

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY
Master in Equity
The Honorable Jeffery M. Tzerman

Case No. 2012-CP-28-0981

Appellate Case No. 2012-212971

RECEIVED
OCT 01 2013
SC Court of Appeals

CitiMortgage Inc., Respondent,
V.
Ellen R. Springer, Appellant, **Pro se.**

REQUEST THAT DELAY OF PROCESS BE CHARGED TO RESPONDENT: REQUEST
FOR CONTINUANCE OF RESPONDENT'S RUNNING TIME TO FILE THEIR INITIAL
REPLY BRIEF AND DESIGNATION OF MATTER.

Pursuant to this court order dated September 13th, 2013 (annexed hereto), and our SCACR rules that ensure due process of law, and upon the entire documented evidence prevalent herein, your Appellant-Ellen R. Springer will move this court, **Pro se**, to enter judgment against Respondent for "Delay of Appeal Process" and, thereafter, enter order for continuance that declare and decree that Respondent's initial brief and designation of matter be filed by October 13th, 2012, without further time extension granted, **Res judicata**, upon the following grounds:

- a. Newly Discovered evidence of fraud on the court, **Res judicata**; and
- b. improper conduct, **Res judicata**; and
- c. change of sides, **Res judicata**; and
- d. delay of process, **Res judicata**; and
- e. request for clarification wanted reasonable worthiness of belief and was an unfair misrepresentation delay of process scheme in nature, **Non Pro Tunc**, that re-argued the

void motion to dismiss rejected by this court, that was arbitrary and caprice and a constructive contempt of this court's order, dated September 13th, 2013, that must be met with sanction order that the relief sought on the instant appeal be granted to Appellant, Pro se, with clean hands that did no wrong, and or, in the interim, issuance of sanction order for continuance of Respondent's thirty (30) day running time to file their initial brief and designation of matters that was intended to end on October 13th, 2013, with prejudice, and without recourse therefrom, Res judicata; and

- f. The doctrine of estoppel struck down the appearance of Respondent's appeal attorney {from on or about November 26th, 2012 thru September 16th, 2013} that failed to follow the law (Doctrine of equitable estoppel: FRCP 8, inter alia) and that willfully changed Hue on several occasions and, therefrom, proffered changed sides and inconsistent positions upon this court and effectively delayed the instant process for ten (10) months, without justification, and made the doctrine of estoppel want to strike down the alleged-jurisdiction over the instant appeal for lack of due process and essential fundamental fairness traceable to Respondent's attorney's deficient performance before this court that made their client's hand unclean and with them they could not hold the "Pristine" remedy at law, Non Pro Tunc, Res judicata; and
- g. Because Respondent has unclean hands, this court must render a clean judgment to the clean hands of your Appellant, Pro se, who, based upon the documented evidence, did absolutely no wrong to anyone and who was struck down with prejudice that belonged to Respondent-wrongdoer, in the first instance, Non Pro Tunc, Res judicata.

The Grounds for relief are interposed as follows:

FACTS

1. On or about April, 2013, Appellant, Pro se, refilled her initial brief and designation of matter, subsequent to this court prior order that rejected such initial filing that lacked designation of matter and certificate of counsel (Appellant).
2. Upon further clarification from the Pro se Clerk of court, Appellant, Pro se, had clean hands that demonstrated equitable conduct that took instant pro action.
3. On or about April, 2013, your Appellant, Pro se, proffered her corrected "Certificate of Appellant, Pro se", corrected "Designation of matter", Pro se: and corrected initial brief, upon the clerk of this court. Said pleadings were more intelligible, audible, and decongested, and, apparently, accepting in the sight of the Officers of this court.
4. On the other hand, Appellant's Pro se return was not accepting in sight to Respondent's appeal-attorney law firm and may have gave them ground to believe that Appellant, Pro se, would prevail on the instant matter of appeal, Res judicata (FRCP).

REQUEST FOR CLARIFICATION WANTED REASONABLE WORTHINESS OF BELIEF AND LACKED COLOR OF LAW

5. On or about May, 2013, Respondent's Attorney filed their alleged-client's second motion upon the clerk of this court seeking dismissal of the instant appeal matter. The subject matter nexus to said second motion focused on the demise of the Appellant's second filing of her Amended initial brief, Pro se, and designation of matter, and, therefore, it was fair to say that; on September 13th, 2013, this court's order that dismissed said motion wanted Respondent's Attorney to file their client's initial brief

and designation of matter in return thereto, without need for clarification and attempt to re-argue the moot issues, Non Pro Tunc, Res judicata.

6. Accordingly, Respondent's alleged-appeal attorney's request for clarification on this court's September 13th, 2013, Order, as to "Which brief to respond to"? made absolutely no sense at all and was "unworthy of reasonable belief", on its face and in fact and, on this point, should be rejected along with counsel's entire performance before this court that was a misrepresentation on the court, that made their client's hands unclean and with them they could not hold the "Pristine remedy" at law, Res judicata.
7. For this reason, Appellant, Pro se, respectfully demands that she not be prejudiced and, that, Respondent's thirty (30) day "running time" to file their initial brief and designation of matter be adjudged, declared and be ordered to run its natural course, without further interruption and or delay, ending on October 13, 2013, with prejudice, without recourse therefrom, Res judicata.
8. It was well established constitutional law that, as a defending party moves in a proceeding pro se, their pleadings are to be held to less stringent standards than pleadings drafted by an attorney, Res judicata. The Review court bears the legal duty and moral obligation to construe pro se pleadings liberally in order to assist and to raise the strongest arguments found therein, to ensure due process of law, Res judicata.
9. PLEASE TAKE JUDICIAL NOTICE, that the instant appeal taken from denial of emergency pro se motion for equitable estoppel relief, otherwise warranted upon the merits of the official misconduct and the law, was impervious to change of sides and

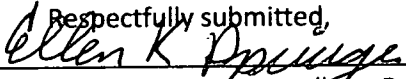
inconsistent positions and use of the procedures of the court that pose on the integrity of the instant quest for the truth, derail the intended arrival at the truth, and that render the results of the judicial process unreliable as a matter of due process of law, Res judicata.

10. PLEASE TAKE JUDICIAL NOTICE, that the lower court judge was an undisclosed party in interest to the outcome of the complaint of fraud on the court, traceable to his own significant acts, and, failed to follow the law with modus operandi to win the case and leave his own infirm judgment undisturbed and, on this point, all his orders and judgments that wanted color of law were regarded as void, on its face and in fact, without effect, enforcement, efficacy and or respect, that formed no justification and no time bar to recovery of the property even prior to adjudication of the issue by a court under color of law and, **more importantly, anyone concerned with executing the instant VOID judgments were considered a TRESPASSER in law, Res judicata.**

DECLARATION

I, the undersigned, do, hereby, affirm, under penalties of perjury known to the united states of America, that the above stated was true and accurate, to the best of my own personal knowledge and belief thereof, except as to matters stated upon information and belief.

Dated: September 28th, 2013.
Jamaica, New York

Respectfully submitted,

Mrs. Ellen R. Springer, Appellant, Pro se,
18 Arlington Drive, Lugoff, S.C.
c/o 147-21 109th Avenue
Jamaica, New York 11435

cc: Plaintiff's Attorney
Nelson, Mullen, Riley & Scarborough
1320 Main Street/17th Flr.
Columbia, S.C. 29201

The South Carolina Court of Appeals

Citimortgage Inc., Respondent,

v.

Ellen R. Springer, Peggy S. Charles f/k/a Peggy S.
Robers, Defendants,

Of whom Ellen R. Springer is the Appellant.

Appellate Case No. 2012-212971

ORDER

Respondent's motion to dismiss is denied. Respondent shall serve and file its initial brief and designation of matter within thirty days.


FOR THE COURT

Columbia, South Carolina

cc:

Ellen R. Springer
Michael J. Anzelmo
Allen Mattison Bogan
Benjamin Rush Smith, III
Jeffrey Marc Tzerman
Joyce McDonald

FILED
9/13/13

Nelson Mullins

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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

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.

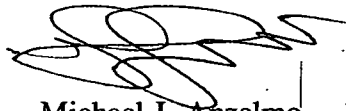
As noted in the motion to dismiss, Appellant served an Initial Appellant's Brief on March 28, 2013. This Court sent an April 17, 2013, letter requesting that Appellant correct some technical deficiencies in that brief. In response, Appellant served a completely new Initial Brief on May 3, 2013, that 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

The Honorable Jenny Abbott Kitchings
September 16, 2013
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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."

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY
Master in Equity
The Honorable Jeffery M. Tzerman

Case No. 2012-CP-28-0981

Appellate Case No. 2012-212971

CitiMortgage Inc., Respondent,
V.
Ellen R. Springer, Appellant, Pro se.

PROOF OF SERVICE

I, the undersigned Appellant, Pro se, do hereby declare and certify that I served all former parties in interest to the outcome of the instant action, with a true copy and supporting papers of the following pleadings by mailing a copy of the same by United States Postal Mail Service, postage paid, to the following addresses:

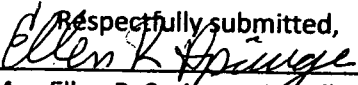
Pleadings:

Request that Delay of Process be charged to Respondent: Request for continuance of Respondent's running time to file their initial brief and designation of matters by October 13th, 2013 and other related relief;

Parties served:

Respondent's alleged-Attorney
Nelson, Mullen, Riley and Scarborough, LLC
1320 Main Street/17th, Flr.
Columbia, S.C. 29201

Dated: September 28th, 2013.
Jamaica, New York

Respectfully submitted,

Mrs. Ellen R. Springer, Appellant, Pro se,
18 Arlington Drive, Lugoff, S.C.
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cc: Plaintiff's Attorney
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