

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Maite Murphy, Master of Equity/acting as Special Circuit Court Judge
Case No. 2012-CP-18-05-39

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SC Court of Appeals

Roger L. Whaley, Pro Se

Appellant/Plaintiff,

South Carolina Federal Credit Union and
BANK of AMERICA

Respondents/Defendants.

APPELLANT WHALEY'S RESPONSE TO Respondent/BANK of AMERICA'S
Conspired Frivolous UNTIMELY FILED
"ALTERNATIVELY, MOTION TO STRIKE PART OF APPELLANT'S
DESIGNATION OF MATTER" and
"MOTION TO DISMISS APPEAL and OPPOSITION TO APPELLANT'S
LETTER TO CLERK A/K/A MOTION FOR JUDGMENT AGAINST RESPONDENT BANK OF
AMERICA/OR/REQUEST TO REMAIN THAT
SAID RESPONDENT MATTER BACK TO LOWER TRIAL COURT WITH
INSTRUCTION, TO ENTER DIRECT JUDGMENT IN FAVOR OF APPELLANT ROGER WHALEY" DATED
September 30, 2013
"PURSUANT with SCRAP 208(a)(2)(4) & (b)(7)"

Pursuant with SCRAP 208(a)(2)(4)&(b)(7), and! Respondent South Carolina Federal Credit Union/or/
SCFCU's attached LETTER addressed to this court CLERK, dated "September 10, 2013",¹ shows SCFCU's ALSO!
NEW!! appeared ATTORNEY "Shelia M. Bias"² ONLY requested for an Extension for Respondent SCFCU, and
had NO!! LEGAL! AUTHORITY!! so to have REQUESTED any type Extension for the Respondent BANK of
AMERICA/or/BOA, pursuant with SC Rules of Professional Conduct/or Rule 1.7.³ Therefore Appellant Whaley
DENIES any and ALL Respondent/BANK of AMERICA/or/BOA's INTENTIONAL UNTIMELY/and False allegations
written in its (5) five page above said Motion/and/or Alternative, filed only to delay and attempt to confuse said court.

¹ Wrote "Kitchings" stating - "AS COUNSEL for RESPONDENT SC Federal Credit Union, in the above-reference case, we respectfully request a 30-day EXTENSION of TIME in which to SERVE and FILE our INITIAL RESPONDENT's BRIEF and Designation of Matter to be Included in the Record on Appeal. We find it necessary to request THIS EXTENSION DUE TO OUR CURRENT HEAVY WORKLOAD...I am enclosing the \$25.00 filing fee...for your reconsideration." - Supports that SCFCU only PAID!! for (1)ONE RESPONDENT! to have an Extension...since NO! RECORS shows that the said Respondent BOA/and SCFCU - NEVER!! was CONSOLIDATED!!/nor JOINT!! as being RESPONDENTS! in which ONLY!! (1)ONE said LAW FIRM could file for the other named above Respondent.

² SCRCU's NEW ATTORNEY Shelia M. Bias, also! NEVER! Properly, nor Legally placed her APPEARANCE within this said appeals Court, as to show whom she was REPLACING with the LAW FIRM "Richardson Plowden". As is required under the Rules of Professional Conduct

³ Pursuant also with this said SC Court of Appeals "ORDER" allegedly FILED 9/27/2013, shows as well, that this said Appeals Court ONLY ORDERED (1) ONE! "RESPONDENT's" Initial Brief and Designation...hereby extended until November 4, 2013."

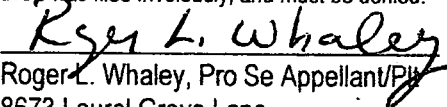
Pro se Appellant/Whaley further states that:

1. The Respondent/BOA NEVER filed any type (timely/or otherwise) required correspondence in reply to Appellant/Whaley's filed Initial Brief and Designation, pursuant with SCRAP Rules 208(a)(2)(4), that was filed by the Respondent BOA *(and its yet!! another!!!! NEW!! alleged Legal Counselor now! "TARA C. SULLIVAN" who has NEVER!! properly/or legally/placed her APPEARANCE in this said Appeals case matter so to acknowledge to this said Appeals Court, nor! to this said Appellant/Whaley, regarding WHAT ATTORNEY did she REPLACE at the Law Firm "NELSON, MULLINS", in order for any! of the Law Firm of NELSON, MULLINS to have had any merit claims in this said Appeals Court, regarding the said LOWER TRIAL COURT, where Attorney "Tara C. Sullivan" also! NEVER!! legally placed her said APPEARANCE/nor never! APPEARED in the said Lower lower trial court, which is required pursuant with the S.C. Rules of Professional Conduct, and a the proper authority/Clerk-pursuant with Rule 208/and/or Judge should/and/or must discipline, or UPHOLD the required Rules and Procedures Equally and Fairly, pursuant with the Rule under Canon 2,&3.; as the said Lower Trial Court Judge in error/or due to bias Ordered Appellant to participate only with a Federal! Receiver. ⁴

2. Appellant/ Whaley already provided DOCUMENTED EVIDENCE to the LOWER Trial COURT, and to this said Appeals Court, *(See Ct Transcripts 8-29-2012) VERIFIED also in BOA's own "Procedural Background" paragraphs 2 & 3, dated "OCTOBER 24, 2013", which confirmed the LOWER TRIAL COURT scheduled HEARINGS dated "MAY 8, 2012" and "AUGUST 29, 2012", confirmed Appellant/Whaley provided to ALL PROPER AUTHORITIES parties regarding the said Lower Trial Court's TRANSCRIPTS, that were ORDERED and produced by the Appellant Whaley which shows the LAW FIRM NELSON, MULLIN to be doing an INTENTIONAL CONFLICT OF INTEREST involving the Appellant Whaley's Cashiers Checks named PAYEE/CCG, which RICHLAND COUNTY, Circuit Court of Common Pleas, APPOINTED the LAW FIRM, NELSON, MULLINS...(since!! the year 2007!!) as being the STATE!!! Court RECEIVER!! Appointed to REPRESENT! Appellant/Whaley's alleged LEGAL RIGHTS as being an alleged "VICTIM" regarding the SAME IDENTICAL Cashiers Checks named PAYEE/CCG- so to RETURN Appellant Whaley's said MONIES in which Respondent BOA/ADMITS!! that it has within its possession. Pursuant with SC Rules of Professional Conduct – Rule 1.7.

WHEREFORE, Respondent/BOA's said filed motion and/or alternative ⁵ was filed frivolously, and must be denied.

Dated: October 28, 2013


Roger L. Whaley, Pro Se Appellant/Pl
8673 Laurel Grove Lane
North Charleston, South Carolina 29420

CERTIFICATE OF SERVICE

I declare that all proper parties has been faxed, mailed and/or hand-delivered this said Response to BOA filed Motion and/or Alternative.
cc: Andrew H. Butler, Esq. Richard Plowden & Robinson, P.A. 1900 Bamwell St., Columbia, SC 29201; and Jody A. Bedenbaugh, c/o Tara C. Sullivan, 1320 Main Street/17th Floor, P.O. Box 11070 (29211-1070), Columbia, SC 29201

⁴ SCRCP 203(d)(1)(A)(ii) – states - "Any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is one of the constitutionality of the law or ordinance; provided, however, in any case where the Supreme Court finds that the constitutional issue raised is not a significant one, the Supreme Court may transfer the case to the Court of Appeals."

⁵ Respondent BOA "Procedural Background" continued on page 3, wrote that "Appellant's INITIAL BRIEF was SUBMITTED August 10, 2013, and by ORDER of SEPTEMBER 27, 2013, this COURT GRANTED an EXTENSION for RESPONDENTS!!! to RESPOND to the INITIAL BRIEF until NOVEMBER 4, 2013."

ATTACHMENTS- 2

Reply to: Columbia
Direct Dial: (803) 576-3718
sbias@RichardsonPlowden.com

September 10, 2013

Via Hand Delivery

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: Roger Whaley v. SC Federal Credit Union
Appellate Case No.: 2012-213208

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SEP 10 2013
SC COURT OF APPEALS

Dear Ms. Kitchings:

As counsel for Respondent SC Federal Credit Union, in the above-referenced case, we respectfully request a 30-day extension of time in which to serve and file our Initial Respondent's Brief and Designation of Matter to be Included in the Record on Appeal.

Mr. Whaley, *pro se* Appellant, filed and served his Designation of Matter on what appears to be September 4, 2013; therefore, pursuant to this court's August 23, 2013 letter, our Initial Respondent's Brief and Designation are currently due by Friday, October 4, 2013. However, with a 30-day extension of time, by my calculations, our Initial Brief and Designations would be due on or before November 4, 2013.

We find it necessary to request this extension due to our current heavy workload. This is our first request for an extension of time to serve and file the Initial Respondent's Brief and Designation of Matter.

I am enclosing the \$25.00 filing fee and thank you for your consideration of this request. By copy of this letter, I am notifying Roger Whaley, *pro se* Appellant, of record of this correspondence.

Thank you for your assistance in this matter.

Sincerely,

Sheila M. Bias

Sheila M. Bias
SC Bar # 100005

SMB/dfb

Enclosure

cc: Roger Whaley, *pro se* (w/o enclosure)

The South Carolina Court of Appeals

Roger L. Whaley, Appellant,

v.

South Carolina Federal Credit Union and Bank of
America, Respondents.

Appellate Case No. 2012-213208

The Honorable Maite D. Murphy
Dorchester County
Trial Court Case No. 2012CP1800539

ORDER

The time for serving and filing the respondent's initial brief and designation of matter is hereby extended until November 4, 2013.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

cc:

Roger L. Whaley
Drew Hamilton Butler
Erik Tison Norton
Jody Alan Bedenbaugh
Sheila Marlouvon Bias

FILED

9-27-13 AS

October 28, 2013

Jenny Abbott Kithchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Roger Whaley v. SC Federal Credit Union
Appellate Case No. 2012-213208

Dear Ms. Kitichings

Please send me a stamped copy in the enclosed self-addressed envelope.

Sincerely,

Roger L. Whaley

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NOV 01 2013
SC Court of Appeals