

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

69430

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

Case No. 2012-CP-38-1108

MOTION TO DISMISS APPEAL

Laura T. Toney a/k/a Laura Ann Toney, Appellant,
v.

Deutsche Bank National Trust Company as Trustee
for the Holders of New Century Home Equity Loan
Trust, Series 2005-A, Asset Backed Pass-Through
Certificates, LaSalle Bank National Association, as
Trustee for the registered holders of Structured Asset
Securities Corporation, Structured Asset
Investment Loan Trust, Mortgage Pass-
Through Certificates, Series 2004-11 and LaSalle Bank
National Association, Trustee for Lehman Brothers
Structured Asset Investment Loan Trust Sail 2005-2, Respondents.

Laura Toney
P.O. Box 722
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pro se Appellant

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Attorney for Respondent
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The Respondent would respectfully move pursuant to SCACR 240(a) and 260(a) for an order dismissing the appeal on the following grounds:

1. Appellant has a well-established history as a vexatious litigant and the order being appealed in this action imposed sanctions on Appellant for engaging in frivolous litigation.

2. This case is related to a prior foreclosure action, Deutsche Bank National Trust Company v. Laura Toney, et al, Case No. 2007-CP-38-807.

3. Appellant was sanctioned for engaging in frivolous litigation in the prior case and the prior case is currently on appeal.

4. This current case is a duplicative action filed by Appellant in an attempt to re-litigate the issues adjudicated in the prior action.

5. The current case is frivolous on its face and was dismissed by the court upon motion of Respondent Deutsche Bank and by separate motion of Co-Respondent LaSalle Bank.

6. Appellant failed to appear at the hearing on the motion to dismiss despite being provided proper notice.

7. Appellant filed a motion to reconsider the dismissal and failed to appear at the hearing on her motion despite being provided proper notice.

8. Pursuant to SCACR Rule 207(a), the appellant is required to order a transcript of the lower court proceeding within ten (10) days after the date of service of the notice of appeal and contemporaneously furnish a copy of the request for transcript to the appellate court and all counsel of record.

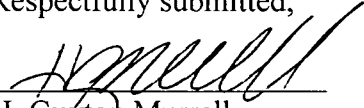
9. The notice of appeal in this case was served on June 24, 2013 and received by the South Carolina Court of Appeals and this Respondent on June 26, 2013.

10. Respondent's counsel is informed and believes that Appellant has not ordered the transcripts of hearing as required as no request for transcript has been received by this Respondent or the appellate court despite the lapse of Fifty-Two (52) days since the service of the notice of appeal.

For the reasons stated, Respondent would request that Court grant Respondent's motion to dismiss the appeal.

August 15, 2013

Respectfully submitted,


H. Guyton Murrell

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Attorney for Respondent