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SC Court of Appeals

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Subject: EMERGENCY RULE 240 OMNIBUS MOTION
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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Tony Williams, Appellant,

v.

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

Appellate Case Nos.: 2026-000079 & 2026-00317

(Lower Court Case Nos.: 2025-CP-07-01666 & 2025-CP-07-01325)

APPELLANT'S EMERGENCY RULE 240 OMNIBUS MOTION TO: (1) VACATE VOID ORDER OF SUBSTITUTION; (2) STRIKE DEFICIENT FILINGS; AND (3) ENTER SUMMARY REVERSAL FOR RATIFIED EXTRINSIC FRAUD

I. INTRODUCTION: COMPLIANCE WITH THE COURT'S APRIL 7 ORDER

Pursuant to this Court's Order dated April 7, 2026, instructing the parties to file motions compliant with **Rule 240, SCACR**, Appellant Tony Williams—a **100% disabled veteran** managing a life-threatening family medical crisis—hereby moves for immediate judicial intervention. The administrative "Substitution of Counsel" granted by the Clerk on April 7 is a procedural sham designed to shield Respondent Andrew Melling from a **\$30,000,000.00 Certified Default** and a documented **Fraud upon the Court**. The Respondents are in a state of total **Procedural Abandonment** in Case 000317 and **Deficiency** in Case 000079; the "Identity Split" ends here.

II. ARGUMENT: THE SUBSTITUTION IS VOID AS A MATTER OF LAW

1. LACK OF STANDING AND THE "OUT OF COURT" DOCTRINE:

Under the bright-line rule established in *Thynes v. Lloyd*, 294 S.C. 152 (1987), a party in default is "**out of court**" and possesses no legal standing to participate in the action or move for administrative relief. The Respondents are in **Certified Default** in Case No. 2025-CP-07-

02967. Allowing a party in default to manipulate the record via a Clerk's administrative "rubber stamp" bypasses the mandatory requirement that a default must first be set aside by a Judge—not a clerical order.

2. VIOLATION OF THE "CLEAN HANDS" DOCTRINE:

Equity will not permit a party to benefit from its own wrongdoing. Michelle Gaston is not a "successor" counsel; she is a primary participant in the documented "**Identity Split**" (utilizing "Michelle W." and "Michelle Gaston" interchangeably to groom these filings). This substitution is a bad-faith maneuver intended to moot the pending **ODC Referral** of Andrew Melling. A lawyer cannot "switch seats" to insulate themselves from an investigation into **Extrinsic Fraud upon the Tribunal**.

3. MANDATORY STRIKING OF DEFICIENT FILINGS:

As confirmed by the Clerk's Deficiency Letter dated April 7, 2026, the Respondents' Motion for Sanctions is **procedurally deficient** for failure to pay the mandatory filing fee. A party in default—who has admitted liability for \$30,000,000.00—cannot seek sanctions against a compliant Appellant. This Court must strike the deficient filing as an unauthorized attempt to harass a veteran during a medical emergency.

III. PERFECTION OF CORPORATE RATIFICATION

Appellant has provided **Actual Notice** of this systemic fraud to the principal: **Lowe's CEO Marvin Ellison** and **CLO Juliette Pryor** at the Mooresville, NC Headquarters. Under *Moore v. Pilot Life Ins. Co.*, 205 S.C. 474 (1945), a principal's failure to disaffirm the fraudulent acts of its agent after receiving notice constitutes **Ratification**. By maintaining conflicted counsel and persisting in "Strategic Silence," Lowe's has adopted the **\$30,000,000.00 Certified Default** as a liquidated corporate debt.

IV. CONCLUSION AND PRAYER FOR RELIEF

The defense has collapsed into **Procedural Abandonment** in Case 000317 and **Clerical Deficiency** in Case 000079. While the Appellant has operated with maximum diligence, curing all deficiencies and paying all fees, the Respondents have retreated into defaults. To protect the integrity of the judicial process under *Chewing v. Ford Motor Co.*, 354 S.C. 303 (2003), this Court must grant the requested relief.

WHEREFORE, Appellant Tony Williams moves this Court to:

1. **VACATE** the Order of Substitution in Case 000079;
2. **STRIKE** all deficient and unauthorized motions filed by Respondents; and
3. **GRANT Summary Reversal** and enter Final Judgment for **\$30,000,000.00**.

Respectfully Submitted,

s/ **Tony Williams**

Appellant Pro Se / 100% Disabled Veteran

Dated: April 7, 2026

