

November 4, 2013

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VIA Hand Delivery

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

Re: Roger L. Whaley v. South Carolina Federal Credit Union and Bank of America
C/A No.: 2012-CP-1800539
Appellate Case # 2012-213208
Our File No. 7130-36

RECEIVED
NOV 05 2013
SC Court of Appeals

Dear Ms. Kitchings:

I am in receipt of Mr. Whaley's November 1, 2013 letter regarding "Respondent South Carolina Federal Credit Union/SCFCU's 10/31/2013 LETTER, SHOWS the Appearance of EXPARTE Communication . . ."

By way of brief response, Respondent South Carolina Federal Credit Union (SCFCU) did not engage in improper ex parte communications nor did it request a second extension in which to file its Initial Brief. Our letter of October 31, 2013, was merely to document our discussion with your office about a purely procedural matter; namely, Rule 240, SCACR, which suspends the perfection of the appeal—including the filing of responsive briefs—until any pending Motion to Dismiss has been decided by this Court. Given Respondent Bank of America's Motion to Dismiss, it is our understanding our client's responsive brief will be due subsequent to this Court's decision on the Motion to Dismiss. We fully intend to comply with that deadline.

Finally, it is our position that any request by Appellant for adjudication of this matter on the merits prior to this Court's ruling on the pending Motion to Dismiss and before the parties have briefed this appeal should be denied. As stated in my previous letter, if Respondent SCFCU has misinterpreted this rule, please contact me and we will do whatever is required to be in compliance with the South Carolina Appellate Court rules for perfecting this appeal.

By copy of this letter we are serving *pro se* Appellant and all opposing counsel with this response.

Thank you for taking the time to review this letter and with kind regards, I am

Sincerely,

Sheila M. Bias

Sheila M. Bias
SC Bar # 100005

SMB

cc: Roger Whaley, Pro se
Jody Alan Bedenbaugh, Esquire
Erik Tison Norton, Esquire
Drew Hamilton Butler, Esquire
Tara C. Sullivan, Esquire