

RECEIVED

Dec 04 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

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Court of Appeals Case No. 2022-000775

Civil Court Case Nos. 2021-CP-10-2682, 2021-CP-10-2848

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Pet Helpers, Inc.....Respondent,

v.

Janet L. Frisco.....Appellant,

v.

Melissa Susko.....Third-Party Defendant

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RETURN TO THE RESPONDENT’S THIRD MOTION TO STRIKE APPELLANT’S  
DESIGNATION OF MATTER FILED ON NOVEMBER 13, 2023

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Appellant, pro se, hereby returns to the Respondent’s Motion to Strike Appellant’s Designation of Matter that was filed with the Appellant’s Initial Reply Brief on November 13, 2023. Appellant’s Designation of Matter complied with Rule 209 (b) in that all was presented to the lower court and complied with Rule 210 (c)

because all matter included supported the issues on appeal listed below as presented in Appellant's Initial Brief

- A. The Respondent's Attorney abused civil process by implementing the lawsuit against the Appellant.
- B. The lower court abused the standard of discretion.
- C. The Appellant did not commit libel or slander against the Respondents.

### **BACKGROUND**

Appellant appealed the Partial Summary Judgement and other orders of May 5, 2022 granted by Judge Bentley Price in the lower court. On December 12, 2022 Respondent filed first *Designation of Matter* without Initial Brief. Appellant filed *Motion to Strike Respondent's Designation of Matter* because it was not certified as relevant. On December 21, 2022 Respondent filed an *Amended Designation of Matter* with certification. On July 11, 2023 Respondent filed Initial Brief and 2<sup>nd</sup> Amended Designation of Matter adding an additional eight items of matter. Appellant filed *Motion to Strike* Respondent's eight additional items on Respondent's Second Amended Designation of Matter, but it was denied by this Court on November 1, 2023 (**See Exhibit A**). On September 21, 2023 Respondent

filed *Amended Initial Brief*. On November 13, 2023 Appellant filed *Initial Reply Brief* and *Designation of Matter*.

The Appellant is allowed to add additional items to the Designation of Matter after the Respondent's Initial Brief is filed. It is not an "amendment" nor was it filed "unilaterally" as the Respondent contends in their motion to strike. All matter that was added is relevant and pertains to the issues on appeal. The Respondent mentions fifteen items that he claims are irrelevant, but seeks to strike Appellant's entire *Designation of Matter* filed on November 13, 2023 and in addition requests that this Court order the *Appellant's Initial Reply Brief* be amended even though Respondent was allowed by this Court to add items that did not address any of the issues on appeal, but merely rehashed the illicit actions against the Appellant that occurred in the lower court on his *Second Amended Designation of Matter* filed July 11, 2023.

The Respondent's attorney believes there should be a double-standard practiced by the courts where he is given privileges not afforded to the Appellant and that he should be able to dictate to them concerning their rulings. For example, the Respondent's attorney does not believe the Appellant should have the right to submit interrogatories to the Plaintiff or that the Respondent should

be sanctioned when they refuse to answer them, but acts as if it was justifiable when the Defendant was sanctioned thousands of dollars for the same thing.

### REPLY TO RESPONDENT'S ARGUMENTS

The Appellant is allowed to add additional items to their *Designation of Matter* after they receive the *Respondent's Initial Brief*, but due to the Respondent's legal counsel's inexperience in the appeal court, he states that Appellant did not seek the leave of the court before doing so. Leave of the Court is not required and the Respondent's attorney himself did not seek leave of the court when on July 11, 2023, he arbitrarily amended his *Designation of Matter* a second time adding eight additional documents without a justification.

*Appellant's Initial Brief* had been filed on November 16, 2022 and *Amended Initial Brief* was filed on March 17, 2023 in compliance with a court order. The Respondent's attorney filed *Designation of Matter* alone on December 12, 2022, *Amended Designation of Matter* on December 21, 2022, *Initial Brief with 2<sup>nd</sup> Amended Designation of Matter* on July 11, 2023, and *Amended Initial Brief* on September 21, 2023.

- A. # 7- Plaintiff's (Respondent's) First Interrogatories to Defendant (Appellant) filed June 18, 2021. The interrogatories and the production requests submitted to the Appellant at the same time are relevant because an

argument that supports appeal is that they were so extensive that it was impossible for the Appellant to comply with the order to complete them. Respondent used a *Strategic Lawsuit Against Public Participation (S.L.A.P.P.)*, illegal in many states, to overwhelm the Appellant with legal actions and related punitive actions. The Respondent's discovery requests were the first step in the S.L.A.P.P. because Respondent's attorney knew Appellant would be unable to complete them and would then be subject to severe sanctions that would incapacitate the Appellant and prevent a defense.

B. # 9- Defendant's (Appellant's) Answer to the Complaint filed June 23, 2021.

Appellant did not need leave of the court to add additional items to *Designation of Matter* after Respondent's *Initial Brief* was filed. One of the issues mentioned on the appeal is that Appellant was not allowed to supplement my answer to the complaint at the hearing on April 22, 2022 so the initial answer is relevant and Respondent agrees it is "potentially relevant". Also, I first voiced suspicions in my initial *Answer to the Complaint* that Respondent's had staged adoption of my dog using one of their employees, Blaine John, which was totally ignored by the Court.

C. # 13 Affidavit of Melissa Susko in Support of Plaintiff's 2<sup>nd</sup> Motion for Emergency/Ex Parte Restraining Order and Injunctive Relief Filed July 9,

2021. I tried to present evidence during these hearings that Respondent had staged the adoption of my dog and that I was legally protesting that fact and had not trespassed or threatened their employees. Ms. Susko is guilty of a staging the adoption and wanted to conceal that fact. She also claimed they are “No Kill” and don’t kill any dogs when I was told by a former employee she is certified to euthanize and had been involved in the deaths of other dogs that the employee knew of. The affidavits and memorandums she signed were an attempt to conceal her crime and silence the truth concerning her criminal actions so are relevant to the appeal.

If the lower court had not granted the Partial Summary Judgement based on Susko’s and Blaine John’s affidavits, the Appellant would be able to prove in court that they are the guilty parties. The Respondent’s attorney, with the assistance of the lower court, framed Appellant for libel and slander to conceal the Respondent’s fraud.

D. # 14 Defendant’s (Appellant’s) Motion to Dismiss and Consolidate filed July 30, 2021. A hearing was never scheduled for Appellant’s motion and Judge Bentley Price dismissed it at the hearing on April 22, 2022, however the Respondent’s Motion to Consolidate filed on July 9, 2021 was heard and

granted on December 17, 2021. This filing supports the abuse of discretion by the lower court and is therefore relevant.

- E. #16 Order Extending Order for Injunction and Temporary Restraining Order Filed August 5, 2021. The restraining orders were granted based on false statements by the Respondent and their attorney that Appellant had threatened Pet Helpers employees and trespassed on their property and should not have been implemented or extended. Appellant was not allowed by the lower court to argue or present evidence such as the tax map or police reports against these false accusations during the hearings.

If I had appealed in the lower court as the Respondent states I should have, I would have faced the same biased judges who had granted the restraining orders to the Respondent based entirely on their statements and those of their attorney.

All the restraining orders granted by the lower court are relevant to the appeal because they prove the lower court failed to exercise the Standard of Discretion which is one of main issues of the appeal.

- F. Plaintiff's (Respondent's) Notice of Motion and Motion for Rule to Show Cause Filed August 5, 2021. The Court did not consider the fraud upon the court committed by the Respondent's attorney and ruled based only on his

argument that it was untimely because Appellant did not file within thirty (30) days. When there is fraud upon the court, the time to appeal is extended to one year. The document is relevant because it supports the appeal issue of Abuse of the Standard of Discretion in the courts.

G. # 18 Affidavit of Melissa Susko Supporting Rule to Show Cause Filed August 5, 2021. The affidavit is relevant because an issue of the appeal is that Respondents were actually cruel and that their lawsuit was an attempt to cover up their criminal fraud in the matter. Melissa Susko orchestrated the staged adoption to receive donations when they advertised the alleged adoption on their website. She wanted Appellant incarcerated for up to two months in the hope I would become totally incapacitated. This is the same reason she used two of her employees to entrap Appellant and press false trespassing charges on June 5, 2021.

Susko has portrayed a false image to the public that conceals criminal tendencies. It was not slander or libel to tell the truth about her and that is a main issue of the appeal that Appellant was falsely accused of libel and slander in order to cover the fraudulent actions of Pet Helper's executive director. Their legal counsel's complicity in concealing this fact supports the appeal issue of his abuse of civil process.

H. # 19 Defendant's (Appellant's) Objection to Plaintiffs (Respondent's) Motion to Show Cause Filed August 13, 2021. There is a one-year time limit to appeal pursuant to fraud upon the court . The Respondent's attorney's abuse of civil process is a main issue of the Appellant's appeal. This document supports that the lower court totally ignored an issue of genuine material fact and that the appeals court may have cooperated during my first appeal so its inclusion is relevant to the Abuse of Civil Process by the Respondent's attorney and the Abuse of the Standard of Discretion in the courts.

I. # 20-Defendant's (Appellant's) Letter Requesting Continuance for Covid-19 Recuperation filed September 9, 2021. The Respondent's attorney had filed a *Motion to Show Cause* on August 5, 2021, a *Motion to Reconsider Order on Plaintiff's Motion for Temporary Restraining Order and Injunctive Relief and Rule to Show Cause* on August 27, 2021. When Appellant emailed the Respondent's attorney and Judge Price that I was still recuperating, he sent an email to Judge Price saying the normal recuperation period was only three weeks for Covid and he was ready to move forward dated September 20, 2021. The hearing was scheduled for September 23, 2021, but did not take place for reasons unknown. On

October 15, 2021 Respondent's attorney filed *Second Motion to Show Cause*. The hearing was held on November 5, 2021 and Appellant was arrested and falsely imprisoned on that same date so Appellant knew in early August the Respondent was trying to schedule a hearing as soon as possible **(See Exhibit B)**.

I contracted the virus at the end of August and was still suffering from severe anemia when I was jailed which supports the appeal issue that the Respondent and their attorney are cruel and the Appellant didn't commit libel or slander stating it during the protest, a main issue of the appeal.

- J. # 22- Defendant's (Appellant's) Amended Motion to Reconsider Plaintiff's (Respondent's) Sanction Judgement Pursuant to Rule SCRCP 15 (a) filed November 1, 2021. All the restraining orders were illicit because the lawsuit itself is illicit and was used to cover-up the Respondent's crime of fraud. It would serve no purpose for the Appellant to have appealed the restraining orders, subsequent sanctions and incarceration in the lower court because it had abused the Standard of Discretion and was complicit in covering up the crime of the Respondent in the same way The Court of Common Pleas had done in a Case No. 2005-CP-10-3681 Janet Frisco v.

Debra Walker that Appellant had appealed from the North Charleston Small Claims Court Case No. 2005-SC-87-0481 . When Appellant had appealed that decision in the Small Claims Court in North Charleston, it was denied and so was the request for a jury trial because the North Charleston Magistrate David C. Coker was helping Ms. Walker in her attempt to illegally gain ownership of my stolen vehicle, Judge Turner in the North Area Small Claims Court ruled in her favor and denied an appeal or new trial with a jury and Judge Markley Dennis, Jr in the 9<sup>th</sup> Circuit Court of Common Pleas dismissed the appeal. **(See Exhibit C).**

The document supports the Abuse of Discretion in the courts and supports Appellant's claim that it would be futile for the Appellant to have appealed orders of the lower court in the that same court.

K. # 24 Plaintiff's (Appellant's) Amended Objection to Respondent's Motion to Reconsider Consolidation filed November 19, 2021 (Consolidated Case # 2021-CP-10-2848). Appellant's objection should have been considered during the hearing, but it was not and so the court was abusing the Standard of Discretion just as they had done when Appellant appealed from the Charleston County Magistrate Court to the Court of Common Pleas 9<sup>th</sup> Circuit in Janet Frisco v. Debra Walker Case No. 2005-CP-10-3681 and they

dismissed the appeal without a hearing even though Appellant had submitted documents as evidence that Ms. Walker had fraudulently tried to gain ownership of my stolen vehicle breaking a federal law in the process.

The Appellant should not have to file a separate appeal in the lower court when it was obviously an Abuse of Discretion by the lower court to totally ignore the Appellant's objection at the time the hearing was held. The Abuse of the Standard Discretion by the lower court is a main issue in this appeal and so the document is relevant in supporting that it occurred.

When Appellant had to phone into the virtual hearing, I the Appellant was not allowed to bring up the issue because The Court said the basis of the two complaints were the same and that allowed for consolidation. The Court ignored Appellant's filed objection in order to cover up Respondent's fraud in the same way they assisted Debra Walker in the 2005 case.

- L. # 28- Appellants Notice of Appeal filed January 10, 2022 . The Appeals Court did not consider the appeal on the Rule Respondent filed it pursuant to, that is SCACR Rule 60 (b) (3) where there is "fraud, misrepresentation, or other misconduct of an adverse party" which allows up to one year for an appeal. That rule was totally ignored by the Appeals Court and indicates that not only is there an Abuse of the Standard of Discretion in the lower

court, but there also may be abuse in the South Carolina Appeals Court so it is relevant to the appeal.

M. #31 Appellants Return to the Motion to Dismiss filed January 24, 2022.

This document is relevant because it supports the issue that the courts are abusing the Standard of Discretion because this court did not consider the rule the Appellant's motion was filed on SCACR 60 (b) (3) and allows one year but made their decision based only on the Respondent's attorney's argument that it was untimely **(See Exhibit D)**.

N. #36 Notice of Motion Scheduling for Defendant's (Appellant's) Motion to

Supplement Answer April 6, 2022. Appellant filed *a Form Motion for Leave to Supplement Answer Pursuant to 15 (d)* with the clerk of court and received this document as confirmation from the clerk's office that the motion had been scheduled, but hearing had not been requested since it was a form motion. Appellant notified the clerk's office when they scheduled it that it should not have been scheduled before the court granted leave to supplement the answer and the Respondent approved it, but it was totally ignored by the Respondent[ and by the clerk's office after Appellant's numerous attempts to contact them by email. If it wasn't filed

correctly, they shouldn't have scheduled it, but since it was scheduled, Judge Bentley Price should have allowed Appellant to argue its merits.

The Respondent's attorney initially stated that the reason Appellant's motion was not heard at the hearing on April 22, 2022 was because it didn't contain a pleading, but now changes that argument to Appellant didn't file a " Notice of Motion". The truth is Respondent's attorney does not want it included because it supports Appellant's issue on appeal that the lower court did not allow Appellant to argue the merits at the hearing on April 22, 2022 and it wasn't announced by the court at the beginning of the hearing so the document supports the appeal issue of Abuse of Standard of Discretion by the lower court.

O. #43 Defendant's (Appellant's) First Interrogatories to Plaintiff filed

November 29, 2022. The reason the Appellant filed the interrogatories to the Respondent is that when this case proceeds to trial, the answers to the interrogatories will establish that the Respondent had a financial motive for fraudulently staging the adoption of Appellant's dog and that Melissa Susko is certified to euthanize dogs among other facts that will support that the Appellant is the victim of an illicit lawsuit used to cover up a crime. This is the actual reason the Respondent's attorney does not want it included and

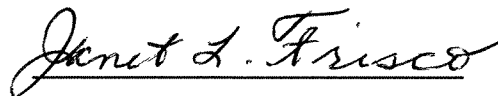
refused to answer them because their answers would incriminate his clients who are guilty of a crime that he implemented the lawsuit to conceal.

### **CONCLUSION**

Because the Appellant has addressed the Respondent's arguments and illustrated herein that Appellant's Designation of Matter filed on November 13, 2023 did comply with Rules 209(b) and Rules 210(c), Appellant requests that this Court deny the Respondent's Motion to Strike the Appellant's Designation of Matter and allow the appeal to proceed without any further delays imposed by the Respondent's attorney.

The Respondents, their attorney and the lower court knew that if this case was allowed to be heard by a jury, the Appellant would be found innocent of libel and slander. None of the Respondent's attorney's arguments concerning civil process rules should be considered by this Court when he is using civil process to conceal a crime.

Respectfully submitted,



Dated: December 4, 2023

Janet L. Frisco, Pro Se Appellant  
203 Cardinal Drive  
Summerville, South Carolina 29485  
(843) 804-0875  
janetfrisco@yahoo.com

# EXHIBIT A

## The South Carolina Court of Appeals

Pet Helpers, Inc., Respondent,

v.

Janet Frisco, Appellant,

v.

Melissa Susko, Third-Party Defendant.

Appellate Case No. 2022-000775

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### ORDER

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On July 11, 2023, Respondent filed its initial brief and a second amended designation of matter. Appellant moved to strike eight of the designated matters because Respondent had not designated the matters previously. Respondent filed a return, opposing the motion to strike. After careful consideration, we deny the motion to strike. Any initial reply brief of appellant must be filed and served within ten days of the date of this order.



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FOR THE COURT

Columbia, South Carolina

cc:  
Janet L. Frisco  
Stephan Victor Futeral, Esquire

**FILED**  
**Nov 01 2023**

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# EXHIBIT B

RE: 2021CP1002682: Pet Helpers Inc VS Janet Frisco

From: Janet Frisco (janetfrisco@yahoo.com)

To: bpricelc@sccourts.org; sfuteral@charlestonlaw.net; bpricesc@sccourts.org

Cc: ssmith@charlestonlaw.net

Date: Monday, September 20, 2021 at 09:17 PM EDT

If you need a letter from my physician concerning my present health issues, I will provide that. I'm severely anemic and recuperating from COVID 19 and related pneumonia. It affects people differently and can take months for some people to fully recuperate. I had to go back to work September 9th because my company doesn't pay sick leave and I have no disability benefits. I have to get up at 2:45am to be there at 4am and then work until 12:30pm. When I get home, I feed my pets and then I take a nap around 1:30 and sleep until usually 3:30 because I'm exhausted.

Mr. Futeral is ready to move forward because he's not the one whose health has been affected. He's a very uncaring, cruel person just like his clients.

Janet Frisco

Sent from Yahoo Mail on Android

On Fri, Sep 17, 2021 at 9:28 AM, Price, Bentley Law Clerk (Aimee Intagliata) <bpricelc@sccourts.org> wrote:

Good morning all,

Judge Price would like to have a hearing for the attached Motion to Reconsider. He will be in Charleston County next week doing civil motions.

Would you all be available **Thursday at 11:30PM in-person at the Charleston County courthouse?**

Thank you,  
Aimee

**From:** Stephan Futeral <sfuteral@charlestonlaw.net>

**Sent:** Friday, September 17, 2021 8:06 AM

**To:** Price, Bentley Secretary (Tamara Walters), <bpricesc@sccourts.org>

**Cc:** Price, Bentley Law Clerk (Aimee Intagliata) <bpricelc@sccourts.org>; Stephanie Smith <:ssmith@charlestonlaw.net>; Janet Frisco <janetfrisco@yahoo.com>

**Subject:** 2021CP1002682: Pet Helpers Inc VS Janet Frisco

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Good morning Tamara. Judge Price heard a Rule to Show Cause for Contempt on August 16, 2021 that was scheduled on an expedited basis. However, we have not received a ruling yet. May we schedule a status conference with Judge Price either in person or over the telephone regarding a ruling on the contempt motion?

Best wishes,

Re: 2021CP1002682: Pet Helpers Inc VS Janet Frisco

From: Stephan Futeral (sfuteral@charlestonlaw.net)

To: janetfrisco@yahoo.com

Cc: bpricelc@sccourts.org; bpricesc@sccourts.org; ssmith@charlestonlaw.net

Date: Monday, September 20, 2021 at 08:36 PM EDT

Respectfully, we do not wish to delay this hearing. Defendant contracted COVID 3 weeks ago per her Facebook feed. I am ready to move forward on Thursday.

Best wishes,

*Stephan Futeral*



**Stephan Futeral, Esq.**  
Civil & Family Court Mediator, Futeral & Nelson, LLC

843.284.5500

charlestonlaw.net

1004 Anna Knapp Ext, Mt. Pleasant SC 29464

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IMPORTANT: The information contained in this distribution, or copy of this communication is strictly prohibited by both State and Federal communications laws. If you have received this communication in error, please immediately notify us by telephone at the above number and permanently delete the original message received by you. IRS CIRCULAR 230 NOTICE: Any federal tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending any transaction or matter addressed in this communication.



On Sep 20, 2021, at 6:31 PM, Janet Frisco <janetfrisco@yahoo.com> wrote:

Dear Aimee,

Mr. Futeral is ready to move forward because he's not the one whose health has been affected. He's a very uncaring, cruel person just like his clients.

Janet Frisco

Sent from Yahoo Mail on Android

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Thank you,  
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**To:** Price, Bentley Secretary (Tamara Walters) <bpricesc@sccourts.org>

**Cc:** Price, Bentley Law Clerk (Aimee Intagliata) <bpricelc@sccourts.org>; Stephanie Smith <ssmith@charlestonlaw.net>; Janet Frisco <janetfrisco@yahoo.com>

**Subject:** 2021CP1002682: Pet Helpers inc VS Janet Frisco

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Good morning Tamara. Judge Price heard a Rule to Show Cause for Contempt on August 16, 2021 that was scheduled on an expedited basis. However, we have not received a ruling yet. May we schedule a status conference with Judge Price either in person or over the telephone regarding a ruling on the contempt motion?

Best wishes,

<image004.jpg>

<image005.jpg>

**Stephan Futeral, Esq.**

**Civil & Family Court Mediator, Futeral & Nelson, LLC**

<~WRD000.jpg> 843.284.5500

<~WRD000.jpg> charlestonlaw.net

<~WRD000.jpg> 1004 Anna Knapp Ext, Mt. Pleasant SC 29464

<image006.jpg> <image006.jpg> <image006.jpg> <image006.jpg> <image006.jpg>

RE: 2021CP1002682: Pet Helpers Inc VS Janet Frisco

From: Price, Bentley Law Clerk (Aimee Intagliata) (bpricelc@sccourts.org)

To: sfuteral@charlestonlaw.net; bpricesc@sccourts.org

Cc: ssmith@charlestonlaw.net; janetfrisco@yahoo.com

Date: Wednesday, September 22, 2021 at 12:05 PM EDT

Good afternoon all,

The hearing will go forward tomorrow at 11:30AM.

Thank you,  
Aimee

---

**From:** Stephan Futeral <sfuteral@charlestonlaw.net>

**Sent:** Wednesday, September 22, 2021 10:31 AM

**To:** Price, Bentley Secretary (Tamara Walters) <bpricesc@sccourts.org>

**Cc:** Price, Bentley Law Clerk (Aimee Intagliata) <bpricelc@sccourts.org>; Stephanie Smith <ssmith@charlestonlaw.net>; Janet Frisco <janetfrisco@yahoo.com>

**Subject:** Re: 2021CP1002682: Pet Helpers Inc VS Janet Frisco

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Tamara,

Please advise whether Judge Price will hold a hearing tomorrow at 11:30 am.

Best wishes,

[Redacted Signature]

[Redacted Signature]

**Stephan Futeral, Esq.**  
Civil & Family Court Mediator, Futeral & Nelson, LLC

843.284.5500

[Redacted Signature]

# EXHIBIT C

Filed in Charleston County  
SEP 09 2005  
Clerk of Court

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

05-CP-10-3681

JANET L. FRISCO

-SC-

BY

2005 SEP -9 PM 3:42  
JULIE J. ARMSTRONG  
CLERK OF COURT

FILED

PLAINTIFF

- VERSUS -

APPEAL

DEBRA S. WALKER

MAGISTRATE \_\_\_\_\_

DEFENDANT

I, JANET L. FRISCO, PLAINTIFF/DEFENDANT IN THIS CIVIL ACTION MAKE THE FOLLOWING CLAIM.

1. I BELIEVE THAT THE PLAINTIFF/DEFENDANT RESIDES IN CHARLESTON COUNTY AND IS WITHIN THE JURISDICTION OF THIS COURT.

2. I MAKE THIS APPEAL BASED ON THE FOLLOWING ERRORS COMMITTED BY THE LOWER COURT ~~that~~ Defendant did not appear in response to magistrate's initial summons. Ms Walker was not authorized under Code 29-15-10 of SC Code of Laws to charge storage on my vehicle since she is not a proprietor, owner, or operator of a towing company, storage facility or repair shop and did not repair or furnish any materials for repairs as it states.

3. I BELIEVE, BECAUSE OF THE ABOVE INFORMATION, THAT I AM ENTITLED TO AND REQUEST: \$289.3 plus ALL COURT COSTS

I STATE UNDER PENALTY OF PERJURY THAT THE ABOVE IS CORRECT AND TRUTHFUL.

DATED: 9/9/05

SIGNED: Janet L. Frisco

ADDRESS OF PLAINTIFF

ADDRESS OF DEFENDANT

203 CARDINAL DRIVE  
SUMMERYVILLE, SC

DEBRA WALKER  
5514 FLANDERS AVE  
N CHARLESTON, SC 29406

843 871-1039  
TELEPHONE (BUSINESS)

843 747-0726  
TELEPHONE (BUSINESS)

# NOTICE TO CLAIM VEHICLE/ITEM OF PERSONAL PROPERTY

TO: LAST KNOWN OWNER

TO: LIENHOLDER

Janet L. Frisco

NAME

NAME

203 Cardinal Dr.

ADDRESS

ADDRESS

Summerville, SC 29485

CITY, STATE, ZIP

CITY, STATE, ZIP

MAKE HOND YEAR 1990 ITEM Accord

ITEM/VEHICLE IDENTIFICATION NUMBER 1H6CB7647LA096106

STATE SC TAG NUMBER 534 IAN

This is notification that you have THIRTY (30) days from this date to reclaim the above vehicle/item recorded with you being the owner, lienholder(s) or interested party.

This vehicle/item has been stored at this location since Oct 13 04 and is accruing daily storage charges of \$2,660.00 in addition: TOWING AND OR REPAIRS OF \_\_\_\_\_, with a total amount due at this time of \$2,660.00. There is a lien on the vehicle /item of the amount plus any additional storage or costs from the date of this notice. If unclaimed, it will be sold through magistrate's sale as prescribed by S.C. law and you will lose ownership/lien interest in the vehicle. If you desire to contest the sale of the vehicle, you have the right to request a hearing within this THIRTY (30) day period in the court of Judge David W. Coker.

Notice is hereby served to any lienholder of impending sale, upon expiration of 31 days from today's date.

\* IF YOU NO LONGER OWN THIS VEHICLE, please provide the name and address of the current owner, if available.

\* ANY INSURANCE COMPANY TAKING TITLE TO THIS VEHICLE, is reminded that pursuant to Ruling #84-3 of the South Carolina Insurance Commission, they may not abandon salvage vehicles on a towing company or garage.

Any further questions or correspondence should be directed to the below listed party.

Debra Walker 843-747-0726 CC:

NAME & PHONE NUMBER

Judge David W. Coker

P.O. Box 60037

4045 Bridge View Drive

North Charleston, SC 29405

(843) 202-6610

5514 Flanders Ave.

ADDRESS

N. Charleston, SC 29406

CITY, STATE, ZIP

SC STATUE 29-15-10

Filed in Charleston County

JUN 17 2005

Small Claims Court

1508 - FÁTIMA - PORTUGAL

7-21-05

Dear Ms Crowell

In reference to  
Case no 2005-SC  
87-0481.

Janet Frisco vs.  
Debra Walker on  
Aug 5, 2005 I am  
requesting a  
jury trial.

Janet Frisco



North Area Small Claims  
Court

4045 Bridge View Dr  
P.O. B. 76235

Charleston, SC

29415 0235

USA

MADE  
AUG 01 2005  
Small Claims Court

Centro de Direitos "Máscara Senhora do  
Papelão Sorrimo" PORTO  
Proibida a Reprodução

Filed in Charleston County



Judge James Turner  
Magistrate

NORTH AREA SMALL CLAIMS  
COURT

843.202.6650  
Fax: 843.202.6652  
Lonnice Hamilton, III Public Services  
Building  
4045 Bridge View Drive  
Post Office Box 70235  
North Charleston, SC 29415-0235

August 17, 2005

Janet L. Frisco  
203 Cardinal Drive  
Summerville, SC 29485

RE: JANET L. FRISCO VS. DEBRA S. WALKER  
CASE NO: 2005-SC-87-0481

Dear Ms. Frisco:

This letter is to inform you that your motion for a new trial has been denied.

If we can be of any further assistance, feel free to contact this office.

Sincerely yours,

  
Gigi Crowell  
Summary Court Clerk

cc:

05-CP-10-3681

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE SMALL CLAIMS COURT  
CASE NO: 2005-SC-87-0481

JANET L. FRISCO )

Plaintiff – Appellant )

-versus- )

DEBRA S. WALKER )

Defendant-Respondent )

RETURN

BY  
JULIE J. ARMSTRONG  
CLERK OF COURT  
2005 SEP 22 PM 2:10

FILED

THIS MATTER is on appeal from the Charleston County Small Claims Court, North Charleston division. James Turner was the presiding judge.

The plaintiff filed the complaint on May 18, 2005 alleging that Walker was responsible for insurance payments on an abandoned vehicle at her residence. Walker filed an answer denying the claim. The matter was heard at a bench trial on August 5, 2005. The ruling was issued in favor of the defendant. Frisco filed a motion for new trial on August 12, 2005. That motion was denied on August 17, 2005. This appeal was filed and served on September 9, 2005.

**FACTS**

The vehicle was taken from the son of Frisco and abandoned in the yard of Walker by a third party. Walker testified that after several months she obtained forms through the office of another magistrate to apply for a title to the unclaimed vehicle. One of the forms references an amount of accrued storage. Walker filled in a figure based on information from towing companies.

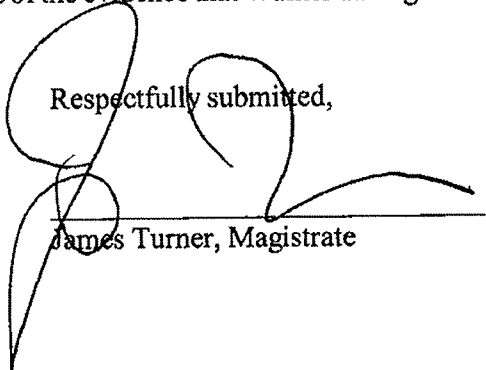
A separate part of the process required notification to the registered owner and/or lien holder.

Frisco ultimately retrieved the vehicle after receiving the notification.

**CONCLUSIONS**

The court determined that the appellant could not sustain a cause of action since she was not actually charged storage fees and the vehicle was returned. The third party who had stolen and abandoned the vehicle was found to be the more appropriate party for an action rather than Walker. The court did not find proof by the preponderance of the evidence that Walker damaged the vehicle.

Respectfully submitted,



James Turner, Magistrate

North Charleston, South Carolina  
September 20, 2005

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  
IN THE COURT OF COMMON PLEAS  
JANET L. FRISCO

JUDGMENT IN A CIVIL CASE

Case No. 2005-CP-10-3681

DEBRA S. WALKER

versus

\*Plaintiff

Defendant

**CHECK ONE:**

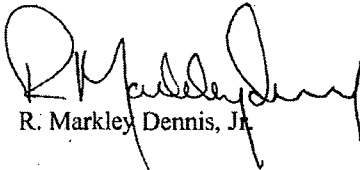
- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and the verdict has been rendered.
- DECISION BY COURT:** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. nonsuit)  
 Rule 43(k), SCRPC(Settled);  Other - \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding Arbitration,  
Subject to right to restore to confirm, vacate or modify arbitration award;  Other \_\_\_\_\_

**IT IS ORDERED AND ADJUDGED:**  See attached order;  Statement of Judgment by Court

**THIS MATTER CAME BEFORE THE COURT ON January 25, 2006. THE PLAINTIFF'S APPEAL IS DENIED, THE LOWER COURT IS AFFIRMED AND THE MATTER IS DISMISSED. AND IT IS SO ORDERED!**

Dated at CHARLESTON, South Carolina,

Date: January 25, 2006

Judge:   
R. Markley Dennis, Jr.

This judgment was entered on the \_\_\_\_\_ Day of \_\_\_\_\_, and a copy mailed first class this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_, to attorneys of record or to parties (when appearing pro-se) as follows:

Attorney(s) for Plaintiff(s)

Attorney(s) for Defendant(s)

SCRIP Form 4(Rev. 2/96)



Clerk of Court

BY  
JULIE L. ARMSTRONG  
CLERK OF COURT  
2006 JAN 27 PM 5:01

FILED

# EXHIBIT D

2021-CP-10-2682

## The South Carolina Court of Appeals

Pet Helpers, Inc., Respondent,

v.

Janet L. Frisco, Appellant.

Appellate Case No. 2022-000021

FILED  
2022 JUN 24 AM 10:28  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY DGR

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### ORDER

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Appellant failed to timely serve her notice of appeal pursuant to Rule 203(b)(1), SCACR, which provides "[a] notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment." Accordingly, this appeal is dismissed. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice."). The remittitur will be sent as provided by Rule 221(b), SCACR.

  
\_\_\_\_\_  
FOR THE COURT

Columbia, South Carolina

cc:  
Janet L. Frisco  
Stephan Victor Futeral, Esquire

**FILED**  
**Mar 02 2022**

RECEIVED

Dec 04 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

\_\_\_\_\_  
Bentley D. Price, Circuit Court Judge  
\_\_\_\_\_

Court of Appeals Case No. 2022-000775

Civil Court Case Nos. 2021-CP-10-2682, 2021-CP-10-2848  
\_\_\_\_\_

Pet Helpers, Inc.....Respondent,

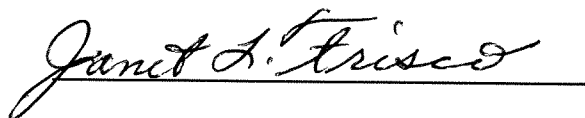
Janet L. Frisco.....Appellant,

Melissa Susko.....Third-Party Defendant

\_\_\_\_\_  
PROOF OF SERVICE  
\_\_\_\_\_

I certify that I have served the ***Appellant's Return to Respondent's Third Motion to Strike Appellant's Designation of Matter*** Filed on November 13, 2023 by delivering the same via email and United States Postal Service regular mail, postage prepaid. December 4, 2023 to the Respondent's legal representative as follows:

Stephan V. Futeral  
1004 Anna Knapp Blvd., Suite 3  
Mount Pleasant, South Carolina 29464  
[sfuteral@charlestonlaw.net](mailto:sfuteral@charlestonlaw.net)

  
\_\_\_\_\_

DATE: December 4, 2023

Janet L. Frisco, Appellant Pro Se