

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

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

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

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.

**Respondent’s Return to
Appellants’ Motion to Grant Final Brief Pleadings and to Deny Respondent’s Return
Motion to Dismiss**

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’ May 2, 2025 filing, titled Appellants’ Motion to Grant Final Brief Pleadings and to Deny Respondent’s Return Motion to Dismiss. DBNTC is unsure whether this filing is a new motion or merely a response to a prior motion, so it files this return out of an abundance of caution. Appellants’ motion should be denied for two reasons.

First, the title of Appellants' Motion, "Appellants' Motion to Grant Final Brief Pleadings and to Deny Respondent's Return Motion to Dismiss," supports the conclusion that that the filing is not a new motion but instead a reply to Respondents' Return to Appellants' Motion Requesting Permission to File Amended Final Brief. Respondents filed the Return on April 15, 2025. Rule 240(f), SCACR, required Appellants reply by April 21, 2025. Appellants' Motion is dated April 30, 2025, and allegedly served that date by mail and email.¹ Therefore, the Court should not consider the reply as it is untimely.

Second, whether it is a new motion or a reply, the Appellants have failed to state the grounds for their most recent filing, which is required for a motion or a reply. Rule 240(c)(1) and (f), SCACR ("The provisions of Rule 240(c) apply to a reply."). The Appellants have failed to state the grounds for their most recent filing as required by Rule 240(c), SCACR. Appellants' most recent filing, 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).

Given Appellants' repeated failures to follow the South Carolina Appellate Court Rules, Appellants' Motion to Grant Final Brief Pleadings and to Deny Respondent's Return Motion to Dismiss should be found an untimely reply or 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."). The Court should deny the motion on this basis, and on the grounds set forth in DBNTC's Return filed April 14, 2025, incorporated herein by reference.

Conclusion

For the reasons set forth above, DBNTC requests that the Court deny Appellants' Motion.

¹ Consistent with Appellants' prior practice, undersigned counsel did not receive a copy when it was sent for filing. Instead, he received a copy by email for the first time on May 5, 2025, which was three days after the Court received a copy.

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Loan Asset-Backed Certificates, Series SPMD 2002-B under
the Pooling and Servicing agreement dated Sept 1, 2002*

Columbia, South Carolina
May 12, 2025