

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

ORDER

Appellant's Motion for Judgment is denied as to both Respondents. Additionally, Respondent Bank of America's motion to strike is granted. Within thirty days, Appellant shall serve and file an amended Designation of Matter which excludes items two, five, and seven through fourteen. *See* Rule 209(b), SCACR (noting the Designation of Matter "may only propose to include . . . materials which may be properly included in the Record on Appeal"); Rule 210 (c), SCACR ("The Record [on Appeal] shall not, however, include matter which was not presented to the lower court or tribunal."). Further, within thirty days, Appellant shall also serve and file an amended Initial Brief that fully complies with Rule 208, SCACR, and Rule 267, SCACR. Upon receipt of the amended Designation of Matter and Appellant's amended Initial Brief or upon the expiration of thirty days, this court will consider Respondent Bank of America's motion to dismiss.


FOR THE COURT

Columbia, South Carolina

cc:

FILED
11/27/13

Roger L. Whaley
Drew Hamilton Butler, Esquire
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Jody Alan Bedenbaugh, Esquire
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