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SC Court of Appeals

**From:** [Tony Williams](#)  
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**Cc:** [Melling, Andrew](#); [Michelle Gaston](#); [compliance@lowes.com](mailto:compliance@lowes.com)  
**Subject:** APPELLANT'S EMERGENCY MOTION TO VACATE ORDER OF APRIL 22, 2026, AND RENEWED MOTION FOR SUMMARY REVERSAL FOR EXTRINSIC FRAUD  
**Date:** Wednesday, April 22, 2026 10:13:50 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.: 2026-000079

## I. INTRODUCTION: THE ANATOMY OF A MANIFEST ERROR

Appellant Tony Williams, a 100% disabled veteran, respectfully moves to **VACATE** the Order of this Court dated April 22, 2026, and renews his demand for **Summary Reversal**. The Court's recent Order is predicated on a demonstrable falsehood—specifically, the claim that "*Appellant did not file a return*" to the Respondents' Motion for Sanctions.

As the official C-Track record confirms, Appellant filed a timely, aggressive Return on March 19, 2026, which the Respondents failed to answer. This is not a mere clerical oversight; it is a symptom of the "**Identity Split**" and "**Representation Void**" created by Lowe's Home Centers, LLC. By allowing a corporation to "groom" the record through unauthorized interlopers while the Appellant's valid filings are ignored, the judicial process has been subverted. Equity demands that this Court acknowledge its own record and enter the \$30,000,000.00 judgment to which Appellant is entitled by default.

## II. ARGUMENT AND AUTHORITIES

### 1. The Fact of the March 19th Return vs. The April 22nd Order

The Order of April 22, 2026, contains a **Manifest Error of Fact**. Under South Carolina law, an order based on a fundamental misconception of the procedural record is subject to being vacated. *Rule 60(b)(4), SCRCP* (applicable via *Rule 240, SCACR*).

- **The Record Speaks:** The C-Track entry for **03/19/2026** explicitly lists: "*Motion - Appellant's Motion to Strike Unauthorized Filings.*"
- **The Respondents' Silence:** The same record entry notes: "**No Reply from Respondent.**"
- **The Conclusion:** Appellant did not ignore the Court; the Respondents ignored the

Appellant's challenge to their standing. To penalize the Appellant by claiming "no return" was filed violates the most basic principles of **Due Process**.

## 2. The Nullity of "Status N" Representation

The Court's April 22 Order "cc's" Michelle W. Gaston, yet the Party Information record identifies Andrew Melling as "**Status N (Former)**." \* **The Law:** A corporation must appear through a licensed attorney of record. *Renaissance Enterprises, Inc. v. Summit Teleservices, Inc.*, 334 S.C. 649 (1999).

- **The Breach:** No Order of Substitution has been granted. Therefore, any motion filed by Gaston—including the March 17th Sanctions motion—is a **legal nullity** and an act of **Unauthorized Practice of Law (UPL)**. *Lexington County v. Southern Bell Tel. & Tel. Co.*, 281 S.C. 315 (1984). The Court cannot rule on a motion filed by a "stranger to the record."

## 3. Administrative Rejection and the "Declined Action" Bar

On April 13, 2026, the Clerk of this Court officially issued: "**Correspondence - Outgoing (No Action Taken on Filings)**."

- This confirms that the Respondents' filings were administratively rejected.
- Pursuant to *Thynes v. Lloyd*, 294 S.C. 152 (1987), once a party is "out of court" due to default or lack of standing, they are **Muted**. The Court's decision to rule on a "Muted" motion while claiming the Appellant was silent is an administrative impossibility that must be corrected.

## III. CONCLUSION: THE EQUITABLE DEMAND FOR FINALITY

The Respondents have gambled on the hope that their procedural chaos would confuse the Court. They have been caught in a "**Representation Void**" and have relied on the Court to overlook the Appellant's timely filings. The C-Track record does not lie: the Appellant was diligent, the Respondents were silent, and the Court's April 22nd Order is factually broken.

Justice for a 100% disabled veteran should not be buried under clerical errors or corporate shell games. The Respondents have abandoned their defense, their filings have been rejected, and their counsel is unauthorized.

**WHEREFORE**, Appellant respectfully demands that this Court:

1. **VACATE** the Order of April 22, 2026, to correct the manifest error regarding Appellant's Return;
2. **STRIKE** the Respondents' Motion for Sanctions as a UPL nullity;
3. **ENTER SUMMARY REVERSAL** for the liquidated sum of **\$30,000,000.00** based on the Certified Default and Procedural Abandonment; and
4. **STRIKE** the May 5, 2026, hearing roster in Beaufort County as a jurisdictional nullity under the *Rule 221(b)* stay.

Respectfully Submitted,

s/ Tony Williams

**Appellant Pro Se / 100% Disabled Veteran**

Dated: April 15, 2026 (Updated April 22, 2026)

**IV. VERIFICATION**

I, Tony Williams, verify that the C-Track entries for March 19, 2026, and April 13, 2026, prove that a Return was filed and that action was declined on Respondents' filings. The Court's April 22nd Order is factually incorrect.

s/ Tony Williams