

RECEIVED

DEC 27 2013

IN THE SOUTH CAROLINA COURT OF APPEALS
APPELLATE CASE NO. 2012-213208 -
Lower Court Case no. 2012-CP-1800539

SC Court of Appeals

Pages 1 of 4
Attachments-25

Roger L. Whaley, Pro Se Appellant/Plaintiff
v.
South Carolina Federal Credit Union and
BANK of AMERICA, Respondents/Defendants

Pro Se APPELLANT/WHALEY'S MOTION TO RELIEVE as COUNSEL/ ¹ - Respondent/BOA's said Attorneys and/or Law Firm NELSON, MULLINS... pursuant with SCACR 240(a-b) which will automatically STAY the APPEALS COURT ORDERED RULINGS Dated 11/17/2013; *(Supported by Respondent/SCFCU's attached 11/4/2013 Letter- See Exh. C); & supported also by ROPC Rule 1.7; SCRCP Rule 54(b) & Rule 15(b) or/ Filing Appellant Whaley's ALTERNATIVE TO CERTIFY an INTERLOCUTORY APPEAL (to the S.C. SUPREME COURT SCACR 203(d)(1)(A)(ii) "...involving a challenge on state or federal grounds to the constitutionality of a state law..." *(See Exh. B; Order/ Appeals Ct)

COMES NOW, pro se Appellant Whaley, filing in this Appeals Court, pursuant with SCACR Rule 240(a),(b), as Rule 240(b) is admitted, with BOTH RESPONDENTS, and Appeals Court's alleged said "Understandings"-*(See Exh. Ee & Respondent/BOA's Mt to Dismiss. pg 3) is that this appeals court, Must! STAY! Any!! Appeals Court PENDING Orders/such as the Court Order dated 11/27/2013, must be STAYED pursuant with Rule 240(b) until Appellant/Whaley's Motion to RELIEVE COUNSEL/of RESPONDENT/Bank of America/BOA, is decided by this said Appeals Court.

RESPONDENTS' BOA's MOTIONS and SCFCU's (Improper! filed in the Appeals Court an alleged) MEMORANDUM/a/k/a/"INTRODUCTION" Attached with RESPONDENT/SCFCU's LETTER dated "November 18, 2013" (Exh.A-2) was Filed as APPEALS COURT'S PLEADING(S)/or MOTION(S); AND the LOWER TRIAL COURT'S attach "...PUBLIC INDEX..." (Exh. Bc), shows/or supports APPELLANT/Whaley's ALWAYS FILED in this APPEALS COURT Destination/and Notice of Appeal, involving only! the SAME CLAIMS, PARTIES, and attached EVIDENCE/or "MATERIAL" (pursuant with Rule 209[b-]) that APPELLANT/Whaley also filed in the Lower Trial Court - WHICH supports also APPELLANT/Whaley's Filed Motion for RELIEVE as COUNSEL/of RESPONDENT/BOA's LAW FIRM - NELSON, MULLINS, Riley & Scarborough, LLP- due known Conflict of Interest ALWAYS with APPELLANT WHALEY/and or Appellant's named CASHIER'S CHECKS named PAYEE/CCG- and! SAME said LAW FIRM's ALWAYS KNOWN AFFILIATION with both! RESPONDENTS/BOA and SCFCU's - PERSONAL!! CLAIMS and ADDITIONAL PARTIES brought into this said Civil CASE MATTER - as being an alleged FEDERAL RECEIVER-Mr. BEATIE B. ASHMORE (at the SAME!! TIME! Mr. B.B. Ashmore also SERVES as- THIS! said APPEALS/and/or SUPREME COURT BOARD MEMBER(S), as being a SCREENER of S.C. JUDGES, and to DISCIPLINE S.C. ATTORNEYS *(which show BIAS Possibly CONTINUED!! (See Respondent SCFCU's LETTER Exh. C dated NOV. 4, 2013/filed in this said Appeals Court; and goes against Rules of Canon 2 & 3; 28 U.S.C. § 958) - WHICH this APPEALS COURT continues!! to IGNOR /in Error Greatly OVERLOOKED - Pursuant with SCACR Rule.240(b); 209(b); 208(a); & ROPC 1.7 & Cannon 2&3 -; & Rule 15(b) & SCRCP 203(b)

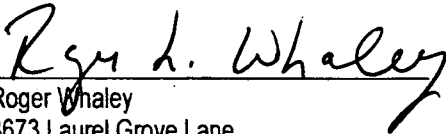
As the following below are continued reasons for RELIEF of COUNSEL of Respondent/BOA:

1. Both Respondents filed pleadings/and letters in this said Appeals Court, as well as this said Appeals Court's ORDER

¹ (See Respondent/BOA/Mt to Dismiss pg 3-/and/Respondent/SCFCU's alleged! Memo"Introduction"/pg 2, admits as to each Respondents' RELIANCE UPON Appellant/Whaley's Lower Court's Mt for RECONSIDERATION, pg 6- which Shows -Appellant Whaley ALWAYS REQUESTED for the RESPONDENT/BOA's COUNSELOR/NELSON, MULLINS...LAW FIRM and ALL! its ASSOCIATIONS must be RELIEVE as COUNSELORS due to INTENTIONAL CONFLICT of INTEREST/and said LAW FIRMS always known PERSONAL INTEREST with APPELLANT/Whale/and or Appellant's named CASHIER'S CHECKS named PAYEE/CCG's STATE!! COURT! APPOINTED RECEIVER, which CONFLICTS with RESPONDENT/BOA's said LAW FIRM'S PERSONAL Claims BROUGHT within the LOWER TRIAL COURT, who ORDERED RESPONDENT/BOA's LAW FIRM's Claims that a FEDERAL COURT RECEIVER, is over Appellant Whaley's said CASHIERS CHECKS/monies; *(See also Appellant/Whaley's filed "INITIAL BRIEF" and field "DESIGNATION of MATTER" which further supports this about MOTION TO RELIEVE COUNSEL/of RESPONDENT/BOA were always "...RECORDS ON APPEAL...MATTERS...PRESENTED to the LOWER COURT or Tribunal"; which IN ERROR! or due to BIAS, INCORRECTLY, or FRAUDULENTLY Claimed otherwise, in this APPEALS COURT's ORDER dated 11/27/2013. *(See Lower Trial Court's TRANSCRIPT pages 10, Lines 19-25, & pg 11 Lines 1-3, date August 29, 2012); Pursuant with Rules, 204(b), 54.(b), 15(b), & Canon 2&3

WHEREFORE, the Conclusion in this matter is that this said Appeals Court, must withdraw! or Relieve as Counsel (along with ANY and ALL the said law firms' proper filed pleadings, orders...etc.al..filed) in this said case matter, which involves the RESPONDENT/BOA Law Firm, Nelson, Mullins, Riley, & Scarborough, pursuant with Rule 240(b), and SCROPC Rule 1.7, Rule 15(b), and or Appellant Whaley is filing an Alternative TO CERTIFY an INTERLOCUTORY APPEAL in which all other matters must be at a STAY up until this said Appeals has made a final ruling.

Dated: December 24, 2013



Roger Whaley
8673 Laurel Grove Lane
North Charleston, SC 29420
Email - la99mont@yahoo.com

CERTIFICATE OF SERVICE

I declare that all that is stated is true and believable, attached with DOCUMENTED EVIDENCE to support any and all Appellant Whaley's claims, which also supports these said Claims filed in this Motion for RELIEVE AS COUNSEL is not being filed frivolously, nor to delay, and to show as well that all proper parties has been hand-delivered, mail, and faxed this said Motion for Relieve of Counsel, the RESPONDENT/BOA's Law Firm and All it counselors with Nelson, Mullins, Riley & Scarborough, LLP, who continues! to filed FRIVOLOUS MOTION to DISMISS;

*(See Exh. Aab, Aac dated November 12, 2012 Lt from BOA Lawyers-and November 10, 2012- Lt from Lower Ct-Court Reporter about TRANSCRIPT[s] alleged Transcript Deficiencies , REGARDING the PASS Motion to DISMISS/by this said APPEALS COURT, which was DENIED, although! this said Appeals Court appears to have had BIAS INTEREST/and or in RETALIATION/due to Appeals Court BOARD MEMBER-and RESPONDENTS' alleged FEDERAL RECEIVER-Mr. BEATTIE B. ASHMORE, whom BOTH RESPONDENTS ONLY! who ADDED that said PARTY and others to be brought into this said Appeals Court (See TRANSCRIPT 5-8-2012 pgs 3 thru 8/or PAGE 4 which shows BOTH/Respondent(s) JOINT!! ADDING of MR. BEATTIE B. ASHMORE as FEDERAL RECEIVER - in an ONGOING!! STATE!! COURT! ISSUES, which also against ROOKER/FELDER DOCTRINE, as well as against SCRPC Rule 203(d)(1)(A)(ii)-regarding CONSTITUTIONAL QUESTIONS between FEDERAL and STATE LAWS ; But the said Appearance of BIAS MISCONDUCT/and or Retaliation, was when this said Appeals Court-did not place that said FIRST!! DENIAL on Appeals Court Records, but! later allowed this CASE to REMAIN within this Appeals Court when this Appeals Court's CLERK APPROVED EACH TIME Appellant's Court Requested/and Produced ALL "Deficiency" that were required. (See Exh. Aaa dated "August 23, 2013" regarding This Appeals Lt involving "...Appellant's INITIAL BRIEF" and "DESIGNATION"; and see Exh. Aa dated "October 10, 2013" - requested/Correction of "Deficiencies" with Appellant's MOTION FOR JUDGMENT against RESPONDENT BANK of AMERICA...; Which RESPONDENT/BOA's filed MOTION to DISMISS dated "OCTOBER 24, 2013" *(See Exh. E- thru - E-5) shows that the RESPONDENT/BOA - NEVER!! requested for this APPEALS COURT! to DENY! Appellant/Whaley's filed MOTION FOR JUDGMENT, *(See also Exh. A-1-Apl't's Motion for Judgment-against BOA);

As well as NEITHER!! RESPONDENTS/BOA nor SCFCU filed PLEADINGS in this said Appeals Court NEVER!! requested for Appellant/Whaley to AMEND his "INITIAL BRIEF" *(which is requested IN ERROR/or OTHERWISE - claimed in this APPEALS ORDER dated 11/27/2013)* - although this said Appeals Court did! LEGALLY ACCEPTED APPELLANT's filed INITIAL BRIEF and filed DESIGNATION - after said Deficiencies were properly CORRECTED by Appellant/Whaley . *(See Exh. Aa, & Aaa)

The above said Motion to RELIEVE COUNSEL, Appellant/Whaley is ONLY requesting the RELIEVE of COUNSEL of RESPONDENT/BOA's Law Firm - Nelson, Mullins, Riley, Scarborough, LLP and all its alleged Representative(s)-who NEVER legally placed EACH of their APPEARANCE in this said APPEAL COURT, due to the appearance of continued BIAS of this said Appeals Court's said above OFFICIALS/ and due to Respondent/BOA said LAW FIRMS intentional CONFLICT of INTEREST - by being PAID/or was APPOINTED to REPRESENT Both! Respondent/BOA & APPELLANT/Whaley's MONEY INTEREST involving the SAME MONIES filed in Appellant/Whaley's COMPLAINT and all his other filed pleadings, including this said Appeals Court, & prior Supreme Court.. *(See Appeal Ct Lt -attach Exh. Aa & Aaa)

cc: Jody A. Bedenbaugh/Attorney for Respondent/ Bank of America/but No! other Attorney never place their proper APPEARANCE in this said Appeals Court such as Attorney - "Attorney C. Sullivan" who has FILED ALL the said Appeals Court's Unethical/or improper filed Pleadings- which MUST be Withdrawn/or Relieved as Counsel

cc: Andrew H. Butler, Esq./Respondent/South Carolina Federal Credit Union-alleged ATTORNEY, and NOW ALSO the illegal/or unethical Appeals Appearance of Attorney SHEILA M. BIAS appeared ONLY in this said APPEALS Court, but! NEVER! APPEARED within the said Lower Court as being SCFCU's ATTORNEY with the ONLY! appeared Attorney "E. CALEB RISER, Esquire" - who also NEVER place his Proper!! Written!! APPEARANC-in the LOWER Trial Court, when RECORDS shows a complete yet! Different Attorney, NOT Mr. Butler WROTE the said MOTION to DISMISS - "INTENT" to FILE-but NEVER! DID...only supported RESPONDENT/BOA's Mt to Dismiss;

ATTACHMENTS - 25

Attached in this Section -7

Pursuant to SCACR - Rule 54(b)

Exh. A

Shows Below
Multiple Claims...
IN Appeals Court ORDER
11-27-2013

- 1. SEE - Mt for Judgment - Denied
- 2. - Mt for Strike partial DESIGNATION - Granted
- 3. - Mt to Dismiss Appeal - yet!
- 4. - Order to Amend Initial Brief
- 5. - Order to Amend Designation

The South Carolina Court of Appeals

Roger L. Whaley, Appellant.

v.

South Carolina Federal Credit Union and Bank of America, Respondents.

Appellate Case No. 2012-213208

ORDER

Appellant's Motion for Judgment is denied as to both Respondents. Additionally, Respondent Bank of America's motion to strike is granted. Within thirty days, Appellant shall serve and file an amended Designation of Matter which excludes items two, five, and seven through fourteen. See Rule 209(b), SCACR (noting the Designation of Matter "may only propose to include . . . materials which may be properly included in the Record on Appeal"); (Rule 210 (c), SCACR ("The Record on Appeal shall not however include matter which was not presented to the lower court or tribunal"). Further, within thirty days, Appellant shall also serve and file an amended Initial Brief that fully complies with Rule 208, SCACR, and Rule 267, SCACR. Upon receipt of the amended Designation of Matter and Appellant's amended Initial Brief or upon the expiration of thirty days, this court will consider Respondent Bank of America's motion to dismiss.

[Signature]
FOR THE COURT

Columbia, South Carolina

cc:

FILED
11/27/13

Exh. A-1

THE SOUTH CAROLINA COURT OF APPEALS

Roger L. Whaley, Appellant, Pro Se

Attachments - 2

v.

*Appeals Order/9/27/13
*and Respondent SCFCU Letter 9/10/13

South Carolina Federal Credit Union and Bank of America, Respondents.

Appellate Case No. 2012-213208

Presiding Lower Court Judge Maite D. Murphy
Dorchester County
Trial Court Case No. 2012CP-1800539

LETTER to CLERK/a/k/a/MOTION for Judgment against RESPONDENT BANK OF AMERICA/or/REQUEST to REMAIN THAT said RESPONDENT MATTER BACK to Lower Trial Court with INSTRUCTION, to ENTER Direct JUDGMENT IN FAVOR of Plaintiff/Appellant Roger Whaley Pursuant with SCRAP 208(a)(2),(4)&(7)¹

Dear Clerk:

Pursuant with SCRAP Rule 208(a)(4)&(7), by the understanding of this Pro Se, Plaintiff/Appellant Whaley, can write a LETTER/a/k/a/or MOTION FOR JUDGMENT against Defendant/RESPONDENT-BANK OF AMERICA /or Request to REMAIN that said Defendant/Respondent/Bank of America's MATTER BACK to Lower Trial Court with INSTRUCTION for the lower trial court Judge to Enter DIRECT JUDGMENT in FAVOR of PLAINTIFF/Appellant Roger Whaley, as in indeed the Respondent BANK OF AMERICA, has not/and or CAN NOT Denied any!! of Appellant/Whaley's State of Facts/nor Arguments made in his Initial Brief/and/or Designation; as well as Respondent/Bank of America has FAILED to file its required Responsive Brief, pursuant with SCRAP 208(2), nor did Defendant/Respondent Bank of America, never! requested any kind of extension of time to file any Response; as is required by SCRAP Rule 7, just as the Defendant/Respondent South Carolina Federal Credit Union.³

Therefore, I, the Appellant, Roger Whaley is requesting this said APPEALS Court to Grant Plaintiff/Appellant/Whaley Motion for Judgment/and/or Requesting this Appeals Court Remain Respondent/ Bank of America's case matters Back before the said lower trial court with in SPECIAL INSTRUCTION to render Judgment in FAVOR of Plaintiff/Appellant Whaley, will not bias no party. But will indeed show that this said Appeals Court is not biased against the Plaintiff/Appellant Whaley, as a Pro Se, non-attorney.

Please find, attached also Plaintiff/Appellant Whaley's CASHIER'S CHECK for \$25.00, in case this said letter/or motion must be paid so to file in this said Appeals Court/or in order for this matter to receive such equal justice. If there is any other information needed, please do not hesitate to write this said Pro Se Appellant/Whaley.

September 30, 2013

Respectfully,
Roger L. Whaley
Roger Whaley, Pro Se

CC: Drew Hamilton Butler; Erik Tison Norton; Jody A. Bedenbaugh; Sheila M. Bias;

¹ SCRAP Rule (7) Supplemental Citations. When pertinent and significant authorities come to the attention of a party after his initial brief(s) has been served and filed; the party shall promptly advise the clerk of the appellate court, by letter, with a copy to all counsel, setting forth the citations. There shall be a reference either to the page of the brief or to an issue to which the citations pertain, but the letter shall, without argument, state the reasons for the supplemental citations. Any response shall be made promptly and shall be similarly limited.
² SCRAP Rule (4) Failure to File. Upon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court shall sign an order dismissing the appeal, and the appeal shall not be reinstated except as provided by Rule 260. Upon the failure of respondent to timely file a brief, the appellate court may take such action as it deems proper.
³ Which this said Appeals Court Clerk could ONLY GRANTED the EXTENSION of Defendant/Respondent "SC Federal Credit Union" request for "...a 30 day Extension in which to SERVE and FILE...(their/ONLY SCFCU's)...Initial Respondent's Brief and Designation of Matter" when SCFCU's LETTER dated "September 10, 2013" shows it only!! requested in its said LETTER for the Extension for 30 days ONLY from the "COUNSEL" for "Respondent SC Federal Credit Union".

Exh. A-2

**RICHARDSON
PLOWDEN**
ATTORNEYS AT LAW

COLUMBIA P.O. Drawer 7785 • Columbia, SC 29201
1000 Rainwell St., Columbia, SC 29201 P 803.771.4400 F 803.779.0610

MYRTLE BEACH P.O. Box 3645 • Myrtle Beach, SC 29577
2103 Furlow St., Myrtle Beach, SC 29577 P 843.448.1008 F 843.448.1550

CHARLESTON 48 Calhoun St., Suite 220 • Charleston, SC 29401
P 843.805.6550 F 843.805.6491

www.richardsonplowden.com

November 18, 2013

Columbia
Direct Dial: (803) 576-3718
sbias@RichardsonPlowden.com

VIA HAND DELIVERY

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: **Roger L. Whaley v. South Carolina Federal Credit Union and Bank of America**
C/A No.: 2012-CP-18-539
Appellate Case # 2012-213208
Our File No. 7130-36

Dear Ms. Kitchings:

As counsel for the Respondents South Carolina Federal Credit Union, I have enclosed for filing an original and six copies of our Memorandum in Opposition to Appellant's Motion for Judgment to be Included in the Record on Appeal in the above referenced matter, along with our original Certificate of Service. I have also enclosed one additional copy of our Memorandum and would request that it be file stamped and returned to our courier.

We are this day serving a copy of our Memorandum on pro se Appellant Roger Whaley and all counsel of record.

Thank you for your assistance and with kind regards, I am

Sincerely,

Sheila M. Bias

Sheila M. Bias
SC Bar # 100005

SMB/dfb

cc: Roger Whaley, Pro se
Jody Alan Bedenbaugh, Esquire
Erik Tison Norton, Esquire
Drew Hamilton Butler, Esquire
Tara C. Sullivan, Esquire

Exh. Aa

pro se
Appellate Court's below shows ^{pro se} Appellant/Whaley timely file this
Motion for Judgment, but only needed a corrected Proof of
Service, that was completed timely
by Appellant/Whaley...



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMNER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1892
FAX: (803) 734-1896
www.sccourts.org

October 10, 2013

Roger L. Whaley
8673 Laurel Grove Lane
North Charleston SC 29420

Re: Roger Whaley v. SC Federal Credit Union
Appellate Case No. 2012-213208

Dear Counsel:

Upon reviewing your "Letter to clerk/a/k/a motion for judgment against respondent Bank of America or request to remain that said respondent matter back to lower trial court with instruction, to enter direct judgment in favor of plaintiff/appellant Roger Whaley," the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The accompanying proof of service is not in compliance with the SCACR. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

Jenny A. Kitchings
CLERK

Exh. Aaa

*SC Appeals Court Admits Appellant
Whaley's "Initial Brief" is timely
filed, but needs to file also
his "Designation"
which was filed
by Appellant
and properly
accepted by
This Appeals
Court...
since the
Appeals
Court
never
dismissed!
Appellant's
INITIAL
Brief*



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK
V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 23, 2013

Roger L. Whaley
8673 Laurel Grove Lane
North Charleston SC 29420

Re: Roger Whaley v. SC Federal Credit Union
Appellate Case No. 2012-213208

Dear Mr. Whaley:

Upon reviewing your appellant's initial brief, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

The initial brief is not accompanied by a designation of matter to be included in the record on appeal. We are returning the attachments and exhibits to you.

You will need to submit a designation of matter to the Court pursuant to Rule 209, SCACR, and Form 14. The designation must be filed within ten days of the date of this letter or your case may be dismissed. The respondents' briefs will be due within thirty (30) days from the filing of the appellant's designation of matter.

Also
See Attached Exh. B - Shows Appellate Court
Continued - Error and Respondent BOA continued
Exh. A & B
Errors w/ Appellant
Whaley
Transcript
and
Nov 2013
Error in
Order -
11-27-
2013

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.5904
www.nelsonmullins.com

Erik T. Norton
Tel: 803.255.9532
Fax: 803.255.5904
erik.norton@nelsonmullins.com

November 12, 2012

Jenny Abbot Kitchings
Clerk of Court
The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Roger L. Whaley v. South Carolina Federal Credit Union and Bank of America
Case No. 2012-CP-18-539, Appellate Case No. 2012-213208
Our File No. 05100/02149

Dear Ms. Kitchings:

I represent Defendant/Respondent Bank of America in the above-referenced action. I am writing to request dismissal of this appeal pursuant to Rule 208(a)(4), which requires the clerk to dismiss the action when the Appellant fails to timely file a brief.

Appellant Whaley served his notice of appeal on September 28, 2012. Rule 207(a) requires the Appellant to order a transcript within ten days of the notice of appeal and to copy all parties on correspondence to the court reporter. To date, we have not received any correspondence from Mr. Whaley indicating that he has ordered a transcript. Rule 208(a) requires the Appellant to file and serve his initial brief within thirty days of the notice of appeal if he fails to order the transcript as required. To date, Appellant Whaley has failed to file and serve his initial brief. Therefore, Appellant Whaley has failed to file his brief within thirty days of the notice of appeal, as required by Rule 208(a). Therefore, we request that you sign an order dismissing the appeal as required by Rule 208(a)(2)(4).

Thank you for your attention to this matter. I have enclosed a check for the required motion filing fee. Please let me know if you require any further information.

Very truly yours,

Erik T. Norton

Erik T. Norton

cc: Roger Whaley, Pro Se

See Also Attached Exh B + Ach
Shows Appeal Court Error and Respondent's
Exh. Aac
Cont: need errors
w/ Appellant Whaley
Transcript and
Now! 2013
Error in
Order - 11-27-13



State of South Carolina
The Circuit Court of the Eleventh Judicial Circuit

Brenda J. Sigwald, Circuit Court Reporter At-Large
P.O. Box 206, Jackson, SC 29831 *** bsigwald@scccourts.org

November 10, 2012

Roger Whaley
8673 Laurel Grove Lane
North Charleston, SC 29420

Re: 2012-CP-18-0539

Dear Mr. Whaley,

This is to acknowledge that on November 9, 2012, I received your letter and payment for the Transcript of Record in the above matter.

If the transcript is less than the amount previously quoted to you, I will refund the difference to you upon delivery of the transcript. If the transcript is more than the amount previously quoted to you, the balance will be due prior to delivery of the transcript. I will contact you upon completion of the transcript.

Under our rules, I have sixty days in which to complete the transcript after receipt of the deposit. In addition, I am allowed to request from Court Administration thirty day extensions if necessary to complete the transcript. You will be notified if extensions are granted.

If you desire to cancel the request for the transcript, a cancellation request must be made in writing. You will be responsible for payment of any portion of the transcript that has been completed as of the date of receipt of your cancellation.

Should you have any questions regarding the above information, please contact me at the above address. Thank you for your request in this matter.

Sincerely,

Brenda J. Sigwald

Brenda J. Sigwald
Circuit Court Report

bjs

ATTACHMENTS - 25

Attached in this Section - 5

Exh. B



* Showings Errors Filed
By Appellate Court since
year 2012 and up to
about March or April 2013
where + his Appellate Court First
Attempted to
Dismiss Appellant's
Notice of Appeal
due to lower court
transcript was
produced!!! to the
S.C. Supreme Court

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11529
COLUMBIA, SOUTH CAROLINA 29211
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COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1820
FAX: (803) 734-1839
WWW.SCCOURTS.CIG

May 21, 2013

Because of's
Appellant's
Notice of Appeal
was yet filed
in Supreme Court
who did not allegedly
transfer to
the Appellate Court
until + his
letter "May
21, 2013"...

Roger L. Whaley
8673 Laurel Grove Lane
North Charleston SC 29420

Re: Roger Whaley v. SC Federal Credit Union
Appellate Case No. 2012-213208

Dear Mr. Whaley:

The Clerk of the South Carolina Supreme Court transferred our notice of appeal to the Court of Appeals after it was filed at the Supreme Court. Your case will remain in the South Carolina Court of Appeals.

Please advise as to the status of the transcript request. Pursuant to Rule 207(a) of the South Carolina Appellate Court Rules, the transcript must be ordered within ten days after the date of service of the notice of appeal. Failure to timely request the transcript may result in dismissal of your appeal.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Drew Hamilton Butler
Erik Tison Norton
Jody Alan Bedenbaugh

Exh. B6



Dorchester County First Judicial Circuit Public Index



Dorchester County Home Page South Carolina Judicial Department Home Page SC.GOV Home Page

Switch view

Roger L Whaley VS South Carolina Federal Credit Union , defendant, et al					
Case Number:	2012CP1800539	Court Agency:	Common Pleas	Filed Date:	02/16/2012
Case Type:	Common Pleas	Case Sub Type:	Relief 820	File Type:	Jury
Status:	Appeal	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Dismissed by Court - not Rule 40J	Disposition Date:	06/27/2012	Disposition Judge:	Murphy, Maite D
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties							
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents	
Whaley, Roger L	Letter Harry A Walkers	Filing		02/04/2013 -12:59			
Whaley, Roger L	Letter to Harry A Walker	Filing		01/30/2013 -14:41			
Whaley, Roger L	Letter/Letter	Filing		01/07/2013 -15:56			
Whaley, Roger L	Letter from Roger L Whaley	Filing		01/04/2013 -12:58			
Whaley, Roger L	Notice of Appeal	Filing		10/05/2012 -15:49			
Whaley, Roger L	Order on Motion for Reconsideration	Order		09/17/2012 -08:30	09/17/2012 -08:30		
Whaley, Roger L	Notice Added Evidence/Supplement/Reconsideration	Motion		08/29/2012 -09:51			
Whaley, Roger L	Notice of Case Publication Sent	Action		08/28/2012 -12:45			
Butler, Drew Hamilton	Notice of Case Publication Sent	Action		08/28/2012 -12:45			
Bedenbaugh, Jody Alan	Notice of Case Publication Sent	Action		08/28/2012 -12:45			
Riser, Caleb Martin	Notice of Case Publication Sent	Action		08/28/2012 -12:45			
Whaley, Roger L	Notice of Motion Scheduling	Filing		08/07/2012 -13:02			
Bedenbaugh, Jody Alan	Notice of Case Publication Sent	Action		08/01/2012 -16:21			
Riser, Caleb Martin	Notice of Case Publication Sent	Action		08/01/2012 -16:21			

* Lower Court Court Shows Whaley Order of Lower Court Transcript Since on Before Jan. 4, 2013 in Lower Trial Court Reporter Walker But the Attach to Exh. B - Shows The Appeals Court - was not Notice Whaley is Claiming Appeal on May 2, 2013

http://publicindex.sccourts.org/Dorchester/PublicIndex/CaseDetails.aspx?County=18&Co... 12/15/2011

Although the Lower Trial Court May 8, 2012 Transcript was typed and provided to Appellate Whaley on or after the date Jan. 4, 2013 while Appellate Notice of Appeal was filed. Appeal was filed with the Supreme Court while Whaley filed his Notice of Appeal May 2, 2013. Whaley's appeal was not filed until May 2, 2013.

only he Supreme Court Notice of Appeal (and I transferred Whaley's Notice of Appeal to the Supreme Court) even though Whaley's Notice of Appeal was filed May 2, 2013. Whaley's appeal was not filed until May 2, 2013.

Exh. Bc

Butler, Drew Hamilton	Notice of Case Publication Sent	Action	08/01/2012 -16:21	
Whaley, Roger L.	Certificate of Service	Filing	08/01/2012 -14:15	
Whaley, Roger L.	Notice of Hearing	Filing	08/01/2012 -14:14	
Whaley, Roger L.	Notice of Case Publication Sent	Action	07/18/2012 -11:13	
Butler, Drew Hamilton	Notice of Case Publication Sent	Action	07/18/2012 -11:13	
Riser, Caleb Martin	Notice of Case Publication Sent	Action	07/18/2012 -11:13	
Bedenbaugh, Jody Alan	Notice of Case Publication Sent	Action	07/18/2012 -11:13	
Whaley, Roger L.	Order of Dismissal With Prejudice	Order	06/27/2012 -14:16	06/27/2012 -14:16
Whaley, Roger L.	Motion/Reconsider	Motion	06/07/2012 -10:30	08/29/2012 -10:30
Whaley, Roger L.	Motion for Continuance and Judgment/Reply to Motion to Dismiss	Motion	05/08/2012 -08:34	06/27/2012 -08:34
Whaley, Roger L.	Notice/Notice of Hearing	Filing	04/25/2012 -15:58	06/27/2012 -15:58
Whaley, Roger L.	Notice/Notice	Filing	04/25/2012 -09:03	06/27/2012 -09:03
Whaley, Roger L.	Notice of Case Publication Sent	Action	04/24/2012 -11:37	06/27/2012 -11:37
Bedenbaugh, Jody Alan	Notice of Case Publication Sent	Action	04/24/2012 -11:37	06/27/2012 -11:37
Butler, Drew Hamilton	Notice of Case Publication Sent	Action	04/24/2012 -11:37	06/27/2012 -11:37
Butler, Drew Hamilton	Notice of Case Publication Sent	Action	04/24/2012 -09:27	06/27/2012 -09:27
Butler, Drew Hamilton	Notice of Case Publication Sent	Action	04/24/2012 -09:27	06/27/2012 -09:27
Bedenbaugh, Jody Alan	Notice of Case Publication Sent	Action	04/24/2012 -09:27	06/27/2012 -09:27
Bedenbaugh, Jody Alan	Notice of Case Publication Sent	Action	04/24/2012 -09:27	06/27/2012 -09:27
Whaley, Roger L.	Notice of Case Publication Sent	Action	04/24/2012 -09:27	06/27/2012 -09:27
Whaley, Roger L.	Notice of Case Publication Sent	Action	04/24/2012 -09:27	06/27/2012 -09:27
Whaley, Roger L.	Notice of Case Publication Sent	Action	04/23/2012 -16:42	06/27/2012 -16:42
Whaley, Roger L.	Notice of Case Publication Sent	Action	04/23/2012 -16:42	06/27/2012 -16:42
Butler, Drew Hamilton	Notice of Case Publication Sent	Action	04/23/2012 -16:42	06/27/2012 -16:42
Butler, Drew Hamilton	Notice of Case Publication Sent	Action	04/23/2012 -16:42	06/27/2012 -16:42
Bedenbaugh, Jody Alan	Notice of Case Publication Sent	Action	04/23/2012 -16:42	06/27/2012 -16:42
Bedenbaugh, Jody Alan	Notice of Case Publication Sent	Action	04/23/2012 -16:42	06/27/2012 -16:42
Bedenbaugh, Jody Alan	Notice of Case Publication Sent	Action	04/23/2012 -16:38	06/27/2012 -16:38
Bedenbaugh, Jody Alan	Notice of Case Publication Sent	Action	04/23/2012 -16:38	06/27/2012 -16:38
Butler, Drew Hamilton	Notice of Case Publication Sent	Action	04/23/2012 -16:38	06/27/2012 -16:38
Butler, Drew Hamilton	Notice of Case Publication Sent	Action	04/23/2012 -16:38	06/27/2012 -16:38

Exh. C

RICHARDSON
PLOWDEN

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

COMMUNICATIONS SECTION

November 4, 2013

Columbia
Direct Dial: (803) 576-3713
sbias@RichardsonPlowden.com

VIA Hand Delivery
The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: **Roger L. Whaley v. South Carolina Federal Credit Union and Bank of America**
C/A No.: 2012-CP-1800539
Appellate Case # 2012-213208
Our File No. 7130-36

Dear Ms. Kitchings:

I am in receipt of Mr. Whaley's November 1, 2013 letter regarding Respondent South Carolina Federal Credit Union/SCFCU's 10/31/2013 LETTER, SHOWS the Appearance of EXPARTE Communication.

By way of brief response, Respondent South Carolina Federal Credit Union (SCFCU) did not engage in improper ex parte communications nor did it request a second extension in which to file its Initial Brief. Our letter of October 31, 2013 was merely to document our discussion with your office about a purely procedural matter, namely Rule 240, SCACR, which suspends the perfection of the appeal—including the filing of responsive briefs—until a pending Motion to Dismiss has been decided by this Court. Given Respondent Bank of America's Motion to Dismiss, it is our understanding our client's responsive brief will be due subsequent to this Court's decision on the Motion to Dismiss. We fully intend to comply with that deadline.

Finally, it is our position that any request by Appellant for adjudication of this matter on the merits (prior to this Court's ruling on the pending Motion to Dismiss) and before the parties have briefed this appeal should be denied. As stated in my previous letter, Respondent SCFCU has misinterpreted this rule, please contact me and we will do whatever is required to be in compliance with the South Carolina Appellate Court rules for perfecting this appeal.

By copy of this letter we are serving pro se Appellant and all opposing counsel with this response.

Thank you for taking the time to review this letter and with kind regards, I am

E.A.H. Co.

Sincerely,

Sheila M. Bias

Sheila M. Bias
SC Bar # 100005

SMB

cc: Roger Whaley, Pro se ✓
Jody Alan Bedenbaugh, Esquire
Erik Tison Norton, Esquire
Drew Hamilton Butler, Esquire
Tara C. Sullivan, Esquire

ATTACHMENTS – 25

Attached in this Section - 6

Exh. E

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No. 2012-CP-18-0539

Appellate Case No. 2012-213208

South Carolina Federal Credit Union and Bank of
America, Respondents,

v.

Roger L. Whaley, Appellant.

~~BANK OF AMERICA'S MOTION TO DISMISS APPEAL
AND OPPOSITION TO APPELLANT'S LETTER TO CLERK A/K/A MOTION FOR
JUDGMENT AGAINST RESPONDENT BANK OF AMERICA OR REQUEST TO
REMAIN THAT SAID RESPONDENT MATTER BACK TO LOWER TRIAL COURT
WITH INSTRUCTION TO ENTER DIRECT JUDGMENT IN FAVOR OF
PLAINTIFF APPELLANT ROGER WHALEY DATED SEPTEMBER 30, 2013, AND,
ALTERNATIVELY, MOTION TO STRIKE PARTS OF APPELLANT'S
DESIGNATION OF MATTER~~

Pursuant to Rule 240, SCACR, Respondent Bank of America ("BOA") hereby requests

that the Court dismiss the instant appeal with prejudice. The grounds for this Motion are that

the Appellant's Initial Brief, to the extent it can be understood, appears to be based solely on

the fact that the trial court judge asked the Respondents' counsel to draft the proposed orders

being appealed from, which is not an appropriate or sufficient grounds to review or overturn

these orders. Alternatively, if this appeal is not dismissed, BOA moves to strike those matters

** (See Pl's Mot for Reconsideration) *
The said Lower Court
* See Respondent's own ^{MO. A, B, C - and Lower Ct. Trans.} ↑ shows Respondent in d
Indeed understood clearly - what Plaintiff
Appellant's Claims in his Complaint and "Designation"
Admitted by Respondent BOA involving Appellant's Items 2,
5, 7, 8, 9, 10, 11, 12, 13, + 14... which ~~is~~ Appellant's complete
claims in his Designation in an d ^{in an d} _{claims verbatimly written}
to Lower Court.*

Exh. E1

improperly designated by Appellant in his Designation of Matter which are not in the record below.

Procedural Background

On February 16, 2012, Appellant commenced the underlying action by filing a complaint against Respondents. Although it is difficult to comprehend the allegations in the Complaint, it appears that it contains general allegations of civil conspiracy, fraud, theft of money and breach of contract with respect to cashier's checks issued by Respondent South Carolina Federal Credit Union ("SCFCU") to an entity known as Capital Consortium Group and deposited into accounts at BOA. See generally Compl. and Exs.

On March 7, 2012, SCFCU filed a Motion to Dismiss, and on March 22, 2012, BOA filed its Motion to Dismiss or, in the Alternative, Motion for More Definite Statement. A hearing on these Motions was held May 8, 2012. On June 27, 2012, the trial court entered its Order granting the Motions to Dismiss and dismissing the Complaint with prejudice. The

Order dismissing the Complaint finds that the Complaint was unintelligible and failed to meet the minimum pleading requirements of Rule 8(a), SCRPC. The trial court further found,

among other things, that the Complaint should be dismissed with prejudice because (1) the Appellant lacked standing to sue as the purchaser of a cashier's check pursuant to *Steele v. Victory Sav. Bank*, 295 S.C. 290, 293, 368 S.E.2d 91, 92 (1988) and (2) Appellant's claims, if

any, should be brought in the ongoing receivership action in federal district court related to the Capital Consortium Group/Three Hebrew Boys.

Appellant filed a Motion to Reconsider on June 28, 2012, and a hearing was held on this Motion on August 29, 2012. On September 17, 2012, the trial court entered its Order denying Appellant's Motion to Reconsider, finding that Appellant had not articulated any new

see Whaley's Evidence 6-25-2012

Nearest Respondent Whaley provided more statements requested by BOA conflicts

with transcript in lower court, which

BoA added motion to dismiss shows Whaley's 3-23-12 through 3-22-12 questions

conflicts with transcript

** See 2-25-07 5th Cir Order
* Respondent BSA Admin's 12.
* See Whaley's Motion for Reconsideration in evidence
* Lower court and Appellate's Court Bias - Condemn Courtmate 10
* Appellant's Complaint and/or Amendment
* Complaint by Respondent which Whaley shows 5th Cir court in County Appointed who was AS/and/ is BOA's Attorney Law Firm Nelson Mullins & Scarborough
* Sept 20 2012 at 11:50 AM
* Aug 29, 2012*

Emails
↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓
comply with the trial court's emailed instructions regarding the Order. Appellant ignores the

fact that in its Order on his Motion for Reconsideration, the trial court confirmed it reviewed the proposed Order dismissing his Complaint carefully to ensure it accurately stated the court's ruling before it was signed. In any event, Appellant fails to set forth any arguments or identify any errors of law or fact to support his appeal of the Orders at issue. This appeal should therefore be dismissed.

Alternatively, Those Matters Designated by Appellant in His Designation of Matter Which Are Not in the Record Below Should Be Stricken.

Appellant's Designation of Matter shall not include matter which was not presented to the lower court or tribunal." Rule 210(c), SCACR. The following items were listed by Appellant in his Designation of Matter but were not presented to the lower court or tribunal and should, therefore, be stricken:

A) Item Two*;

*Although the text of this UCC Section was included as an Exhibit to Appellant's Complaint, the page referencing UCC Section 3-312 entitled

National Check Fraud Center, Other Check Problems: Lost, Stolen, or Destroyed Cashier Checks, Teller and Certified Checks" attached as an

Exhibit to his Initial Brief (all of which exhibits seem to correspond with those items listed in his Designation of Matter) was not presented to the lower court and should therefore be stricken.

B) Item Five; and

C) Items Seven through Fourteen.

But if he lower court continues to ignore Appellant's documents and evidence the lower court's transcript shows the court admitted evidence as to the court's transcript. Appellant's claims and the documents under UCC 3-312 and Whaley's complaint shows Whaley's claim in C.G. Bank account (5/25/17) (6-25-17)

- The same lawyers at Trial are not the same lawyers appeared in Appellant's court in the

Respondent Admits Whaley provided this UCC Section 3-312 in his complaint. Cashier checks were cashed by - eg -

See Transcript shows otherwise. Respondent's claim is false and Appellant's claim - which is part of same trial court's numbers provided by Appellant to the Appellate Court.

It's obvious that Respondent and the SA at lower court always clearly understood Appellant's claims - see this 5th page - and lower court's numbers provided by Appellant to the Appellate Court.

This Below Admitted Statements by Respondent BOA Shows and Supports Respondent and this Appeals court. HAS been provided with Clear Understood Appeal Claims, undisputed by Respondent(s) - and the said Lower Court - but Respondent's do not want the Appeals to acknowledge or Review Appellant's Claims on Appeal, that were discussed Also in the said Lower Court - in which Respondent BOA's personal written Drafted Order(s)

Conclusion

For the foregoing reasons, Respondent Bank of America respectfully requests that the

Court dismiss this appeal with prejudice, or in the alternative, strike those matters designated

by Appellant in his Designation of Matter which are not in the record below as listed in Section

II above.

Never Addressed but was signed in Error or by otherwise signed due to Bias Influence

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Jody A. Bedenbaugh
Jody A. Bedenbaugh, SC Bar No. 71176
E-Mail Address: jody.bedenbaugh@nelsonmullins.com
Erik T. Norton, SC Bar No. 73860
E-Mail: erik.norton@nelsonmullins.com
Tara C. Sullivan, SC Bar No. 79806
E-Mail: tara.sullivan@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Attorneys for Respondent Bank of America

Columbia, South Carolina

_____, 2013.

This page shows and supports that the Respondents
BoA and South Carolina ^{Fidelity} Credit Union - WAS NEVER!
Represented by the SAME! Legal Counselors - Not
Never Consolidated or Joint-Respondents - in order
For this Appeals Court - Not Consider Appellant's Motion

CERTIFICATE OF SERVICE

Respondent's Separately
to be rendered
on Appeal
Decision;
as is alleged
by BOA and
SFCU's both
filed ventomely
Motions
filed with
this said
Appeals
Court. "

I, the undersigned Administrative Assistant of the law offices of Nelson

Mullins Riley & Scarborough LLP, attorneys for Bank of America, do hereby certify

that I have served all counsel in this action with a copy of the pleading(s) hereinbelow

specified by mailing a copy of the same by United States Mail, postage prepaid, to the

following address(es):

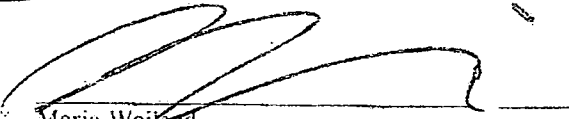
Pleadings:

Motion to Dismiss

Counsel Served:

Roger L. Whaley
8673 Laurel Grove Lane
North Charleston, South Carolina 29420
Pro Se Plaintiff

Andrew H. Butler, Esq.
Richardson Plowden & Robinson, P.A.
1900 Barnwell Street
Columbia, SC 29201


Maria Weiland
Administrative Assistant

October 24, 2013

ATTACHMENTS - 25

Attached in this Section - 7

Exh. D

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

Roger L. Whaley,

Plaintiff,

vs.

South Carolina Federal Credit Union
and Bank of America,

Defendants.

IN THE COURT OF COMMON PLEAS

** JURY TRIAL always REQUESTED

Case No. 2012-CP-18-539

1 of 7 pages Attachments - 12

OBJECTION TO Master of Equity Judge M. Murphy's
Personal EMAILED LETTER Advising the Defendant 5/29/12 &
OBJECTION TO Signing the Proposed ORDER of DISMISSAL with
PERJUDICE/or Alternative Motion for Reconsideration

And PLAINTIFF'S FILING/the appeared Bias reasons for
DISQUALIFICATION of MAITE MURPHY
"Master in Equity" JUDGE "for Dorchester County"
Pursuant with Canon 3C, SCRCP Rules 12(g)&(h)(2), 7(a),
15(b), and SCRCP Rule 54(D) 2 & or 28 U.S.C. § 455 &
Research pursuant with "U.S. FALSE Claims Act" @ "U.S. Attorney

FILED - RECORDS
2012 JUN 10 10 08 AM '12
COURT OF COMMON PLEAS
DORCHESTER COUNTY
SOUTH CAROLINA

COMES NOW the research of Plaintiff, Roger L. Whaley, filing the above said Objection/and/or
Alternative Motion for Reconsideration of Master in Equity, "Judge Maite Murphy" written below
quoted personal letter emailed to the above said THREE NAMED PARTIES on the date "May 29, 2012",
although Judge Maite Murphy's said letter ADMITS TO ONLY "...REVIEW of the Pleadings, EVIDENCE
presented and ARGUMENTS of BOTH!! Parties...", which shows Judge Maite Murphy DID NOT REVIEW
ALL CLAIMS nor ALL the PARTIES Arguments (which is pursuant with SCRCP 54(b)), when Master of
Equity Judge Murphy's said LETTER of "REQUEST" to the said Defendants admits that she ONLY HEARD
"ARGUMENTS" of TWO! for "Both PARTIES" alleged claims and Arguments of defense.

Whereas, Judge Maite Murphy's personal attached written Emailed letter "REQUEST" on MAY
29, 2012 did also show the appearance of PERSONAL BIAS/and personal interest shown to an ordinary

research shows (see attached found statement) - "MASTER - IN - EQUITY" "Functions" "HEARS SPECIALIZED NON-JURY Cases", and
Plaintiff Whaley's filed COMPLAINT and SUMMONS always filed DEMANDING A JURY TRIAL, as well as Judge M. Murphy's shown attached!
PERSONAL REQUEST letter shows ONLY! the said Defendants (BANK OF AMERICA'S) Counselor "MR. BEDENBAUGH" was written to present the
PLAINTIFF Whaley with Judge Murphy's requested "...copy of the PROPOSED ORDER when Submitting it to the COURT..." which confirms the
appearance/ and actual acts of PERSONAL INTEREST by Judge M. Murphy appeared conspired with the Defendants BANK of AMERICA's
Counselor "Mr. Bedenbaugh" - who's LAW FIRM "Nelson, Mullins, Riley & Scarborough, LLP" and/ "Nelson Mullins PARTNER George B.
Cauthen" according to the attached DOCUMENT dated "JULY 26, 2007" is! SHOWN TO ALWAYS been the ONLY! STATE!! COURT! APPOINTED!
RECEIVER who is a WITNESS!! against/or DEFEATS! Master of Equity JUDGE M. Murphy's attached! "May 29, 2012" personal written EMAIL
Claims stating that the PLAINTIFF WHALEY's ONLY!! alleged "...OPTION OF PURSUING HIS INTEREST IN THE ONGOING RECEIVERSHIP ACTION IN
FEDERAL COURT";

research shows Defendant BOA and Mr. Bedenbaugh's LAW FIRM - "NELSON MULLINS" - ONLY! had/or ALSO! has the NAME as
being RECEIVERSHIP involving Plaintiff Whaley's said Cashier's CHECKS named PAYEE/CCG'S monies ONLY! FROZEN! and then later! legally!
RELEASED! back to the -Plaintiff Whaley's PAYEE/CCG, Ordered BY THE STATE!! COURT! within THE BANK(S) -since the YEAR 2007, which Judge
Murphy's said dated LETTER also ACKNOWLEDGED!! ALREADY! that Plaintiff Whaley provided attached "EXHIBITS" WHICH those said
EXHIBIT(s) dated "11/21/2007" - in the STATE! COURT! ORDER! signed with the SIGNATURE of STATE! COURT JUDGE GEORGE C. JAMES, who
acknowledges the STATE!! COURT'S RECEIVERSHIP. (STATE!! RECEIVER-GEORGE B. CAUTHEN) "...TO TAKE CONTROL OF THESE FUNDS...", which
Mr. Cauthen's LAW FIRM HAS ALWAYS BEEN Defendant BOA's LEGAL COUNSELOR - Mr. Bedenbaugh's LAW FIRM's associate/and LAW
FIRM/and/OR Law Firm's PARTNERS) - who was ALWAYS the ONLY APPOINTED "RECEIVER" in the STATE!! COURT" as of the DATE "JULY 16,
2007" that was "...APPOINTED TO TAKE CONTROL OF (THE CAPITAL CONSORTIUM GROUP and DANIEL DEVELOPMENT GROUP'S INJUNCTION
ORDERS DATED 6-25-07 & 7-16-07) ORDERED ONLY!! by the STATE!! COURT! and NEVER!! the FEDERAL COURT Having CONTROL of said
FUNDS;

see for
cons. desc.
Name of three
parties
2 - Defense
1 - Plaintiff
Whaley
see at 50
Trans.
5/28/2012
p9

Exh. D-1

person, (pursuant with Canon 3C) when Judge Murphy's said letter shows she PERSONALLY and Legally ADVISED the named Defendant(S) (and/or) BANK OF AMERICA and SC Federal Credit Union/and/or the LICENSED legal counselor "Mr. Bedenbaugh"³ as to WHAT TO WRITE on the said alleged "PROPOSED ORDER". Whereas, to following below is stated:

1. research shows that STATE COURT Master of Equity JUDGE MURPHY'S personal EMAILED attached LETTER dated MAY 29 2012 WAS in Great ERROR/or was MISLED to have also BIASLY or SHOWN personal INTEREST wrote that "...**PLAINTIFF HAS THE OPTION of PURSUING his INTEREST in the ONGOING RECEIVERSHIP ACTION in FEDERAL COURT**". Although Plaintiff's always provided EXHIBITS SHOWS (Federal CHIEF JUDGE Margaret B. SEYMOUR's admits! since! JAN. 11, 2006) says the Federal Statute "ROOKER FELDMAN DOCTRINE" PREVENTS a Federal Court to INTERVENE or REVIEW ONGOING OR SOON TO BE DECISIONS from/or of the STATE COURT! - ; Therefore State Court Judge Murphy's said LETTER 5-29-12 is also Pursuant with 28 U.S.C. 455; or Cannon 3C; SCRPC Rules 12(c), (g), (h)(2); Rule 15(b); Rule 54(b)
2. research also shows that STATE COURT Master of Equity Judge Murphy's personal emailed LETTER/or REQUEST dated May 29, 2012, shows the intentional acts of Bias and or Personal Interest/and or Judge M. Murphy DID NOT READ /nor Considered Plaintiff already provided EVIDENCE/or "EXHIBITS" dated 11/21/2007

³ research shows that Plaintiff Whaley's said attached EXHIBITS Court Stamp dated SEPT. 26, 2007 TITLED "CONSENT ORDER TO CEASE and DESIST SIGNED with the SIGNATURE of JAMES R. BARBER, III" dated 9/25/2007, also already provided as EXHIBIT(s) that NEVER ACKNOWLEDGED as being REVIEWED by Master of Equity - JUDGE MURPHY - SHOWS that the STATE COURT KEPT for "...CONTINUED in FULL FORCE and EFFECT...THE FORMAL ORDER GRANTING! AN INJUNCTION!! against! CCG'S other entity - DANIEL DEVELOPMENT GROUP, LLC..." which RECORDS SHOWS the STATE COURT'S ENJOINED CCG'S Case! MONIES over!! \$82. MILLIONS DOLLARS of "...FUNDS FROZEN! by the ORDER" in THE STATE COURT since MAY 22, 2007 regarding PLAINTIFF Whaley's named PAYEE/CCG's monies that the DEFENDANT BOA's OWN! ATTORNEYS "NELSON MULLINS/and or Mr. Bedenbaugh - ADMITS! PLAIN TIFF'S PAYEE/CCG's said MONIES WERE NEVER! CLAIMED! by CCG's management authorities - WHICH RESULTED! in DEFENDANT BOA - with the knowledge of BOA'S legal ADVISOR - the LAW FIRM of NELSON and MULLIN/aka/Mr. Bedenbaugh - and PLAINTIFF Whaley's EXHIBITS SHOWS or supports that- Defendant BOA TURNED (THOUSANDS!! OF CCG'S CONSTITUENTS! said UNCLAIMED!! MONIES FIRST! sent by Cashier's CHECKS to! CCG - were turned over to the STATE! DEPARTMENT OF REVENUE as being "UNCLAIMED" by Plaintiff Whaley's PAYEE/CCG...WHICH THAT said CCG's MONIES would also/or may INCLUDED PLAINTIFF WHALEY's over! \$50,000.00 THOUSAND DOLLARS) - regarding EVIDENCE/or EXHIBITS never Considered by Master of Equity Judge Maite Murphy, which is pursuant with SCRPC Rule 7(a) and Rule 12(c),(g),(h)(2), 15(b), & 54(b). And against the 14th Amendment of the Constitution, for LAW REQUIRES for Plaintiff Whaley to be EQUALLY TREATED/or upheld with the DUE PROCESS OF LAW.

...which PLAINTIFF WHALEY'S already PROVIDED EVIDENCE/or "EXHIBITS" also! DEFEATS! Master of Equity JUDGE M. MURPHY'S EMAILED LETTER claims that "...**PLAINTIFF EXHIBITS ATTACHED...do not ESTABLISH THAT PLAINTIFF IS...A PARTY TO THE CHECKS IN QUESTION nor HE HAVE ANY INTEREST in the CHECKS...**" WHICH JUDGE MURPHY'S SAID CLAIM IS ALSO DEFEATED! BY Defendant BOA's OWN! LEGAL ADVISOR, Mr. Bedenbaugh's ORDERED PREPARED "ORDER OF DISMISSAL with Prejudice...FINDINGS of FACTY" NUMBER 3, Office Letter dated "MAY 31, 2012" WHICH Defendant BOA ADMITS!! THAT "...THE CASHIER'S CHECKS ARE ATTACHED as (Plaintiff Whaley's) EXHIBITS TO THE COMPLAINT...BASED on...the COMPLAINT and the COPIES of the CHECKS provided...**PLAINTIFF IS! THE REMITTER! of the CASHIER'S CHECKS.**" - which always! showed and ADMITTED even! by the Defendants! that Plaintiff Whaley's provided ATTACHED EXHIBITS shows and supported that Plaintiff Whaley always had INTEREST with his purchased! said Cashier's CHECKS. Therefore shows Judge M. Murphy must Grant Plaintiff Whaley's Objection and or Alternative, Motion for Reconsideration.

⁴ research shows FACTS ARE the United State/and Local Constitution and/or the LAW and Court Rules REQUIRES that a (non-attorney) PRO SE individual (Plaintiff Whaley) is not to be held to the same! standards as a LICENSED ATTORNEY. But! yet! Master of Equity Judge Maite Murphy - is shown to have LEGALLY ADVISED! (ONLY) the Defendant BOA and/or Defendant South Carolina Federal Credit Union's LICENSED!! LEGAL COUNSELOR(s) - WHAT! and HOW! to actually WRITE! their CLAIMS against the said PLAINTIFF Whaley...although! the provided written language of Defendant BOA's own! written alleged "PROPOSED ORDER" number 3 attached written letter, dated MAY 31, 2012, shows! Master of Equity Judge Maite Murphy's written attached REQUEST were made/or written IN ERROR and or was an INTENTIONAL MISLEDE! BIASED! (which may be supported by Judge Murphy's Colleague, whom the attached JUDGES! Screening - JUDICIAL COMMISSION quoted documents - shows Judge STRICKLAND! who admits! that JUDGE STRICKLAND DO! NOT! READ! all! or the PARTIES PLEADINGS/or "...LEGAL BRIEFS in PREPARATION FOR ORAL ARGUMENT..." - which the attached documents shows Strickland SUPPORTING Judge M. Murphy's NEW APPOINTMENT as MASTER OF EQUITY JUDGE - whom now Judge Murphy's APPEARS to ALSO DID NOT READ all PARTIES PLEADINGS OR LEGAL BRIEFS. JUST AS - Judge Murphy's SUPPORTING also! Master of Equity Colleague - Judge Strickland who ADMITS he, also! had PRIOR! EMPLOYMENT! as a LICENSED ATTORNEY! with Defendant BOA's LEGAL ADVISORS LAW FIRM "Nelson Mullins", which supports HOW and WHY Judge M. Murphy's written emailed! PERSONAL INTEREST LETTER, may have been MIS-INFLUENCED by her said Colleague, therefore shows said mis-influence must cause for Judge Murphy's immediate DISQUALIFICATION before she sign any said alleged PROPOSED ORDER, ordered/or requested in the Judge Murphy's PERSONAL EMAILED to the PARTIES dated May 29, 2012.

Exh. D-2

and OCTOBER 9, 2007, signed with the Signatures of State! Court! Defendant FIRST CITIZEN BANK'S ATTORNEY, "Stanley H. McGuffin" dated "OCTOBER 9, 2007" "MOTION FOR RELIEF FROM ORDER", which was GRANTED by STATE! COURT! Judge George C. James' "ORDER UNDER SEAL GRANTING MOTION FOR RELIEF FROM ORDER" Court stamp dated 11/21/2007- which both said documents, as well as the now the new added attached document filed also in the South Carolina's Richland STATE! COURT! titled "OBJECTION TO APPOINTMENT of GEORGE B. CAUTHEN AND/OR NELSON, MULLINS, RILEY & SCARBOROUGH, LLP (...and/or ANY! OTHER! Partner or ASSOCIATE...) AS RECEIVER - Docket No. 07-CP-40-03116..." shows the STATE!! COURT! first!! APPOINTED a STATE! COURT! RECEIVER *(involving Defendant BOA's Attorney Mr. Bedenbaugh since JULY 26, 2007-who was always the said STATE!! COURT! APPOINTED RECEIVER's LAW FIRM -before! any! Federal Claims were allegedly first filed AUGUST 1ST, 2007-only! REPEATING! and doing DOUBLE Jeopardy - involving the SAME CLAIMS and SAME PARTIES, MONIES and/or Money Orders/or Cashier's CHECKS) which involves! the always INTEREST of Plaintiff Whaley's PURCHASED cashier's checks named PAYEE/CCG, which the said STATE! COURT! Order(s) always GRANTED in favor of CCG, since Sept. 26, 2007 and November 21, & 26, 2007. *(See already attached provided documented Evidence/or can be produced a second/or third time if needed to support Plaintiff Whaley's claims.)

2a): Therefore the above research information attached documented EVIDENCE/or Exhibits named in number 2, DEFEATS the Master of Equity's said personal claims in her EMAILED letter dated MAY 29, 2012, as a "INVOLUNTARY DISMISSAL..." or requested "Order of Dismissal, with Prejudice", which is not pursuant with SCRC 41(b)&(d)

DEFENDANT BOA'S HIRED LAW FIRM "NELSON MULLINS' RESEARCH FOUND TO ALSO! BE PLAINTIFF WHALEY'S NAMED PAYEE/CCG'S STATE!! COURT! APPOINTED RECEIVER's LAW PARTNER "GEORGE B. CAUTHEN" THEREFORE DEFEATS!! Master of Equity Maite Murphy's Emailed May 29, 2012 PERSONAL REQUESTED CLAIMS of DEFENDANTS to write that "...PLAINTIFF HAS the OPTION OF PURSUING HIS INTEREST IN THE ONGOING RECEIVERSHIP ACTION IN FEDERAL COURT..." - WHICH CONFLICTS with FEDERAL JUDGE Margaret B. SEYMOUR'S APPROVED Magistrate Judge's Recommendation dated JAN. 11, 2006 case no: 3:06-0010-MBS-jrm- WHICH ADMITS! the LAW! REQUIRED! Statute! under "...ROOKER-FELDMAN DOCTRINE PREVENTS! (the FEDERAL) COURT from ASSUMING JURISDICTION over ONGOING STATE!! LITIGATION! or Reviewing!! ANY! DECISION! made OR SOON! to be MADE! therein..." *(See already provided JAN. 11, 2006 Evidence/or can be reproduced)

3. research shows by Defendant BOA's LETTER dated "May 31, 2012" signed by its legal counselor, "Jody A. Bedenbaugh" shows Attorney Bedenbaugh's HIRED/paid LAW FIRM to be "NELSON MULLINS Riley & Scarborough LLP, writing the "PROPOSED ORDER of DISMISSAL with Prejudice" - due to the Personal! emailed May 29, 2012, "REQUEST" from the Master of Equity Judge Maite Murphy, who wrote for BOTH above named DEFENDANTS to "...PREPARE A PROPOSED ORDER that INCLUDES...that...the PLAINTIFF has the OPTION of PURSUING his INTEREST in the ONGOING RECEIVERSHIP ACTION in FEDERAL! COURT!"... which is found to be an UNTRUE/OR FRAUDULENT claim, when

Defendant BOA's Legal Advisors/aka/Attorney Bedenbaugh has always been AWARE that Defendant BOA'S LAW FIRM "Nelson Mullins Riley & Scarborough..." was the first and/or ONLY! STATE! COURT's! APPOINTED RECEIVER!! involving PLAINTIFF Whaley's said MONIES involving Plaintiff's PURCHASED Cashier's Checks with Plaintiff Whaley's named PAYEE/CCG, since and or before the date "JULY 26, 2007" (which is a DATE BEFORE! the said FEDERAL COURT! alleged Receiver EXISTED within ANY Federal Court) regarding the SAME! CLAIMS and SAME PARTIES - named! in the STATE! COURT! which has ONLY!! Defendant BOA's hired LAW FIRM and LAW PARTNER "George B. Cauthen" with the LAW FIRM NELSON, MULLINS, Riley & Scarborough...who are now! found! be doing an intentionally doing a CONFLICT OF INTEREST and making continued!! intentional FRAUD! Claims, with Master of Equity Maite Murphy, in order to continue!! the CONSPIRED THEFT of Plaintiff Whaley's said MONIES FUNDS of over \$50 THOUSAND DOLLARS, which was only! allegedly "FROZEN" by a STATE! COURT! with its appointed RECEIVERSHIP with the LAW FIRM of Nelson, Mullin, Riley & Scarborough. Pursuant with Canon 3C, SCRCP Rules 1.8, 1.7, Rule 12(c),(g)&(h)(2); Rule 15(b) & or 28 U.S.C. § 455

4. research further shows that Defendant BOA'S shown LAWYERS intentional CONFLICT of INTEREST, regarding their always shown ADMITTED participation WITH the South Carolina's Richland County STATE!! COURT! RECEIVER as being the then! ONLY! appointed RECEIVER since and or before the alleged date "JULY 26, 2007", DEFEATS Master of Equity Judge Maite Murphy's said claims written in her PERSONAL email dated May 29, 2012 that Plaintiff has the OPTION of pursuing his interest in the ongoing receivership action in FEDERAL COURT, involving the same claims and same parties, in which the Defendant BOA's hire LAW Firm "NELSON MULLINS..." has always been aware that the STATE!! COURT! already "RESOLVED" and GRANTED in favor of Plaintiff's named PAYEE/CCG's so receive the FULL RETURN of CCG's MONIES allegedly "FROZEN" that was "ORDER of RELIEF" by the STATE! COURT! JUDGE George C. JAMES, and STATE COURT JUDGE "James R. BARBER III", who at present serves as the CHIEF ADMINISTRATION Judge over South Carolina's Richland County's STATE!! COURT. Whereas supports Judge Maite Murphy's said REQUEST DOES NOT Comply with SCRCP 41(b) for an alleged Involuntary Dismissal, and shows Plaintiff Whaley's Objection and or Reconsideration must be granted. SCRCP Rule 7a, Rule 15(b), Rule 54(b), Rule 1.8, 1.7, and Canon 3C

5. research shows also that Defendant BOA's own! hired ATTORNEYS "Nelson Mullin's..." LAW FIRM/aka/ Mr. Bedenbaugh's may have intentionally provided DECEPTIONAL INFORMATION to the NEW Master of Equity Judge Maite Murphy, but that said deception yet! does not excuse Judge Maite Murphy's intentional did not READ nor CONSIDERED ALL of Plaintiff Whaley's filed claims and or filed written pleadings, which always shows, Plaintiff Whaley's ALWAYS has been a INTERESTED PARTY involving Plaintiff Whaley's PURCHASED Cashier's CHEKS that were NEVER!! legally DEPOSITED by Plaintiff's named PAYEE/CCG, (therefore makes! Plaintiff Whaley YET! the HOLDER! of his said Cashier's Checks and is ABLE TO BRING THIS SAID LAWSUIT).

5a): when research shows also that Defendant BOA/aka/BOA's hired LAW FIRM "Nelson Mullins..."/aka/Mr. Bedenbaugh always known that Plaintiff Whaley's EVIDENCE/or EXHIBITS showed that Defendant BOA turned over THOUSANDS!! of Plaintiff Whaley's named PAYEE/CCG's UNCLAIMED!! MONIES to the STATE!! (and not! the FEDERAL) Department of Revenue, NOT! TURNED over until from 2007! about 4 or more

Exh. D-4

years later allegedly in 2010/and/or 2011. *(See the Sworn Affidavit of Plaintiff Whaley's attached researcher, provided in this year 2012...; if said State! court! can not locate, can be provided again). Therefore would entitled Plaintiff Whaley to JUDGMENT in his favor, pursuant with SCRCP Rule 12(c)(g)&(h)(2); Rule 15.(b); Rule 54(b) and or Rule 7a; as well as pursuant with Rules of Canon 3C; and or Plaintiff Whaley's Granted Objection and or Alternative Granted Reconsideration motion.

6. research shows also that Defendant BOA/and/or BOA's hired LEGAL COUNSELORS (Nelson, Mullins, Riley & Scarborough LLP) APPEARS now! continuing!! in this year 2012, attempting to CONSPIRE/and or intentionally MISLED the Newly selected Master of Equity Judge Maite Murphy, due to undue influence of Nelson and Mullins...prior HIRED/paid! ATTORNEY, the Master of Equity Judge Joseph Monroe Strickland, (whom the attached NEWS PAPER Clipping said is a supporting Master of Equity Colleague! of Master of Equity Maite Murphy), and also according to the attached document from the JUDICIAL SCREENING COMMISSION's shown admittance from Judge Strickland-who supports/or admits to also! NOT READING Legal BRIEFS/aka/written Pleadings provided in preparation for ORAL ARGUMENT, which appears to be the SAME! error OR intentional MISCONDUCT of Master of Equity Maite Murphy, who admits that Plaintiff Whaley provided ATTACHED EXHIBITS with his said Complaint/aka/pleadings, but! yet! its obvious, that Judge Murphy DID NOT READ ALL the said pleadings attached with said EXHIBITS which always showed! and supported Plaintiff Whaley's ALWAYS shown personal INTEREST involving his PURCHASED Cashier's CHECKS, which Judge M. Murphy (by influenced bias conduct or by great ERROR in not reading Plaintiff Whaley's signed pleadings) wrote in Judge Murphy's email personal LETTER May 29, 2012 that...

"...The Complaint is deficient in ESTABLISHING STANDING of the PLAINTIFF as the EXHIBITS attached...DO NOT ESTABLISH that the PLAINTIFF is either a PARTY TO! the CHECKS!! in question nor does he have ANY! INTEREST! in the CHECKS."

6a): as research shows by Defendant BOA's OWN! MAY 31, 2012 Letter which attached Defendant BOA's "REQUEST" of a "ORDER of DISMISSAL with Prejudice" written in Master of Equity Maite Murphy's attached EMAILED letter dated "MAY 29, 2012", Defendant BOA's OWN! "Order of Dismissal with Prejudice" page 2, number 3, CONTRADICTS!! and or shows UNTRUE above (number 6) said quote from Master of Equity Maite Murphy's claims in her said dated email, concerning Plaintiff Whaley's said ALWAYS KNOWN INTEREST in the said CASHIER CHECKS - when Defendant BOA admits that **"...Based on the allegations IN THE COMPLAINT and the COPIES of the CHECKS! provided!, it appears the PLAINTIFF!! IS! the REMITTER! (or OWNER!)/or HOLDER) of the Cashier's CHECKS!."**

7. research shows that pursuant with SCRCP Rule 41(b) that the said Master of Equity Judge Maite Murphy - could not DISMISSED the said Plaintiff Whaley/PRO SE Complaint claims unless it was without any! doubt! that Plaintiff Whaley could not prevail in ANY! of his Claims!, which indeed Plaintiff Whaley/PRO SE has within his LEGAL and CONSTITUTIONAL RIGHTS (to not be HELD at the SAME! STANDARDS! as a LICENSED ATTORNEY, but! yet! must be allowed to be upheld with EQUAL TREATMENTS, as a Licensed Attorney as to the DUE PROCESS of the LAW and PROCEDURES, upheld by the U.S. Constitution's 14th Amendments) - when Defendant BOA's Proposed Order of Dismissal number 4, under "Conclusion of Law" admits that **"...Plaintiff's Complaint...cause of action...REFERENCES NUMEROUS MATTERS..."**, which is in compliance with SCRCP Rule 8(e)(2) and 12(g)&(h)(2) |

Exh. D-5

THEREFORE, Plaintiff Whaley's filed Objection/or/alternative Motion for Reconsideration IS NOT being filed frivolously, nor with any malice intent upon any party, but states that the UNDISPUTED attached documented EVIDENCE does show and supports that Plaintiff Whaley's does have within his legal and constitutional rights to be heard within a JURY TRIAL to be heard by a proper and legal appointed presiding Circuit Court Judge, and a Judge who does not have any personal bias interest as to the outcome of this said case matter, which it appears would cause for the immediate disqualification of State Court Master of Equity Jude Maite Murphy, who must also first consider NOT SIGNING the said PROPOSED Order of Dismissal that was personally requested by the Master of Equity Judge Maite Murphy, whose said job duties requires her to NOT HEAR cases requesting JURY TRIALS, in which research shows Plaintiff Whaley's written complaint has always requested.

WHEREAS, FACTS ARE, by the attached additional ADMITTANCE in Defendant BOA's own! attached LETTER dated MAY 31, 2012, showing Defendant BOA's hired attorney Mr. "Jody A. Bedenbaugh" is HIRED with the LAW FIRM of "Nelson, Mullins, Riley & Scarborough LLP; and Plaintiff Whaley's (incompliance produced his copy of) South Carolina's STATE! COURT! filed "JULY 26, 2007" "OBJECTION to APPOINTMENT of GEORGE B. CAUTHEN and/or NELSON, MULLINS, RILEY & SCARBOROUGH, LLP [..and/or ANY OTHER! Partner or ASSOCIATE of NELSON MULLINS..] AS RECEIVER" shows the Defendant BOA's said LAW FIRMS' ATTORNEYS/nor/Jody A. Bedenbaugh/cannot also! serve as Defendant BOA's acting! attorneys when that said Law Firm "Nelson Mullins..." and ALL its said legal staff can be called as WITNESSES!! for the PLAINTIFF WHALEY so to testify against! Defendant BOA, since indeed FACTS ARE, the SAME said LAW FIRM "Nelson Mullins..." is shown to have been the first! and ONLY! APPOINTED! RECEIVER! in the STATE!! COURT!! or in ANY! COURT! filed since! before or on! the date "JULY 26, 2007" concerning the SAME claims and SAME Parties in this said case matter, brought! up! by the said named Defendants! and this said Master of Equity/Judge Maite Murphy's PERSONAL written EMAIL! Letter dated MAY 29, 2012; Whereas Defendant BOA's hired paid! LAW FIRM "NELSON MULLINS..." would/and must! also! shown to testified AGAINST! Master of Equity Judge Maite Murphy's email claims that will DEFEAT!! Judge Murphy's claims in her REQUESTED ORDER for Dismissal, due to Judge Murphy alleged that "...Plaintiff has the OPTION of PURSUING his INTEREST in the ONGOING RECEIVERSHIP Action in FEDERAL! Court."

As research shows that "NELSON MULLINS..." as being the APPOINTED STATE!! COURT!! RECEIVER- since! the year 2007, which that said STATE! COURT! case matter was indeed DISMISSED/OR "RESOLVED" ONLY in FAVOR of Plaintiff Whaley's named PAYEE/CCG and or IN FAVOR of ALL! the said named DEFENDANTS/(including the Defendant FIRST CITIZEN BANK whom ONLY! the STATE! COURT! JUDGES! ORDERED! to have "FROZEN" the named PAYEE/CCG's MONIES, since the year 2007 regarding the SAME CLAIMS and SAME PARTIES named in this year 2012, which Judge Murphy's said email May 29, 2012 WITHOUT! ANY! DOCUMENTED PROOF. Only! alleged! that the said Federal Court RECEIVER allegedly Plaintiff Whaley's named PAYEE/CCG's Monies to be allegedly be returned to Plaintiff Whaley; which is a intentional UNTRUE/and or/FRAUD claims, which shows Judge Murphy's said above quoted statement to be UNTRUE and or an intentional FRAUD statement involving the said FEDERAL COURT, CONFIRMED also! Federal Judge M.B. Seymour's own! APPROVED recommendation dated since JANUARY 11, 2006.

WHEREFORE, the said provided documents shows and supports cause for Judge Maite Murphy's immediate DISQUALIFICATION, pursuant with Cannon 3C and/or 28 U.S.C. § 455, as well as shows Plaintiff Whaley's OBJECTION and or alternative Motion for Reconsideration must be granted. SCRPC Rule 7a, Rule 54(b), Rule 12(c),(g)&(h)(2) (due to Plaintiff Whaley's COMPLAINT has always been pursuant with SCRPC Rule 8(e)(2).

Stages below

* Admits BOA Attorney Can Not serve as Respondent's Att. *

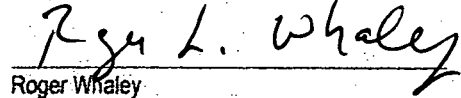
Constitutional Question of Law Rule 203(b)

Exh. D-6

WHEREAS, if Master of Equity of Judge Maite Murphy has already signed BOTH said Defendants (BANK OF AMERICA and S.C. Federal Credit Union's) Order of Dismissal, signed before this said Objection has been filed, than Plaintiff Whaley's filed ALTERNATIVE for Reconsideration pursuant with SCRPC Rule 7a, and Rule 54(b) is Plaintiff Whaley's proper and timely filed post trial motion that is being properly filed against said signed Order for Dismissal with Prejudice.

June 6, 2012

Respectfully Submitted,



Roger Whaley
8673 Laurel Grove Lane
North Charleston, SC 29420
Email - la99mont@yahoo.com

CERTIFICATE OF SERVICE

I declare that all that is stated is true and believable, attached with documented EVIDENCE that shows and supports all of Plaintiff Whaley's claims and or defenses, and further states that all parties have been mailed, hand-delivered and or Faxed this said OBJECTION/or Alternative MOTION FOR RECONSIDERATION.

cc: Attorney Jody A. Bedenbaugh/Defendant Bank of America
Attorney Drew Butler, Esq - /Defendant S.C. Federal Credit Union