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Apr 15 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Ben N. Miller, III, Special Referee

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Appellate Case No. 2024-001062  
Case No. 2017-CP-40-01687

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Deutsche Bank National Trust Company, as Trustee for Home Equity Mortgage Loan Asset-Backed Trust, Series SPMD 2002-B, Home Equity Mortgage Loan Asset-Backed Certificates, Series SPMD 2002-B under the Pooling and Servicing agreement dated Sept. 1, 2002 .....Respondent,

v.

Janet L. Nelums a/k/a Janet Nelums, Christopher Nelums, Imperial Warehouse Finance, Inc., and Best Distributing Company., ..... Defendants,

of which Janet L. Nelums and Christopher Nelums are the ..... Appellants.

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**Respondent’s Return to  
Appellants’ Motion Requesting Permission to File Amended Final Brief**

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Respondent Deutsche Bank National Trust Company, as Trustee for Home Equity Mortgage Loan Asset-Backed Trust, Series SPMD 2002-B, Home Equity Mortgage Loan Asset-Backed Certificates, Series SPMD 2002-B under the Pooling and Servicing agreement dated Sept. 1, 2002 (“DBNTC”) opposes Appellants Janet and Christopher Nelums’ latest filing titled Appellants’ Motion Requesting Permission to File Amended Final Brief for three reasons.

*First*, the Court should deny Appellants’ Motion for their continued procedural failures. Appellants filed this motion, like many others, without serving it on DBNTC’s counsel as required by Rule 240(d), SCACR. Undersigned counsel only noticed it because he happened to check the

docket this morning. DBNTC has detailed several other instances of Appellants' failure to serve filed documents in its March 24, 2025 Motion to Compel Conformity of the Record on Appeal, to which Appellants have not responded. Appellants also failed to file a proof of service of this Motion as required by Rule 240(c)(1), SCACR. Given Appellants' repeated failures to follow the South Carolina Appellate Court Rules, Appellants' motion should be denied. Rule 240(g), SCACR ("Failure of the moving party to perform any act required by this Rule may be deemed an abandonment of the motion or petition.").

*Second*, Appellants have failed to state the grounds for the Motion as required by Rule 240(c), SCACR. The Clerk of Court previously notified Appellants that they could not amend their final brief without filing a motion under Rule 240. (Ltr. to Nelums, March 31, 2025.) Despite this notice, Appellants take the position now that they need not file such a motion. (*See* Mot. Requesting Permission ¶ 60.) Yet in the same breath, however, Appellants rely on Rule 15(a) of the Federal Rules of Civil Procedure to seek to amend their brief. (*Id.* ¶ 61.) Appellants' Motion, much like their original brief and other filings, is largely incomprehensible, so it fails to "state the grounds thereof" as required by Rule 240(c), so it should be denied.

*Third*, Appellants' motion would unnecessarily complicate this case and expand it well beyond the original issues on appeal included in Appellant's Initial Brief, filed on September 12, 2024. This includes raising two new issues—numbers 7 and 8—that were not raised to the trial court and properly preserved. *Herron v. Century BMW*, 395 S.C. 461, 465, 719 S.E.2d 640, 642 (2011) (prohibiting issues for being raised for the first time on appeal).<sup>1</sup> Were the issues on appeal

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<sup>1</sup> In their Amended Final Brief, Appellants retain, however, their sixth issue: "Did DBNTC, SCOTT and CORLEY, NELSON MULLINS, intentionally conceal, with deception the menacing the Appellants with a Screwdriver?" DBNTC and undersigned counsel still have no idea what Appellants are referring to with this issue.

to be expanded, DBNTC would seek leave of the Court to file a new responsive brief to address these additional—and still meritless—issues. Time has long passed for this *12-year* foreclosure to come to an end. DBNTC prays that the Court not unnecessarily extend this saga any longer by granting Appellants’ motion and seeking another round of briefing from the parties.

### **Conclusion**

For the reasons set forth above, DBNTC requests that the Court deny Appellants’ Motion Requesting Permission to File Amended Final Brief.

NELSON MULLINS RILEY & SCARBOROUGH LLP

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Warehouse Finance, Inc., and Best Distributing Company., ..... Defendants,

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**Proof of Service**

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I, the undersigned of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys  
for Respondent Deutsche Bank National Trust Company, as Trustee for Home Equity Mortgage  
Loan Asset-Backed Trust, Series SPMD 2002-B, Home Equity Mortgage Loan Asset-Backed  
Certificates, Series SPMD 2002-B under the Pooling and Servicing agreement dated Sept 1, 2002,  
certify that I have served parties to this appeal with the documents referenced below on the date  
set forth below:

Document(s):           **Respondent’s Return to Appellants’ Motion Requesting Permission to  
File Amended Final Brief**

Served:

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