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Subject: APPELLANT'S OPPOSITION TO MOTION FOR ATTORNEY FEES: NOTICE OF EXTRINSIC FRAUD AND LACK OF STANDING
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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Apr 17 2026
SC Court of Appeals

Tony Williams, Appellant,

v.

Lowe's Home Centers, LLC, et al., Respondents.

Appellate Case No.: 2026-000079 (Lower Court: 2025-CP-07-01666)

**APPELLANT'S OPPOSITION TO MOTION FOR ATTORNEY FEES:
NOTICE OF EXTRINSIC FRAUD AND LACK OF STANDING**

I. INTRODUCTION

Appellant Tony Williams, appearing *pro se*, hereby moves this Court to **STRIKE** the Respondents' Motion for Attorney Fees filed on April 16, 2026. This motion is not a legitimate request for costs; it is a calculated "scam" and an exercise in **Extrinsic Fraud** intended to normalize a record built on unauthorized representation and clerical deception.

The moving parties, Andrew Melling and Michelle Gaston, currently lack the legal authority to represent the Respondents. Specifically, Andrew Melling is listed as "**Former / Status N**" on the official C-Track record (April 17, 2026), and Michelle Gaston has failed to provide this Court with a **Signed Corporate Consent to Substitute** from Lowe's Home Centers, LLC. A "Former" attorney and an unauthorized "Substitute" cannot move for fees under **Rule 222, SCACR**, as they are legal strangers to the current posture of this appeal.

II. ARGUMENT AND CASE LAW SUPPORT

A. Prematurity and Lack of Finality

Respondents claim to be "prevailing parties" under *Muller v. Myrtle Beach Golf & Yacht Club*. This is a material misrepresentation. Appellant has timely filed a **Notice of Intent to File Petition for Writ of Certiorari (4/13/2026)** and a **Supplemental Notice (4/17/2026)**.

Under **Rule 221(b), SCACR**, the filing of a Notice of Intent **STAYS THE REMITTITUR**. Without a Remittitur, there is no final judgment. As the Supreme Court held in *Prevatte v. Asbury Arms*, 302 S.C. 413 (1990), appellate costs and fees are taxed in the remittitur. Because

the remittitur is stayed by operation of law, the Motion for Fees is **premature** and must be denied as a matter of law.

B. Extrinsic Fraud and Identity Misrepresentation

The motion is signed by Michelle Gaston, who has attempted to split her identity (using a variant middle initial) to bypass her status as a **Defendant** in a related malpractice action (Case 2025-CP-07-02967). This is **Extrinsic Fraud**—fraud that prevents a party from fully and fairly presenting their case. *Hagy v. Pruitt*, 339 S.C. 425 (2000).

C. The "Status N" Bar to Recovery

Andrew Melling's status as "**Former**" (Status N) on the Appellate CMS (C-Track) renders any filing by him or on his behalf a nullity. An attorney who has been terminated from the record cannot be awarded fees for work allegedly performed during a period of unauthorized representation.

III. CONCLUSION

This Court should not reward the "Ghost Team" for their attempts to manipulate the administrative record. The Motion for Attorney Fees is a fraud upon the Court, filed by unverified counsel, while the case is pending transition to the Supreme Court.

Respectfully Submitted,

s/ Tony Williams

April 17, 2026