

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

**RECEIVED**

DEC 18 2024  
SC Court of Appeals

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**APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas**

**BEN N. MILLER III as Special Referee  
Circuit Court Judge**

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**Appellant Case No. 2024-001062  
Trial Court Case No. 2017CP4001687**

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Janet L. Nelums: Christopher Nelums..... Appellants

**v.**

Deutsche Bank National Trust Company, ET AL..... Respondent

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**APPELLANTS' MOTION REQUESTING PERMISSION TO FILE MOTION FOR  
SANCTION**

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**APPELLANTS' MOTION FOR SANCTION**

1. Pursuant to Rule 269.
2. Pursuant to Rule 11
3. Pursuant to Rule 38
4. Pursuant to Rule 5.4
5. Pursuant to Rule 407
6. Pursuant to Rule 1.8
7. Pursuant to Rule 3.4
8. Pursuant to Rule 4.1
9. Pursuant to Rule 8.4
10. Pursuant to Rule U.S.C. § 636(c)(1),
11. Pursuant to Rule 28 U.S.C. §636(c)(2).
12. Pursuant to Rules 53(b)
13. Pursuant to Rule 28 28 U.S.C. §1291 governing appeals.

1. That we are proceeding in a court of Constitutional Due Process

[under Article III of the Constitution of the United States for America, and the  
common law]

2. "Pre-filing investigation." Rule 11 states in part that attorneys must not

file suit without evidentiary support for the allegations contained in the complaint.

**I. Pre- Filing Investigation:**

3. A reasonable inquiry into the facts is a threshold requirement that first examines whether the prefiling investigation was unreasonable based on the circumstance in which case sanctions should be imposed — rather than whether there was a reasonable belief that the facts supported the allegations. [ See Chandler v.Nw. Bank Minn., Nat’l Ass’n, 137 F.3d 1053, 1057 (10th Cir. 1998) (imposing sanctions when attorney failed to conduct a reasonable inquiry, despite a reasonable belief that the allegations were based in fact); [ see Henry v. Farmer City State Bank , 127 F.R.D.154 (C.D. Ill. 1989) (imposing sanctions when claim was not well grounded in law, despite being adequately investigated In the current jurisdiction, only after it is determined that an initial investigation was reasonable, the focus then shifts to whether there is any factual support for the allegations. Thus, sanctions would be appropriate only if either the pre-filing investigation was unreasonable or the pre-filing investigation was reasonable but the claims are baseless

**II. Allegations Based in Fact**

4. The standard for determining whether a pleading is well grounded in fact for Rule 11 purposes, according to Hillsborough County v. A & E Road Oiling Service, Inc., 160 F.R.D. 655, 659 (M.D. Fla. 1995), “objectively reasonable under the circumstances.” A filing meets this requirement if there is some evidentiary basis for the position taken at the time the pleading is signed.

Even if the factual assertions in a paper are later disproven or are insufficient to survive a summary judgment motion, the paper is not sanctionable

5. Whether or not there is factual support can shift as parties learn new information. Thus, the attorney has a continuing obligation to ensure that the allegations are not baseless each time he or she files a paper with the court. **An attorney might be subject to sanctions if he or she continued to assert baseless allegations after learning of the facts or legal precedent that undermined them. For example, in Mercury Air Group, Inc. v. Mansour, 237 F.3d 542, 549(5th Cir. 2001), the Fifth Circuit affirmed sanctions in the form of reasonable attorney fees and expenses against an attorney who conducted 150 hours of investigation prior to filing suit but who continued to pursue the claim even after learning that claim was baseless.**

### **III. Request for Sanctions Summary:**

6. Counsel in this case clearly failed to manage this case to the standards necessary to avoid sanctions and “personal liability.” This case was filed absent a Pre-filing investigation. A reasonable inquiry into the facts is a threshold requirement to be considered before filing a case. This case was filed without a supporting affidavit from a “real party of interest”, no pre-filing investigation was performed. This case was filed without any admissible evidence placed on the record and under intentional fraud

### **This Case Was Filed With Fraudulent Intent:**

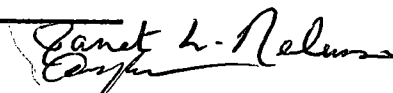
7. RULE 269 FRIVOLOUS APPEALS, PETITIONS, MOTIONS, OR RETURNS

. On October 1, 2024, Respondent served and filed its motion to dismiss. But Respondent was deny by this Court, also Respondent No returns were filed. Wrongful foreclosure lawsuits Attorney BEN N. MILLER III as Special Referee Bar No: 3977, and Matthew A. Abee, SC Bar No. 101100 Madison C. Guyton, SC Bar No.105205, that the foreclosure process was improper or illegal, on April 1, and May 13, 2024. No pre-filing investigation has ever performed in this case, and admissible evidence was ever filed on the record

8. **In People vs. Potajo**,<sup>1[7]</sup> we held that an appeal by the law firm of NELSON MULLINS RILEY & SCARBOROUGH LLP, and Respondents' attorney Matthew A. Abee, SC Bar No. 101100 Madison C. Guyton, SC Bar No.105205, accused is considered abandoned where he the Respondent Abandoned Failure to File Respondents' Brief with THE STATE OF SOUTH CAROLINA In the Court of Appeals or does some act inconsistent with its prosecution, such as when he refuses to submit Respondents' Brief to the jurisdiction of the authorities.<sup>2[8]</sup> [Fed. R. App. P. 38].is considered abandoned where he fails to properly prosecute his appeal or does some act inconsistent with its prosecution, such as when he refuses to submit himself too the jurisdiction of the authorities.<sup>3[8]</sup>

9. **See; In Perez v. Deutsche Bank Trust Co.** (3D09-504), the Third District highlighted one possible penalty for failing to timely file an appellate brief. The Appellee was excluded from oral argument and lost the appeal.

Janet L. Nelums  
Chris Nelums  
813 N. Highland Forest Dr,  
Columbia, SC 29203-1929  
(803) 730-6003



Appellants pro se litigants

December 17, 2024

No. 2024-001062

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

SC Court of Appeals

JANET L. NELUMS; CHRISOPHER NELUMS.

Plaintiff-Appellant

v.

DEUTSCHE BANK NATIONAL TRUST COMPANY., ET AL.  
Defendants- Respondent,

ON APPEAL FROM RICHLAND COUNTY Court of Common Pleas  
BEN N. MILLER III as Special Referee, Court of Common Pleas Judge  
(Lower Court Case No. 2017CP4001687)

Submitted: June 13, 2024      Decided: May 13, 2024

**PROOF OF SERVICE**

This is to certify that We, Appellants pro se litigants, Janet Nelums & Chris Nelums have this day served a copy of **APPELLANTS' MOTION REQUESTING PERMISSION TO FILE MOTION FOR SANCTION**, by placing a copy of same in the United States Mail, postage prepaid, to Respondent's (as addressed below)

NELSON MULLINS RILEY & SCARBOROUGH LLP  
Matthew A. Abee, SC Bar No. 101100  
Madison C. Guyton, SC Bar No. 105205  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000  
Email: [matthew.abee@nelsonmullins.com](mailto:matthew.abee@nelsonmullins.com)  
Email: [madison.guyton@nelsonmullins.com](mailto:madison.guyton@nelsonmullins.com)

No. 2024-001062

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JANET L. NELUMS; CHRISOPHER NELUMS

Plaintiff-Appellant

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Decided: May 13, 2024

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Mr. Ben N. Miller, III  
Mckenzie Lybrand, LLP  
1704 Main Street  
Columbia, South Carolina 29201

(803) 223-6155

No. 2024-001062

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SCOTT AND CORLEY, P.A.  
Attorneys and Counsellors' at Law  
Street Address:  
2712 Middleburg Drive, Suite 200  
Columbia, SC 29204  
(803) 252-3340

No. 2024-001062

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The Honorable Kristi F. Curtis  
215 North Harvin Street  
Sumter, SC 29150  
OFFICE: (803) 436-2152  
FAX: (803) 774-2825

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Hon, Mr. Daniel McLeod Coble  
COUNTY: RICHLAND  
CHIEF ADMIN JUDGES  
1701 Main Street  
Columbia, SC 29202  
Office: (803) 576-1773

*[Faint signature]*

No. 2024-001062

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Richland County, Sheriff Leon Lott  
in His Official Capacity as The Sheriff of  
The Richland County Sheriffs Department  
and Civil Process Division 5623 Two Notch  
Road Columbia, S.C. 29223  
phone: 803-576-3000.  
fax: 803-576-319

No. 2024-001062

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Richland County, Sheriff Leon Lott  
in His Official Capacity as The Sheriff of  
The Richland County Sheriffs Department  
ATTN: Sgt. Kyle Kovalchuk  
5623 Two Notch Road  
Columbia, S.C. 29223  
phone: 803-576-3000.  
fax: 803-576-319