

Apr 28 2026

SC Court of Appeals

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Subject: APPELLANT'S EMERGENCY PETITION FOR REHEARING AND MOTION TO VACATE VOID ORDER OF DISMISSAL FOR EXTRINSIC FRAUD AND CLERICAL COLLUSION
Date: Tuesday, April 28, 2026 10:29:32 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: 2026-000317

(Relating to Beaufort County Case No: 2025-CP-07-01325)

**APPELLANT'S EMERGENCY PETITION FOR REHEARING AND
MOTION TO VACATE VOID ORDER OF DISMISSAL FOR
EXTRINSIC FRAUD AND CLERICAL COLLUSION**

I. INTRODUCTION: EXPOSING THE PREDETERMINED AMBUSH

The Appellant, Tony Williams, *pro se*, respectfully moves this Court to **Vacate and Strike** the Order of Dismissal dated April 27, 2026. This Order is the culmination of a "Ghost System" designed to strip a *pro se* litigant of his constitutional rights through coordinated clerical collusion and extrinsic fraud.

Despite the Appellant's meticulous compliance with every financial and procedural requirement of this Court, the Clerk's Office—acting in tandem with conflicted Respondent Counsel Michelle Gaston—has attempted to "groom" the record to bypass the mandatory **Stay of Remittitur** before the May 5, 2026, hearing in Beaufort County. This Order is void *ab initio*, as it was issued while a mandatory **Rule 240 Motion** remained unadjudicated and while Appellant's fees were fully paid.

II. EVIDENCE OF FULL COMPLIANCE AND PROCEDURAL DILIGENCE

The Clerk's characterization of "failure to prosecute" is forensically debunked by the Court's own C-Track record, which proves the Appellant is a model of diligence:

- **Financial Finality:** Appellant has **paid all motion fees and filing costs**. The record (04/02/2026) confirms the "Partial Correction (Notice of Appeal Filing Fee)" and subsequent payments for omnibus motions.
- **Response to Deficiencies:** Appellant has timely and exhaustively **responded to all**

deficiency letters issued by this Court. Every request for "Proof of Service" or "Correction" was met with an immediate filing (See C-Track entries 02/23, 03/31, and 04/02).

- **Unruled Motions:** To date, **none of Appellant's substantive motions have been ruled upon**, despite full payment of fees. Instead, the Court has issued a dismissal based on a transcript requirement that Appellant specifically moved to waive under **Rule 240** on March 11, 2026.

III. EXPOSURE OF CLERICAL COLLUSION (THE RULE 240 TRAP)

The record reflects a calculated "shell game" intended to provide Lowe's with a "clean" exit from a **\$30,000,000.00 Default**:

1. **The Structural Error:** The Order dated April 27, 2026, dismisses the appeal for "failure to order a transcript" while simultaneously "declining to consider" the very motion (Rule 240) that requested the waiver of that transcript.
2. **Due Process Violation:** A court lacks jurisdiction to dismiss for a procedural default when a motion to excuse that default is pending. To do so is a violation of the 14th Amendment.
3. **Respondent Interference:** The record (C-Track 03/24/2026) notes "No Reply from Appellant." This is the "smoking gun." Respondent Gaston intentionally interfered with service by blocking Appellant's digital communications, ensuring Appellant remained "blind" to notices while Gaston whispered for "favors" in the Clerk's ear.

IV. THE ORDER IS VOID FOR EXTRINSIC FRAUD

Lowe's Home Centers is fully aware of the bad faith being practiced by their conflicted counsel. This dismissal is a forensic diversion to prevent this Court from seeing that the lower court record is a forgery lacking **Judicial Identification Codes (JIC)**.

- **Case Law:** *"Where an order is procured by extrinsic fraud—conduct which prevents a party from having a fair submission of the controversy—it is void and must be vacated."* **Evans v. Gunter**, 294 S.C. 525 (Ct. App. 1988).

V. DOCTRINE OF INTERTWINED JURISDICTION

Under **Rule 221(b), SCACR**, the filing of this Petition **automatically stays the remittitur**. Any attempt by the Beaufort County Circuit Court to proceed on May 5th, while this Petition is pending and while the Respondents remain in **Certified Default**, is a jurisdictional nullity. *Bunkum v. Manor Properties*, 321 S.C. 95 (Ct. App. 1996).

VI. RELIEF REQUESTED

1. **VACATE** the Order of April 27, 2026, as a void nullity.
2. **REINSTATE** the appeal and rule upon the pending **Rule 240 Motion and Omnibus Motion for Extrinsic Fraud**.
3. **STAY THE REMITTITUR** and notify the Beaufort Clerk that the May 5th roster is jurisdictionally barred.

CONCLUSION

This Court must not allow its processes to be used as a "laundry" for corporate fraud. The

receipts and timestamps prove the Appellant has complied; the record proves the Clerk has failed. **Praise the Lord for the light that exposes the hidden works of darkness.**

Respectfully Submitted,

S/Tony Williams, Pro Se

DATE: April 28, 2026