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Subject: APPELLANT'S EMERGENCY MOTION TO STRIKE UNAUTHORIZED FILING BY NON-COUNSEL AND RENEWED MOTION FOR SANCTIONS
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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Tony Williams, Appellant,

v.

Lowe's Home Centers, LLC, and Andrew Gordon Melling, Respondents.

Appellate Case No.: 2026-000079

(Lower Court Case No.: 2025-CP-07-01666)

APPELLANT'S EMERGENCY MOTION TO STRIKE UNAUTHORIZED FILING BY NON-COUNSEL AND RENEWED MOTION FOR SANCTIONS

I. INTRODUCTION: THE ILLUSION OF STANDING

The integrity of the appellate process is maintained by strict adherence to the Rules of Professional Conduct and the South Carolina Appellate Court Rules (SCACR). A party in default cannot "groom" the record through a proxy who is a legal stranger to the proceedings. On April 2, 2026, **Michelle E. Gaston** filed a substantive response in this matter despite the fact that she is **NOT** the counsel of record.

This unauthorized filing is a calculated act of **Extrinsic Fraud** designed to shield Respondent **Andrew Melling** from his **Total Silence** regarding a **\$30,000,000.00 Certified Default**. While the Appellant's wife is currently undergoing life-sustaining **Chemotherapy**, the Respondents are attempting to stall justice through an "Identity Split" that has no basis in law. Under *Chewning v. Ford Motor Co.*, 354 S.C. 303 (2003), this Court must protect the judicial process from such subversion.

II. THE "SERVICE" LIE: THE LEGAL NULLITY OF GASTON'S FILING

On April 2, 2026, Ms. Gaston filed a "Response to Clarification Request" asserting an "absence of service" for motions filed between February 26 and March 19, 2026. This

assertion is a **Procedural Fraud** for the following reasons:

1. **LACK OF STANDING:** Ms. Gaston is **NOT** the counsel of record for Case 079. The **Motion to Substitute Counsel (filed 03/12/2026)** remains **Contested** by the Appellant due to an unwaivable **Conflict of Interest** involving Respondent Melling. No order has been signed by this Court granting substitution.
2. **THE JURISDICTIONAL PARADOX:** Ms. Gaston is attempting to claim she has not been "properly served" in a case where she **does not yet have the legal standing to receive service**. Under *Ex Parte Simpson*, 300 S.C. 226 (1990), an attorney of record remains the attorney until a formal order of substitution is executed. Therefore, Respondent Andrew Melling remains the only party authorized to receive service or speak for the defense.
3. **ACTUAL NOTICE:** Regardless of Ms. Gaston's unauthorized claims, the record (C-Track) confirms that the motions are public and have been served upon the *actual* attorney of record, Mr. Melling. Her filing is a "Smoke Screen" to distract the Court from Melling's **Total Silence** and the Respondents' failure to contest the **\$30,000,000.00** summary reversal on the merits.

III. EXTRINSIC FRAUD AMIDST MEDICAL EXIGENCY

While Ms. Gaston engages in unauthorized practice by filing "responses" in a case where she is a legal stranger, the Appellant's wife is in a hospital bed fighting for her life. The Respondents have been given **Actual Notice** of her **Cancer Diagnosis** and current **Chemotherapy** status.

The decision to prioritize "mail service" technicalities over the **\$30,000,000.00 Admitted Liability** constitutes the **Tort of Outrage**. Under the **Eggshell Skull Doctrine** (*Bramlette v. Charter-Medical-Columbia*, 302 S.C. 68 (1990)), the Respondents are fully liable for the aggravated damages caused by their bad-faith delays during this medical crisis.

IV. CONCLUSION AND PRAYER FOR RELIEF

The Respondents' strategy of **Silence** regarding the **Omnibus Motion for Summary Reversal** (filed 03/16) cannot be cured by a non-counsel's unauthorized filing. Ms. Gaston's attempt to "clarify" a record she has no standing to touch is a violation of **Rule 5.5, SCRPC** (Unauthorized Practice of Law) and **Rule 3.3, SCRPC** (Candor Toward the Tribunal).

WHEREFORE, Appellant Tony Williams moves this Court to:

1. **STRIKE** the April 2, 2026 filing by Michelle E. Gaston as a legal nullity.
2. **DEEM** the Omnibus Motion for Summary Reversal as **UNCONTESTED** due to the silence of the actual counsel of record, Andrew Melling.
3. **ENTER 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 unauthorized "Grooming" of an appellate record.

s/ **Tony Williams**

Appellant Pro Se

Dated: April 3, 2026