

Respectfully Submitted,

Ellen R. Springer

Cc: Attorney for Plaintiff  
Nelson, Mullen, Riley & Scarborough, LLP  
Columbia, S.C.29201

File.