

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Bentley D. Price

Civil Court Case No. 2021-CP-10-2862
Court of Appeals Case No. 2022-000775

Pet Helpers, Inc.....Respondent
v.
Janet L.Frisco.....Appellant
v.
Melissa Susko.....Third-Party Defendant

**APPELLANT’S RETURN TO RESPONDENT’S MOTION TO
STRIKE APPELLANT’S AMENDED INITIAL BRIEF**

The Appellant Pro Se Returns to the *Respondent’s Motion to Strike the Appellant’s Initial Brief* and states the following:

The Respondent’s counsel has engaged in misconduct during the course of this lawsuit and the lower court has abused the standard of discretion in their rulings, but that has yet to be considered because Respondent’s counsel continues to emphasize certain rules to impede the process of the appeal. The case should have been dismissed in the lower court due to the

Respondent's obvious abuse of civil process, but since it wasn't, that created the necessity for the appeal. There are also civil process rules against perjury, manufacturing evidence, false imprisonment and extortion through the use of sanctions, which should also be applied in this case, but the Respondent's attorney seeks to divert attention away from substantial rules that he is violating to mere form rules such as SCACR 267(c) in his second argument. The Respondent states in the Motion, "Additionally, Rule 267(c) mandates that Appellant's brief be "double-spaced". Here, Appellant's Initial Brief is not double spaced, and some of Appellant's typewritten paragraphs are predominantly one long sentence encompassing nearly an entire page single spaced." (Respondent's counsel does not reference a page number for this argument.)

Respondent's first argument in his motion concerns Rule 208 (b)(4) and states the following:

"Appellant fails to reference any transcript, pleading, motion, or order except in Appellant's third and fourth argument, wherein Appellant refer to the lower court's order filed January 11, 2022 and in her fifth argument wherein Appellant refers to an affidavit that has not been designated by either party to be included in the record on appeal." Appellant made an error on the Amended Initial Brief and it should have read Affidavit Pursuant to 56 (f) which was on the Appellant's Amended Designation of Matter # 2 "Defendant's Affidavit Pursuant to SCRCPC 56 (f)". The same error was made in the fifth argument under the Appellant's *Statement of Issues on Appeal* on Amended Initial Brief. Respondent presented the Affidavit pursuant to 56 (f) at the hearing held on April 22, 2022 requesting a continuance on the ruling for Partial Summary Judgement (See Exhibit A).

If this Honorable Court orders the Appellant to amend Initial Brief a second time according to the Respondent's counsel's motion, Respondent will obediently comply, but requests of this Honorable Court an exception to the two rules cited be made for the following reasons:

- 1.) Because Respondent's counsel is filing the motion in order to delay the filing of his

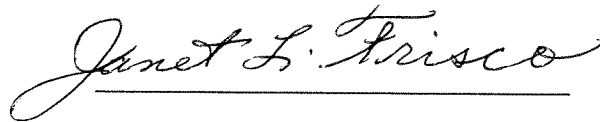
initial brief since he's aware that the entire lawsuit is an abuse of civil process and that he is guilty of manufacturing evidence, making false statements on filed court documents and that the lower court assisted him in preventing a material fact from being considered in the trial proceedings before they granted a Partial Summary Judgement and other orders against the Respondent.

2.) Because according to Rule 467(g) states that the Clerk of Court shall insure compliance with this rule before accepting any paper for filing.

3.) Because the Appellate will submit all the references to material with the final brief and designation of matter for this courts consideration in making their decision on the appeal and those documents will have to be in compliance with all rules including Rules 267(c) and 208 (b) (4).

Based on the foregoing, the Respondent's Motion to Strike Respondent's Amended Initial Brief should be denied by this Honorable Court.

Respectfully submitted,

A handwritten signature in cursive script that reads "Janet L. Frisco". The signature is written in black ink and is positioned above a horizontal line.

Janet L. Frisco
203 Cardinal Drive
Summerville, South Carolina 20464
(843) 804-0875
janetfrisco@yahoo.com
Pro Se Appellant

March 25, 2023

[EXHIBIT A]

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL COURT
CASE NO.: 2021-CP-10-2682

PET HELPERS, INC.,

AFFADAVIT OF JANET FRISCO

Plaintiff

JANET FRISCO,

Defendant

FILED
2022 APR 21 PM 1:48
JULIE J. ARMSTRONG
CLERK OF COURT
BY *DA*

PERSONALLY, appeared before me, Janet Frisco, who after being duly sworn, deposes and states as follows:

I, Janet Frisco, pursuant to SCRPC Rule 56(f) request additional time to submit discovery requests to Plaintiff which is essential to justify my opposition to their Motion for Partial Summary Judgement. I cannot present by affidavit facts concerning the staged adoption of my dog Toby and Pet Helper's fraud soliciting donations and subsidies without their discovery disclosures.

Janet Frisco
Janet Frisco

SWORN to and subscribed before me
this 21 day of April, 2022.

Sherry M Funk
Notary Public for South Carolina
My commission expires 09/24/2022

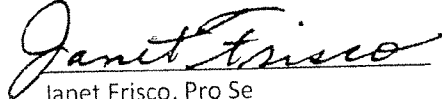


CERTIFICATE OF SERVICE

The foregoing document *AFFIDAVIT OF JANET FRISCO* was served on the following by email and U.S. Mail with sufficient postage affixed, this 21st day of April 2022:

Stephan V. Futeral
1004 Anna Knapp Blvd., Suite 3
Mt. Pleasant, South Carolina 29485
sfuteral@charlestonlaw.net

FILED
2022 APR 21 PM 1:49
JULIE ANN STROBE
CLERK OF COURT
DGL


Janet Frisco, Pro Se

RECEIVED

Mar 27 2023

SC Court of Appeals

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APPEAL FROM CHARLESTON COUNTY
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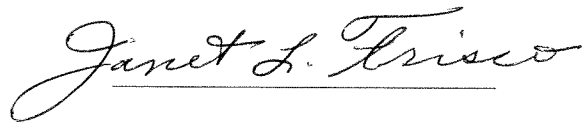
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PROOF OF SERVICE

I certify that I have served the *Appellant's Return to the Respondent's Motion to Strike Appellants Amended Initial Brief* by, delivering the same via email and by United States Postal Regular Mail, postage prepaid, on March 25, 2023 addressed to the Respondent as follows:

Stephan V. Futeral
1004 Anna Knapp Blvd., Suite 3
Mount.Pleasant, South Carolina 29464
sfuteral@charlestonlaw.net



Janet L. Frisco,
Pro Se Appellant

Dated: March 25, 2023