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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the 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, 2002Respondent,

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 Motion to Supplement the Amended Record on Appeal

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 (“Respondent”), moves under Rule 212(c), SCACR, to supplement the Amended Record on Appeal in light of Appellants’ omission of roughly 25 documents from the Amended Record filed July 14, 2025 (though not served on Respondent until July 22, 2025). Respondent includes a proposed Supplemental Record on Appeal with this motion.

Respondent further asks that this Court hold its deadline for filing final briefs in abeyance pending resolution of this motion.

Argument

While Respondent properly filed and served its January 17, 2025 Designation of Matters to be Included in the Record on Appeal, Appellants have omitted roughly 25 documents from the Amended Record on Appeal that they filed on July 14, 2025. By not including “all matter designated to be included by any party under Rule 209” in the Amended Record on Appeal, Appellants have not complied with South Carolina Appellate Court Rule 210(c).¹ In lieu of asking Appellants to file a Second Amended Record on Appeal, Respondent instead seeks leave of the Court to file the Supplemental Record on Appeal attached to this Motion.

Without all the materials from Respondent’s Designation included in the Amended Record on Appeal, Respondent is unable to file its Final Brief and comply with Rule 211(b)(1), SCACR. Therefore, Respondent respectfully requests that Respondent’s deadline to file the final brief be held in abeyance pending the resolution of this motion.

Conclusion

Accordingly, Respondent moves this Court to supplement the Amended Record on Appeal to include the materials in Appendix 1, and Respondent requests that Respondent’s deadline to file the final brief be held in abeyance pending the resolution of this motion.²

[Signature on following page.]

¹ On July 14, 2025, Appellants filed proof of service of the Amended Record on Appeal certifying that a copy of the Amended Record on Appeal in the mail to Respondent on the same day. However, the Amended Record on Appeal received by Respondent was post-marked on July 22, 2025, over a week later. This is yet another example of Appellants’ failure to comply with the Rules of Appellate Procedure and the misrepresentations they have made to this Court.

² Given Appellants’ repeated failures to follow the South Carolina Appellate Court Rules and the nature of this case, Respondent reserves the right to seek reimbursement of the costs for preparing the proposed Supplemental Record on Appeal.

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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

August 4, 2025