

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.9024
www.nelsonmullins.com

Michael J. Anzelmo
Tel: 803.255.9312
Fax: 803.255.9024
michael.anzelmo@nelsonmullins.com

September 16, 2013

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, South Carolina 29201

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SEP 16 2013
SC Court of Appeals

RE: CitiMortgage, Inc. v. Ellen R. Springer
Case No.: 2011-CP-28-0981
Our file no.: 26019/01732

Ms. Kitchings,

Undersigned counsel is in receipt of the Court's order dated September 13, 2013, denying Respondent CitiMortgage's motion to dismiss. This letter is to request clarification from this Court as to the effect of that order. The order directed that Respondent CitiMortgage "shall serve and file its initial brief and designation of mater within thirty days." However, the order does not address which brief of Appellant Ellen R. Springer that Respondent CitiMortgage should respond.

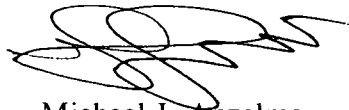
As noted in the motion to dismiss, Appellant served an Initial Appellant's Brief on March 28, 2013. This Court sent an April 17, 2013, letter requesting that Appellant correct some technical deficiencies in that brief. In response, Appellant served a completely new Initial Brief on May 3, 2013, that was substantively different from the substance of her March 28, 2013, Initial Brief. This second Initial Brief added new arguments, new facts, changed her legal position, made new conclusions based on these changed positions, and eliminated some of the arguments presented in the original March 28, 2013, Initial Brief. As a result, Appellant has two materially and substantively different briefs on file with this Court. The September 13, 2013, order did not specify or clarify which Initial Appellant's Brief controls.¹

¹ CitiMortgage requested such clarification in footnote 4 of the motion to dismiss: "Should the Court decline to dismiss the appeal, CitiMortgage requests that, at a minimum, the Court issue an order advising which brief CitiMortgage should address in its Initial Respondents' Brief. As it currently stands, Appellant has filed two substantively different Initial Briefs with this

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Therefore, Respondent CitiMortgage does not know which brief to respond to in drafting its Initial Respondent's Brief. Respondent CitiMortgage seeks clarification from this Court as to which Initial Appellant's Brief it should respond so CitiMortgage can comply with the September 13, 2013. I would appreciate the Court advising whether the March 28, 2013, Initial Appellant's Brief or the May 3, 2013, Initial Appellant's Brief constitutes the Initial Appellant's Brief in this matter.

Very truly yours,



Michael J. Anzelmo

MJA:jbl

cc: Ellen R. Springer, Pro se

Court. CitiMortgage is unsure as to which brief the Court will accept as the operative Initial Appellant's Brief.”