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PERSISTENT. UNWAVERING.

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September 06, 2013

*Via U.S. Mail*

Honorable Jenny Abbot Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: *1634 Main LP v Hammer v Hammer*  
Appellate Case No: 2013-001634  
*Hammer v Hammer*  
Appellate Case No: 2013-001635  
*Hammer v Hammer Pro Se*  
Appellate Case No: 2013-001707

Dear Mrs. Kitchings:

On September 4, we received a motion from Mr. Hammer, *pro se*, seeking remand of the referenced 1634 Main LP case; Ms. Lipscomb has already requested a remand on behalf of the limited partnership. Please accept this letter as Mrs. Hammer's motion and request that the Court of Appeals take no action on any pending matter until the Supreme Court has ruled upon Mrs. Hammer's *Motion to Certify, Consolidate and Expedite*, a copy of which was submitted to you by letter dated August 1, 2013. For convenience, we have enclosed with this request another copy of Mrs. Hammer's motion.

Also enclosed is our check for \$25.00 as the motion fee for this request to stay the referenced proceedings, pending the Supreme Court's action on Mrs. Hammer's *Motion to Certify, Consolidate and Expedite*. If you have any questions, please do not hesitate to contact us. I am,

Sincerely yours,

  
Stephanie Weissenstein

c: (All via U.S. Mail)  
Arthur K. Aiken, Esquire  
Susan B. Lipscomb, Esquire  
Howard Hammer, Esquire  
Honorable James R. Barber III  
Honorable George James Jr.

**RECEIVED**

SEP 09 2013

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Appeal from Richland County  
George C. James Jr., Circuit Court Judge  
James F. Barber Jr., Supervising Circuit Court Judge  
Case No. 2009-CP-40-05911

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69682

Pending Before the South Carolina Court of Appeals<sup>1</sup>

Howard Hammer,

Appellant

Vs.

Shirley Hammer,

Respondent.

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SOUTH CAROLINA COURT OF APPEALS

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**MOTION FOR CERTIFICATION, CONSOLIDATION  
AND TO EXPEDITE**

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Respondent Shirley Hammer (hereafter Mrs. Hammer) moves this Court, pursuant to 204(b) and 214, SCACR, for an order certifying this appeal to the Supreme Court for all purposes. Ms. Hammers also seeks consolidation of this appeal with a second appeal filed, entitled 1634 Main LP v. Shirley Hammer, Case No. 2010-CP-40-2889 (hereafter "the 1634 case") and requests the appeals be expedited. In support of her motions, Mrs. Hammer would show:

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<sup>1</sup> Mrs. Hammer's counsel was informed that the Appellate Tracking numbers for the Court of Appeals have not yet been assigned. Counsel was also informed that a Motion to Remand one of the appeals was been filed yesterday.

1. Following several years of abusive litigation against Ms. Hammer by Appellant Howard Hammer (hereafter Mr. Hammer), and then also by 1634 Main LP (an entity controlled and/or owned exclusively by Mr. Hammer), Ms. Hammer petitioned this Court for extraordinary relief on June 21, 2012; the petition related to numerous appeals then pending as well as to continuing litigation in both the circuit and family courts involving the same parties. (Appellate Case 2012-212288).
2. By order dated September 7, 2012, this Court granted relief intended to curtail Mr. Hammer's abuse of the judicial process, which relief included transferring of all appeals then pending from the Court of Appeals to this Court and then expediting the resolution of those appeals<sup>2</sup>. In addition, this Court designated Honorable James R. Barber III to oversee any actions still pending at the circuit court level involving the parties. (Attachment A).
3. Mrs. Hammer is informed and believes that Judge Barber has submitted timely status reports to this Court, the most recent being dated July 2, 2013. (Attachment B).
4. Under Judge Barber's oversight, the *Hammer v Hammer* declaratory judgment action and the *1634 Main, LP* case progressed to final judgment. Collection proceedings by Mrs. Hammer are pending before the Honorable Joseph M.

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<sup>2</sup> This Court's certification Appellate Case 2012-212288 affected a relatively quick resolution of all matters then pending on appeal, as well as a complete resolution of all pending court family court matters.



Strickland, under the oversight of Judge Barber<sup>3</sup>. Meanwhile Notices of Appeal have been filed in the Court of Appeals and served in both this and the 1634 Main case. (Attachments C and D) Motions for reconsideration to the circuit court were also filed. At least one additional appeal by Mr. Hammer is expected.

5. Mr. Hammer has orchestrated the avalanche of civil litigation against Mrs. Hammer since they settled their domestic case approximately eight (8) years ago, necessitating this Court's extraordinary intervention to protect the integrity of the judicial process against Mr. Hammer's endless manipulation and stalling techniques. There is no reason to believe that will change. (FN2, *supra*)
6. Anticipating the next round of innumerable extensions previously made by or on behalf of Mr. Hammer during the prior appeals, and this Court's previous recognition of his calculated abuse of the judicial process, Ms. Hammer is informed and believes that any appeals from the circuit court cases, *supra*, should be certified to this Court and expedited, as were the prior appeals involving these parties in these, and related family court, cases.
7. It is further anticipated that the appellate court before which these appeals are pending may be called upon to answer questions regarding stays of the judgments entered below, by way of supersedeas or otherwise.
8. Ms. Hammer is informed and believes that this Court's history with, and knowledge of, these cases from the prior petition obviate in favor of this Court

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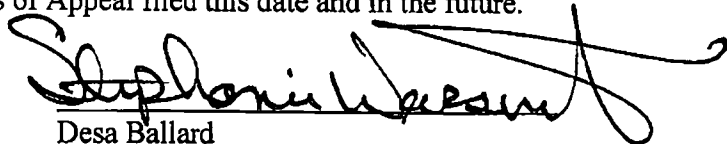
<sup>3</sup> In the supplemental proceedings, Mr. Hammer refused to answer interrogatories as mandated by Judge Strickland and, on information and belief, has taken affirmative efforts to thwart legitimate discovery from third persons by advising them they do not have to comply with subpoena. Mr. Hammer recently reported that he enjoying is using the judicial process to "have fun" with Ms. Hammer's counsel

certifying the pending appeals, and any future appeals filed in these cases, for consideration. Ms. Hammer also believes that these matters may be expedited through consolidation, and therefore, she requests consolidation of all pending appeals as appropriate, and at least the consolidation of the appeals filed to date<sup>4</sup>.

Wherefore, Mrs. Hammer moves for an order:

- A. Certifying all appeals in Hammer v. Hammer, Case No. 2009-CP-40-05911 and in 1634 Main LP v. Shirley Hammer, Case No. 2010-CP-40-2889, both already filed and any future filings, to this Court;
- B. Consolidating all appeals in both matters as necessary to expeditiously conclude the appeals;
- C. Expediting all appeals in both matters; and
- D. For such and other relief as this Court deems appropriate to protect the interests of this Court and the judicial system.

In requesting this relief, Mrs. Hammer reserves all rights regarding service, timeliness and sufficiency of the Notices of Appeal filed this date and in the future.



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ATTORNEYS FOR SHIRLEY HAMMER

August 1, 2013

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<sup>4</sup> Mrs. Hammer is this date filing a similar motion in the 1634 Main case.