

**PETITION FOR A WRIT OF CERTIORARI TO THE
COURT OF APPEALS**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

RECEIVED

Sep 11 2025

SC Court of Appeals

**APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas**

Bentley D. Price, Circuit Court Judge

Unpublished Opinion No. 2025-UP-190 (S.C. Ct. App. filed June 11, 2025)

**Pet Helpers, Inc.
Melissa Susko**

**Respondent and
Third-Party Defendant,**

v.

Janet L. Frisco

Petitioner.

PETITION FOR A WRIT OF CERTIORARI

**Janet L. Frisco
203 Cardinal Drive
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(843) 804-0875
Self-represented Petitioner**

**Other Counsel of Record:
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CERTIFICATE OF COUNSEL

Self-represented Petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on August 20, 2025.

QUESTIONS PRESENTED

1. Did the Court of Appeals abuse the standard of discretion and suppress a material fact by denying Appellant's Motion for Leave to Supplement Answer Pursuant to SCRCP Rule 15(d) and in stating that Appellant was allowed to argue that motion and Counterclaim for Malicious Prosecution during the hearing April 22, 2022?
2. Did the Court of Appeals err in ruling that Appellant had not brought the issue of Pet Helpers' attorney's abuse of civil process before the circuit court?
3. Did the Court of Appeals violate the Petitioner's constitutional right to free speech by affirming that Petitioner had slandered and libeled Pet Helpers?

STATEMENT OF THE CASE

On June 9, 2021 Respondent filed a complaint against the Petitioner for libel and slander followed by motions for restraining orders and a Motion for Summary Judgement on June 16, 2021. This was followed by requests to admit and discovery requests on June 18, 2021 and June 27, 2021. When Petitioner was unable to complete the unduly burdensome discovery, Respondent filed a Motion to Compel Discovery on June 27, 2021 followed by a Motion for Rule to Show Cause on August 5, 2021, a Motion to Reconsider Order on Plaintiff's 2nd Motion

for Temporary Restraining Order and Injunctive Relief and Rule to Show Cause for Contempt on August 27, 2021, and Motion for Sanctions for Failure to Comply with an Order of Discovery on January 21, 2022. The Circuit Court granted these and all other requests Respondent's attorney requested in their lawsuit and Petitioner was incarcerated for contempt of court on November 5, 2021.

Petitioner attempted to defend herself from the Respondent's actions by filing objections and a counter complaint on June 17, 2021, but it was consolidated on January 6, 2022. On January 10, 2022 Petitioner filed first appeal with Appellate Court which was denied on March 2, 2022, Motion for a Rehearing was filed on March 15, 2022 and Petition for Rehearing was denied on May 13, 2022. Petitioner made two incorrect attempts to amend answer to complaint on October 19, 2021 and February 28, 2022 followed by a Motion for Leave to Supplement Answer and Counterclaim for Malicious Prosecution on March 24, 2022 which was done correctly, but not allowed to be argued during the motion hearing on April 22, 2022.

Respondent was granted Summary Judgement with other orders on May 5, 2022. Petitioner filed second appeal to the Appellant Court on June 3, 2022 that was denied on June 11, 2025 and a Petition for Rehearing filed on June 25, 2025

that was denied August 20, 2025. Petitioner filed an amended complaint for libel and slander and abuse of civil process against Futeral and Nelson, LLC on August 25, 2025 that is currently pending in the Charleston County Court of Common Pleas (Janet L. Frisco v. Futeral and Nelson, LLC, Case No. 2024-CP-10-04891).

ARGUMENTS

1). The Petitioner was not allowed to argue her *Motion for Leave to Supplement Answer Pursuant to SCRPC 15 (d) and Counterclaim for Malicious Persecution* at the hearing on April 22, 2022 because Judge Bentley Price in the Circuit Court said it had already been ruled on by Judge Cothran and couldn't be ruled on twice. Judge Price was referring to Petitioner's second attempt to amend her answer, not the supplement when he said, "You've already asked to amend your complaint and Judge Cothran denied that, so you can't ask it twice. The law doesn't allow for that." (R. p.163, Lines 17-20) and then added there was no difference between a supplement and an amendment (R. p.164 Lines 1-6), but a amended answer replaces the initial answer and a supplement only adds to it.

The Appellate Court denied the Appellant's second motion to amend and motion to supplement in the introduction of their denial, but referred to both as motions to amend. Petitioner did not file a motion for the Circuit Court to hear

her motion to amend pursuant to 15 (b) SCRPC. The Petitioner filed a *motion* for leave to supplement answer pursuant to 15 (d) SCRPC so apparently the Petitioner's error in initially filing the two motions to amend confused the Circuit and Appellate Courts. The Petitioner motioned for the supplement to be ruled on, but the Circuit Court mistakenly ruled on the motion to amend as did the Appellate Court in the appeal. Petitioner also provided a proposed amended pleading which was attached as "Exhibit A" contrary to the Appellate Court's fourth argument that she didn't provide one.

The Appellate Court also stated in their first argument that Petitioner did not raise the issue that the Circuit Court was abusing discretion at the hearing and therefore, it was not preserved for appellate review, but it is clear from the transcript that Judge Bentley Price was bullying the Petitioner, and if she had accused him of abuse of discretion at the hearing, he could have cited her for contempt of court and incarcerated her for a second time.

Apparently, motions can be ruled on more than once by the Appellate Court, contrary to Judge Price 's comments at the hearing, because they denied both the Appellant's motion to amend and supplement her answer in their denial. The Court of Appeals abused the standard of discretion and suppressed a

material fact that Pet Helpers had staged Petitioner's dog Toby's adoption in order to fraudulently collect donations by ruling that Petitioner was allowed to argue her motions at the hearing.

2). The Appellate Court states in their seventh argument that Petitioner did not raise the issue that Pet Helpers attorney abused civil process to the trial judge to be ruled upon and cannot be raised for the first time on appeal. Petitioner raised the issue of Stephan Futeral's misconduct throughout the litigation repeatedly stating he had made false accusations against the Petitioner on his complaint, manufactured evidence, and submitted unnecessary and overly burdensome discovery to prevent the Petitioner from defending herself. In the *Appellant's Motion for to Supplement Answer*. Appellant stated, "counsel is attempting to distract the court from his (Futeral's) serious infractions constituting fraud upon the court stemming from his false statements he used to obtain the restraining orders and concealing evidence of the fake adoption" (R. pg. 109, Paragraph 2). In *Appellant's Supplement in Objection to 2nd Motion for Restraining Order and Injunctive Relief* filed August 13, 2021, Petitioner stated, "Plaintiff's complaint and subsequent restraining orders are an attempt to use the legal system to conceal fraudulent behavior..." Petitioner filed an appeal on

January 10, 2022, Case No 2022-000021, based upon 60 (b) (3) SCRCP fraud upon the court by Futeral (R. pg. 371-377), but the Appellate Court claimed it was filed untimely and denied appeal on March 2, 2022 and petition for rehearing was denied on May 12, 2022 (R. pg. 39). Petitioner argued in the petition for rehearing that The Appellant Court denied the appeal based on Rule 203 (b) (1), but it was filed pursuant to 60 (b) (3) **(EXHIBIT A)**.

In addition, the Petitioner had previously brought up the issue of Pet Helpers' attorney's fraud upon the court in motions, objections in the current case and in the case *she filed on June 16, 2021, Janet Frisco v. Pet Helpers, Inc. and Melissa Susko 2021-CP-10-2848*, but the Circuit Court consolidated the two cases and never acknowledged or responded to her further attempts to bring the issue to the court's attention after the consolidation.

Fraud on the court and abuse of process can occur together, as in abusive discovery tactics (*Garg. v. G.D. Searle & Co.*) or the presentation of false information (*Hazel-Atlas Co. v Hartford Empire Co.[1943]*) can be part of a larger scheme to defraud the court or achieve an improper purpose. When a party uses the legal system for an ulterior motive, such as to inflict harm, it may be considered abuse of process. If this misconduct involves presenting false evidence

to mislead the court, it may also constitute fraud on the court. In either case the fraud corrupts the court's ability to render a valid judgement in the case.

There are similarities and overlap in fraud upon the court and abuse of civil process and both refer to improper use of civil process. Both fraud upon the court and abuse of civil process involve the corruption of the judicial system itself or the misuse of legitimate legal procedure for an improper collateral purpose. In *Hazel-Atlas Co. vs Hartford-Empire Co.* the principle was established that when a party intentionally deceives the court by submitting false evidence to gain an unfair advantage, a fraud on the court has been committed. The Court can then set aside a judgement that was obtained through such a fraud. Futeral fabricated evidence which is fraud upon the court and submitted discovery to intimidate and harass the defendant which is an abuse of civil process so he is guilty of both abuse of civil process and fraud upon the court and should have to compensate the Petitioner and furthermore be severely sanctioned and disciplined for his fraud upon the court instead of being protected and favored by the Circuit and the Appellate Courts.

In South Carolin courts may set aside a judgement for extrinsic fraud. In an online article entitled "Discovering Fraud After Your Lawsuit is Over" Futeral and

Nelson, LLC wrote, “Rule 60 (b) (3) of the South Carolina Rules of Civil Procedure allows a party to make a motion within one year (or as soon as reasonable) to set aside a judgement based on fraud. Petitioner filed an appeal on January 10, 2022, Case No. 2022-000021 based on this rule, but the Appellate Court denied it claiming she had only thirty (30) days to appeal. In the same article, Futeral and Nelson also wrote, “Extrinsic fraud is collateral or external to the trial of the case. Stated another way, the fraud may be extrinsic if the defrauded party did not have access to the disputed information and did not have knowledge of the inaccuracies at the time of the trial.” Futeral fabricated an adoption contract and the Petitioner was not aware until the hearing was in progress that he was going to submit it. When Petitioner tried to object to its submission, she was ignored by the Court.

Extrinsic fraud is “fraud that induces a person not to present a case or deprives a person of an opportunity to be heard.” (*Hilton Head Ctr. of S.C. vs Public Services. Commn.*, 294 S.C. 9, 11, 362 S.E. 2d 176, 177 ((1987))). “Relief is granted for extrinsic fraud on the theory that because the fraud prevented a party from exhibiting and trying his case, there has never been a real contest before the court on the subject matter of the action.” It is a tort that involves misuse of the

public right of access to the courts. In the United States it may be described as legal process being commenced to gain an unfair litigation advantage. A person who abuses process is interested in accomplishing some improper purpose that is collateral to the proper object of the purpose and that offends justice. Fraud upon the court is an intentional deception by an officer of the court an unconscionable scheme that interferes with the court's impartiality. The integrity of the judicial system is undermined not just the opposing party is harmed.

If there is extrinsic fraud which was played upon the court to obtain a decree not on the merits of the claim itself by any fraudulent conduct not known to the defendant the defendant would not be able to defend it in the trial and get justice and relief by seeking to resist the execution of the decree obtained by such extrinsic fraud which would alone warrant non recognition of the judgement and thus prevent execution. The judgement of the American Court has extensively considered the case law relating to misrepresentation by concealment of facts which prevent a real trial. Pet Helpers' attorney concealed the fact that his clients had staged the adoption of Plaintiff by submitting a forged adoption contract to the Circuit Court and by the complaint of libel and slander against her.

3). The Court of Appeals violated the Petitioner's Constitutional right to free

speech by affirming the circuit court's decision that Petitioner had slandered and libeled Pet Helpers. The Petitioner protested against Pet Helpers because they had committed fraud in staging the adoption of the dog she had surrendered to them. Pet Helpers' lawyer aided and abetted them in covering up the crime through the lawsuit he implemented against the Petitioner and with the support of the Circuit Court prevented the Petitioner from legally protesting Pet Helpers' actions on the public right of way and on social media by issuing restraining and other punitive rulings. Now the Appellate Court had done likewise in upholding the decisions of the Circuit Court. Futeral libeled and slandered the Petitioner, abused civil process and committed fraud upon the court. Consequently, Petitioner has filed a complaint against Futeral and Nelson LLC, that is currently pending in the Ninth Circuit Court *Janet L. Frisco v. Futeral and Nelson, LLC, Case No. 2024-CP-10 04891*).

The Respondent must prove by clear and convincing evidence that the Petitioner acted with constitutional actual malice---that is, that the Petitioner realized the statement was false or had serious reservations about its truth in order to recover punitive damages from the Petitioner. See, e.g. *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 94 S. Ct. 2997 (1974); see also *Deloach v. Beaufort*

Gazette, 281 S.C. 474, 316, S.E.2d 139 (1884). Petitioner believed Pet Helpers killed Toby because was told by a former employee of Pet Helpers that the director, Melissa Susko, was certified to euthanize and had been involved in the deaths of other dogs while the witness was working there. "No kill" does not mean that no dogs are ever euthanized at a shelter, but that they are supposed to keep the deaths at a low percentage. There's no entity monitoring that so there is no way to determine how many dogs and cats are actually euthanized at any particular shelter even if they claim to be "no kill". It was logical for the Petitioner to believe they had killed Toby after experiencing how insensitive they were in response to his suffering after being abandoned and having that same attitude toward the Petitioner's distress. They even stated that dogs do not experience sadness on Admits.

The Petitioner's allegations that Toby's adoption was staged were never addressed by the Circuit Court and they didn't allow Petitioner to present evidence that her statements concerning their crime were true, and if true there was no libel or slander in saying so. Everything Petitioner said was either opinion, true or she believed it to be true and was protected as free speech.

Pet Helpers was not harmed because their donations increased after the

Petitioner's protest and that fact proves that their reputation was not harmed.

The Appellant Court included in their sixth argument that Pet Helpers incurred "general damages" is intentionally vague and misleading.

Petitioner's statements that Pet Helpers' actions were "cruel and greedy" and "dishonest and deceptive" were privileged opinion which cannot be proved true or false so cannot be grounds for a libel and slander cause of action. "Since falsity is a necessary element of a defamation cause of action only 'facts' are capable of being proved false, ...only statements alleging facts can properly be the subject of a defamation action." (*Gross v. New York Times Co.*, 82 N.Y. 2d 146, 152-153 (1993)), See also *Davis* 24 N.Y. 3d at 268 "a defamatory statement of fact" in contrast to 'pure opinion' which is not actionable because [e]xpressions of opinion as opposed to assertions of fact are deemed privileged no matter how offensive cannot be subject to an action of defamation" (*Davis* 24 N.Y. at 269 (quoting *Mann v. Abel*, N.Y. 3d 271, 276 (2008) cert. denied, 555 U.S. 1170 (2009)). The Petitioner believes that Pet Helpers staged Toby's adoption to prevent the Petitioner from adopting him after she submitted an application they sent her. Based on that, Petitioner said they were "dishonest and deceptive" which was her opinion. She also holds the opinion that Melissa Susko in trying to entrap the Petitioner by

using two of her employees to try and lure the Petitioner to trespass on Pet Helpers' property was also "dishonest and deceptive" but apparently the Appellate Court doesn't agree because they state this was "common law malice" by the Petitioner (R. pg.205-209).

The Appellate Court claims that the libel and slander itself was the issue of material fact when the staged adoption was the material fact omitted by the Circuit Court when they granted Summary Judgement against the Petitioner. The Appellate court cited *Kitchen Planners, LLC v. Friedman* 440 S.C. 456, 459, 892, S.E. 2d 297, 299, (2023) (stating under Rule 56 (c), "the moving party is entitled to summary judgement 'if the [evidence before the court] show[s] that there is no genuine issue as to any material fact and the moving party is entitled to judgement as a matter of law'"(alteration in original)). Petitioner was not allowed to present evidence before the court that the adoption was staged by Pet Helpers during the entire litigation and was not allowed to argue her motion to supplement answer pursuant to 15 (d) which contained that material fact. At the same hearing, however, the Respondent's attorney was allowed to submit fabricated evidence to the court in the form of an adoption contract he claimed belonged to a legitimate adopter, and the Circuit Court accepted it as valid

evidence without any supporting verification. The Supreme Court should conclude from these facts that Appellate Court didn't "review all the ambiguities, conclusions, and inferences arising in and from the evidence in a light most favorable to the moving party" as they stated in the case *Singleton v Sherer* (Ct. App.2008) also cited by the Appellate Court in their affirmation.

Since the Petitioner believed Toby was euthanized by Pet Helpers, the alleged staged adoption was not investigated by the Circuit Court and the Respondent suffered no actual harm; there was no cause of action and the sole reason for the implementation of the lawsuit against Petitioner was to conceal Pet Helpers' criminal fraud and steal Petitioner's money and property.

CONCLUSION

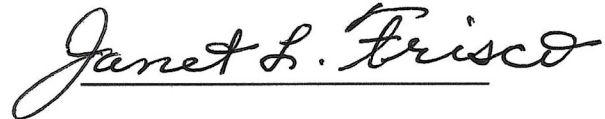
The Petitioner was not allowed to defend herself or present a case against the Respondent in the Circuit or Appellate Courts supporting that the Respondent had abused civil process by implementing the complaint against the Petitioner in order to aid and abet his client, Pet Helpers, Inc. in criminal fraud. There was no investigation in the Circuit Court into the Petitioner's allegation that Pet Helpers had staged the adoption of her dog Toby in order to solicit donations. Both the Circuit and the Appellant Courts have suppressed this material fact during the

history of the litigation by their actions and decisions especially the Summary Judgement which prevented a jury trial, granted by now disgraced Bentley D. Price, who was removed from the bench by the South Carolina Bar Judicial Qualifications Committee.

For the reasons stated, Petitioner respectfully requests that this Writ of Certiorari be granted due to the injustice that has prevailed in the previous courts and the abuse of the standard of discretion they have flagrantly displayed.

Respectfully submitted,

September 10, 2025

A handwritten signature in black ink that reads "Janet L. Frisco". The signature is written in a cursive style and is positioned above a horizontal line.

Janet L. Frisco
203 Cardinal Drive
Summerville, South Carolina 29484
(843) 804-0875
Self-represented Petitioner

EXHIBIT A

The South Carolina Court of Appeals

Pet Helpers, Inc., Respondent,

v.

Janet L. Frisco, Appellant.

Appellate Case No. 2022-000021

ORDER

Appellant failed to timely serve her notice of appeal pursuant to Rule 203(b)(1), SCACR, which provides "[a] notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment." Accordingly, this appeal is dismissed. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice."). The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

cc:
Janet L. Frisco
Stephan Victor Futeral, Esquire

FILED
Mar 02 2022

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Mar 15 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas, 9th Circuit Court

The Honorable Bentley D. Price,
The Honorable R. Kirk Griffin
The Honorable Judge Robert Bonds

Court of Appeals Case No. 2022-000021

Family Court Case No. 2021-CP-10-26823.

Pet Helpers, Inc..... Respondent

Janet L. Frisco.....Appellant

PETITION FOR REHEARING

The appellant, Janet Frisco, respectfully petitions for a rehearing pursuant to Rule SCACR 221(a) in response to Dismissal of Appeal Order dated March 2, 2022 because the court rendered a decision without considering SCACR Rule 60(b)(3) that the appeal was filed pursuant to on January 12, 2022 or other issues that were stated on the *RETURN TO THE MOTION TO DISMISS* which was filed on January 18, 2022 and are specifically listed below:

- 1.The motion for my appeal was not made under SCACR 203(b)(1) which specifies a 30-day time limit for appeal as stated in the order, but based **Rule SCACR 60(b)(3) "fraud, misrepresentation, or other misconduct of an adverse party"** which allows up to one year to appeal. Rule SCACR 60(b) was not addressed in the order to dismiss. In conclusion, the court made their decision overlooking the specific rule the appeal was based and misapprehended the plaintiff's motion to dismiss pursuant to SCACR 203(b)(1) which was an irrelevant argument.
2. The decision of the Appellate Court did not consider the issue of the plaintiff's legal counsel committing "fraud upon the court" in concealing evidence and making false statements on court documents and during hearings in order to obtain restraining orders.

3. The decision of the Appellate Court did not consider possible "abuse of discretion" by officers of Charleston County Court of Common Pleas who did not allow the defendant/appellant to voice a defense prior to rendering restraining orders and subsequent sanctions. Also, the order for the injunction and restraining order was not signed by Judge Roger M. Young, Sr. who presided at the hearing on June 17, 2021. The court order was signed by Judge Robert Bonds. The scheduling clerk in the Court of Common Pleas stated this is not uncommon when I inquired about the discrepancy as I was preparing my appeal.

EXHIBITS

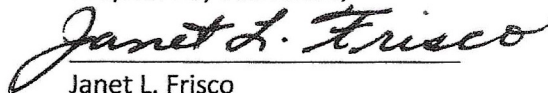
- A. Plaintiff's Motion to Dismiss document filed January 12, 2022.
- B. Defendants Return to Motion to Dismiss document filed January 21, 2022
- C. Order for Dismissal of Appeal by South Carolina Court of Appeals March 2, 2022
- D. Order for Injunction and Restraining Order signed by Judge Robert Bonds June 17, 2021

CONCLUSION

The arguments contained in my initial appeal and my Return to Motion to Dismiss were not considered in the court's decision to dismiss my appeal, and therefore the court should allow a rehearing and consider the arguments that my appeal was based on rather than rendering a decision solely on the plaintiff's motion to dismiss pursuant to Rule SCACR 240 and Rule SCACR 203(B)(1), (both requiring appeals to be submitted within thirty (30) days of notice) that did not apply to the appeal in question due to the fact there was fraud and misconduct on the part of Pet Helpers, Inc. and their legal representative, Stephan Futeral.

The motion fee of \$50.00 will be mailed 3/15/22 by regular mail to the court with the copies of the Petition for Rehearing.

Respectfully submitted,



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Janetfrisco@yahoo.com
Appellant, Pro Se

DATED: 3/15/22

EXHIBIT A

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Jan 12 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Judge Roger M. Young, Sr.,
The Honorable R. Kirk Griffin
and The Honorable Bentley D. Price

Court of Appeals Case No. 2022-000021
Family Court Case No. 2021-CP-10-2682

Pet Helpers, Inc. Respondent,

v.

Janet L. Frisco Appellant.

MOTION TO DISMISS

Respondent moves this Honorable Court, pursuant to Rule 240, SCACR, for an Order dismissing this appeal. The grounds for this appeal are that the Appellant's service of the Notice of Appeal was untimely in that it was served more than thirty (30) days after Appellant's written notice of entry of the orders referenced in the appeal.

PROCEDURAL BACKGROUND

The timeline in this case is as follows:

- On June 17, 2021, the Honorable Judge Roger M. Young, Sr. issued an Injunction and Restraining Order. Respondent gave Appellant written notice of entry of this order on June 17, 2021 via email. See Exhibit A.

- On July 29, 2021, the Honorable R. Kirk Griffin issued a 2nd Order for Injunction and Temporary Restraining Order. Respondent gave Appellant written notice of entry of this order on July 30, 2021 via email and US Mail. See Exhibit B.
- On October 12, 2021, the Honorable Bentley D. Price issued an Order on Plaintiff's Motion to Reconsider. Respondent gave Appellant written notice of entry of this order on October 12, 2021 via email and US Mail. See Exhibit C.
- On November 5, 2021, the Honorable Bentley D. Price issued a Form 4 Order regarding Contempt of Court. Respondent gave Appellant written notice of entry of this order on November 9, 2021 via email and US Mail. See Exhibit D.
- Appellant emailed her Notice of Appeal to Respondent's counsel on January 8, 2022. Respondent received Appellant's Notice of Appeal by US Mail on January 11, 2022.

ARGUMENT

I. **THIS COURT SHOULD DISMISS THE APPEAL BECAUSE APPELLANT FAILED TO SERVE HER APPEAL WITHIN THIRTY (30) DAYS AFTER WRITTEN NOTICE OF ENTRY OF THE ORDERS PURSUANT TO RULE 203(b)(1), SCACR.**

Pursuant to Rule 203(b)(1), SCACR, “[a] notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgement.” “South Carolina follows a bright-line rule: the timely service of the notice of appeal is a jurisdictional requirement, without which appellate courts lack the authority to hear and decide cases.” Wells Fargo N.A. v. Fallon Properties, S.C., LLC, 422 S.C. 211, 220, 810, S.E.2d 856, 861 (2018). The deadline cannot be extended. Hill v. S.C. Dep’t of Health & Envtl. Control, 389 S.C. 1, 698 S.E.2d 612 (2010); see also Sadisco of Greenville, Inc v. Greenville Cty. Bd. of Zoning Appeals, 340 S.C. 57, 59 530 S.E2d 383, 384 (2000) (“This Court has consistently stated that

service of the Notice of Appeal is a jurisdictional requirement, and this court has no authority to extend or expand the time in which the Notice of Appeal must be served.” (emphasis added)); Jean Hoefler Toal et al., Appellate Practice in South Carolina 122 (3d ed. 2016) (“If a party fails to [timely serve the notice of appeal], the appellate court has no authority or discretion to rescue the delinquent party by extending or ignoring the deadline because the appellate court lacks jurisdiction over the matter.” (emphasis added))

Here, Appellant received written notice, via email, of Judge Young’s order on June 17, 2021, Judge Griffin’s order on July 30, 2021, Judge Price’s first order on October 12, 2021, and Judge Price’s second order on November 9, 2021. However, Appellant failed to serve her appeal within thirty (30) days of written notice of the entry of any of the four orders referenced herein, and this court should dismiss the appeal.

CONCLUSION

Because Appellant did not timely serve her notice of appeal, this Court has no jurisdiction, authority, or discretion to hear this matter, and this Court should dismiss this appeal.

Respectfully submitted,

FUTERAL & NELSON, LLC



Stephan V. Futeral
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sfuteral@charlestonlaw.net
Attorney for Respondent

Dated: January 12, 2022

EXHIBIT B

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Jan 24 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas, 9th Circuit Court

The Honorable Bentley D Price,
The Honorable R. Kirk Griffin
The Honorable Judge Robert Bonds

Court of Appeals Case No. 2022-000021

Family Court Case No. 2021-CP-10-2682

Pet Helpers, Inc..... Respondent
Janet L. Frisco..... Appellate

RETURN TO THE MOTION TO DISMISS

The appellate requests a Return to the Motion to Dismiss pursuant to Rule 60, SCARCR that states:
(b)when mistakes, inadvertence; excusable neglect; newly discovered evidence, fraud, etc. on motion and upon such terms are just, the court may relieve a party or his legal representative from a final judgement, order or proceeding for the following:

3) fraud, misrepresentation, or other misconduct of an adverse party.

The motion shall be made within a reasonable time and for reasons (1), (2), and (3) not more than one year after judgement, order or proceeding was entered or taken.

ARGUMENT

1. THIS COURT SHOULD NOT DISMISS THE APPEAL BECAUSE THE APPEAL WAS NOT SUBJECT TO THE THIRTY (30) DAY TIME LIMIT PERSUANT TO RULE 240 SCACR, BUT WAS FILED PERSUANT TO RULE 60 (b) 3 WHICH ALLOWS UP TO ONE (1) YEAR TO APPEAL A JUDGEMENT OR ORDER IN CASES OF FRAUD, MISREPRESENTATION, OR OTHER MISCONDUCT OF AN ADVERSE PARTY. SC Judicial Branch (sccourts.org)

2. THIS COURT HAS JURISDICTION OVER THE APPEAL BECAUSE THERE WAS "ABUSE OF DISCRETION" IN THE LOWER COURT THAT RENDERED DECISIONS FOR A CLEARLY IMPROPER PURPOSE WHEREAS INFORMATION WAS WITHHELD DURING HEARINGS THAT DEPRIVED DEFENDANT FROM RIGHT TO OBTAIN EVIDENCE OF THE UNREDACTED ADOPTION CERTIFICATE OF TOBY A.K.A. "SLIM JIM" MAY 8, 2021 THAT WOULD HAVE PROVED THE ADOPTION WAS STAGED BY THE PLAINTIFF IN ORDER TO SOLICIT DONATIONS UNDER THE FALSE PRETENSE THE CANINE HAD BEEN LEGITAMATELY ADOPTED.
3. THE PLAINTIFF'S LAWYER COMMITTED FRAUD UPON THE COURT WITH SPECIFICITY SCRPC RULE 9(B) CHEWNING V FORD MOTOR CO. 35 F SUPP 2d 487 (D.S.C. 1998). RELIEF FOR FRAUD UPON THE COURT IS NOT SUBJECT TO THE ONE YEAR TIME LIMIT. PLAINTIFF'S LAWYER SUBVERTED THE INTEGRITY OF THE COURT ITSELF AND THIS MAY ALSO HAVE INVOLVED FRAUD PERPETUATED BY OFFICERS OF THE COURT IN RENDERING JUDGEMENTS AND ORDERS WITHOUT ALLOWING DEFENDANT TO BE HEARD PRIOR TO THEIR DECISIONS, HILTON HEAD CTR. OF S.C. VS PUBLIC SERVICES. COMMN, 294 S.C. 9, 11, 362 S.E. 2ND 176, 177 (1987).
4. "RELIEF IS GRANTED FOR EXTRINSIC FRAUD ON THE THEORY THAT BECAUSE THE FRAUD PREVENTED A PARTY FROM EXHIBITING AND TRYING HIS CASE, THERE HAS NEVER BEEN A REAL CONTEST BEFORE THE COURT ON THE SUBJECT MATTER OF THE ACTION." ID.

CONCLUSION

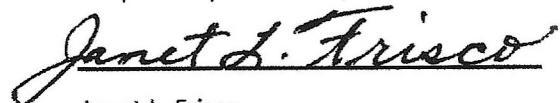
Appellant's appeal notice was filed timely and Appellate Court has jurisdiction because it was filed under SCRPC Rule 60(B) 3 which allows up to one year to appeal a judgement from a lower court and beyond one year when fraud upon the court is involved. Plaintiff based their Motion to Dismiss exclusively on the (30) thirty-day time limit under SCRPC Rule 240 which does not apply under circumstances of fraud or other misconduct of an adverse party therefore the Respondent's Motion to Dismiss should not be granted by this court.

RELIEF REQUESTED

- A. ALL RESTRAINING ORDERS SHOULD NOT HAVE RECOGNITION AND BE REPEALED.
- B. PAST AND PRESENT SANCTIONS BE REVOKED AND/OR REFUNDED.
- C. PLAINTIFFS MUST SURRENDER THE UNREDACTED ADOPTION CERTIFICATE TO THE COURTS AND VALIDITY OF THE ADOPTION INVESTIGATED.

DATED: 1/21/22

Respectfully submitted,

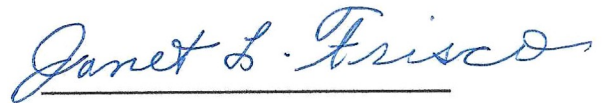


Janet L. Frisco,
Appellant, Pro Se
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Summerville, South Carolina 29485
(843)804-0875
janetfrisco@yahoo.com

PROOF OF SERVICE

The undersigned hereby certifies that a copy of Petitioner's Writ of Certiorari that was filed with the South Carolina Appellate and Supreme Courts today in **Case No. 2024-000775 PET HELPERS, RESPONDENT v. JANET L. FRISCO, APPELLANT v. MELISSA SUSKO, THIRD-PARTY DEFENDANT** was served on the following individual via email and regular U.S. Mail with sufficient postage on that same day:

Stephan V. Futeral
534 Johnnie Dodds Blvd., Suite 202
Mount Pleasant, South Carolina 29464
843-284-5500
sfuteral@charlestonlaw.net

A handwritten signature in blue ink that reads "Janet L. Frisco". The signature is written in a cursive style and is positioned above a horizontal line.

Janet L. Frisco, Pro Se

Dated: September 10, 2025