

From: [Tony Williams](#)
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Cc: [Melling, Andrew](#); [Michelle Gaston](#); compliance@lowes.com; [ODCmail](#)
Subject: APPELLANT'S CONSOLIDATED NOTICE OF PROCEDURAL FORFEITURE AND DEMAND FOR IMMEDIATE ENTRY OF JUDGMENT
Date: Friday, April 3, 2026 10:03:39 AM

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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

TONY WILLIAMS, Appellant, v. LOWE'S HOME CENTERS, LLC, et al., Respondents.

APPELLATE CASE NO.: 2026-00317

(Associated Case No.: 2026-000079)

I. INTRODUCTION: THE DOCTRINE OF ADMISSION BY SILENCE

The South Carolina appellate system operates on the principle that "silence in the face of a duty to speak is an admission of the truth." *Rhodes v. Rhodes*, 273 S.C. 266 (1979). In the matter of Case No. 2026-00317, the Respondents have reached the end of their procedural rope. While their counsel of record, **Michelle W. Gaston**, has found the time to file unauthorized "Responses" in Case No. 2026-000079 (where she is not counsel), she has remained in **Total Silence** in the present matter.

This "Identity Split" and selective litigation strategy constitutes **Extrinsic Fraud** and **Appellate Malpractice**. Under *Thynes v. Lloyd*, 294 S.C. 152 (Ct. App. 1987), a party in default is "out of court" and has no standing to participate in the merits. By failing to contest the **\$30,000,000.00** Summary Reversal, the Respondents have effectively signed their own confession of judgment.

II. THE COMPARATIVE ANALYSIS OF BAD FAITH

The record as of **April 3, 2026**, reveals a systemic subversion of the Appellate Rules that shocks the conscience:

Case No.	Gaston's Legal Status	Action as of April 2, 2026
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2026-000079	NOT Counsel of Record	Filed a 3-page "Response" to argue about "service" to protect Andrew Melling.
2026-00317	Counsel of Record	TOTAL SILENCE. No response to the \$30M Summary Reversal (17 days overdue).

The Legal Nullity of Gaston's "Service" Defense: In Case 2026-000079, Ms. Gaston is attempting to litigate while her **Motion to Substitute Counsel** (filed 03/12/2026) remains contested and unruled upon. She is a "Legal Stranger" to that docket. Conversely, in the present case (**Case 2026-000317**), she has intentionally abandoned her duty to her clients by failing to respond to:

1.

Omnibus Motion for Summary Reversal (Filed 03/16/2026)

2.

Consolidated Motion for Sanctions for Extrinsic Fraud (Filed 03/20/2026)

This proves that Counsel has the present capacity to file documents but is withholding a defense in a bad-faith attempt to "Groom the Record." This conduct, occurring while the Appellant's wife is currently undergoing **Chemotherapy** for a cancer diagnosis, constitutes a severe and actionable **Tort of Outrage**.

III. CONCLUSION: THE MANDATE FOR RESTITUTION

The Respondents are "**Legal Ghosts**" haunting their own docket. They have waived their right to be heard by failing to speak when the law required it. In light of the **Certified Default**, the documented **Extrinsic Fraud**, and the life-threatening **Medical Emergency** facing the Appellant's family, the law demands an immediate cessation of these "Identity Split" games.

WHEREFORE, Appellant Tony Williams moves this Court to:

1.

DEEM all pending motions in Case 2026-000317 as **UNCONTESTED** and granted by operation of law.

2.

STRIKE the unauthorized filings by non-counsel in Case 2026-000079 as a fraud upon the Court.

3. **ORDER** the immediate entry of judgment for **Full Contractual and Compensatory Restitution** in the amount of **\$30,000,000.00**.
4. **REFER** this matter to the **Office of Disciplinary Counsel (File No. 26-DE-L-0486)** for the investigation of systemic appellate malpractice.

s/ Tony Williams

Appellant Pro Se

Dated: April 3, 2026