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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable R. Lawton McIntosh
Circuit Court Judge

Appellate Case No. 2026-
Circuit Court Case Nos. 2025-CP-04-00739 *et al.* (See Appendix A)

Wells Fargo Bank, N.A. Appellant,
v.
Christina Cummings Respondent.

MOTION TO CONSOLIDATE APPEALS

Appellant Wells Fargo Bank, N.A. (“Wells Fargo”) moves this Court to consolidate the 17 appeals listed in Appendix A pursuant to Rule 214, SCACR, as each appeal arises from the same procedural background and raises the same issues for this Court’s consideration.

These 17 matters are collection actions filed by Wells Fargo in the Anderson County Court of Common Pleas. In each case, Wells Fargo filed and served verified complaints stating the amount owed; the debtor-defendant failed to answer and was held in default; but the circuit court nevertheless ordered a damages hearing. When Wells Fargo appeared at the damages hearing armed with the affidavits of the sums-certain owed for each matter, the circuit court dismissed each of these 17 matters *with prejudice*, holding that Wells Fargo failed to prosecute its claims. The dismissal orders for each of these appeals were issued on August 19, 2026, and they are identical.

Each appeal raises at least two common legal issues:

- (1) When a verified complaint states a sum certain owed on a debt, is a defaulting defendant entitled to a damages hearing?
- (2) May a plaintiff prove the amount owed on a contract debt via an affidavit at a damages hearing?

Wells Fargo respectfully believes that the answer to Question 1 is “No,” as Rule 55(b)(1), SCRCF, specifically states that a default judgment should be entered without a hearing when the amount sought is a “liquidated amount, a sum certain or a sum which can by computation be made certain.” That is precisely the case here in each of the 17 matters on appeal.

And, to the extent the Court needs to resolve Question 2, Wells Fargo believes that answer is “Yes,” as the Supreme Court has specifically authorized affidavits as an acceptable form of proof of a debt when a Rule 55(b)(2) hearing is needed. *Thomas & Howard Co., Inc. v. T.W. Graham & Co.*, 318 S.C. 286, 290, 457 S.E.2d 340, 342-43 (1995); *see also* Rule 9(i), SCRCF (“In an action on an account the pleader shall attach a verified copy of the account to the pleading, or if the items of the account are set forth in the pleading, it must be verified.”).¹

In no event, though, can it be fairly said that Wells Fargo did not prosecute its claim in these 17 matters. Because these appeals raise the same legal issues and arise from identical or nearly-identical procedural postures, the Court should consolidate them to ensure both efficiency in the appellate process and to remove any risk of inconsistent rulings from different panels of this Court if the 17 appeals were to proceed individually. *Wooten v. Wooten*, 364 S.C. 532, 538, 615 S.E.2d 98, 101 (2005).

¹ *Thomas* was decided under the then-existing Rule 55(b)(1). In 1998, that section became what is now Rule 55(b)(2). *See* Note to the 1998 Amendment, Rule 55, SCRCF (“The language of Rule 55(b)(2) is substantially the language of Rule 55(b)(1) prior to these amendments with the addition of the last sentence.”).

Respectfully submitted,

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RECEIVED**Sep 18 2026****SC Court of Appeals****APPENDIX A****Consolidated Case Captions and Circuit Court Case Numbers**

No.	Case Caption	Circuit Court Case No.
1.	Wells Fargo Bank, N.A. v. Christina Cummings	2025-CP-04-00739
2.	Wells Fargo Bank, N.A. v. Shelby J. Pierson	2025-CP-04-01593
3.	Wells Fargo Bank, N.A. v. Timothy L. Strickland	2025-CP-04-01664
4.	Wells Fargo Bank, N.A. v. Brenda Williams	2025-CP-04-01701
5.	Wells Fargo Bank, N.A. v. Daniella Acevedo	2025-CP-04-01735
6.	Wells Fargo Bank, N.A. v. Bob Smith	2025-CP-04-01805
7.	Wells Fargo Bank, N.A. v. Iris S. Walls	2025-CP-04-02032
8.	Wells Fargo Bank, N.A. v. Erika R. Hayes	2025-CP-04-02307
9.	Wells Fargo Bank, N.A. v. Mickey L. Brown	2025-CP-04-02826
10.	Wells Fargo Bank, N.A. v. Robyn Scott	2025-CP-04-02895
11.	Wells Fargo Bank, N.A. v. Regina L. Lindsey	2025-CP-04-02907
12.	Wells Fargo Bank, N.A. v. Darcy L. Banister	2025-CP-04-02944
13.	Wells Fargo Bank, N.A. v. Marshall A. Ellison II	2025-CP-04-02945
14.	Wells Fargo Bank, N.A. v. Benjamin B. Morris	2025-CP-04-02998
15.	Wells Fargo Bank, N.A. v. Virgil Boboc	2026-CP-04-00072
16.	Wells Fargo Bank, N.A. v. Cheryl A. Ford	2026-CP-04-00237
17.	Wells Fargo Bank, N.A. v. Randon Norris	2026-CP-04-00238

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PROOF OF SERVICE

SC Court of Appeals

I, the undersigned Attorney of the law offices of Womble Bond Dickinson (US) LLP, attorneys for Appellant, do hereby certify that I have served all parties to this appeal with a copy of the pleading(s) specified below via First Class Mail at the address(es) below:

Pleading(s): Wells Fargo Bank, N.A.'s Motion to Consolidate Appeals

Party Served:

1. **Christina Cummings**, 111 Green Tree Road, Anderson, SC 29625-5355
2. **Shelby J. Pierson**, 107 Falcons Landing, Anderson, SC 29625-5960
3. **Timothy L. Strickland**, 6405 Abbeville Hwy., Anderson, SC 29624-7600
4. **Brenda Williams**, 3 Pindo Ct., Anderson, SC 29621-1065
5. **Daniella Acevedo**, 140 Walking Stick Way, Pelzer, SC 29669-9401
6. **Bob Smith**, 107 Corinth Drive, Piedmont, SC 29673-6101
7. **Iris S. Walls**, 225 Breazeale St., Apt. 4, Belton, SC 29621-1752
8. **Erika R. Hayes**, 305 Camson Rd., Anderson, SC 29625 and 216 Savannah Drive, Anderson, SC 29621-2606
9. **Mickey L. Brown**, 305 Camson Rd., Anderson, SC 29625 and 206 Duvall Way, Anderson, SC 29624-3190
10. **Robyn Scott**, 104 Knowlandale Drive, Starr, SC 29684-9349
11. **Regina L. Lindsey**, 515 E. Orr Street, Anderson, SC 29621-6049
12. **Darcy L. Banister**, 106 Sunset Drive, Honea Path, SC 29654-1326
13. **Marshall A. Ellison II**, 250 Wesley Ellison Road, Williamston, SC 29697-9590
14. **Benjamin B. Morris**, 1036 Whirlaway Circle, Anderson, SC 29621-2589
15. **Virgil Boboc**, 118 River Hill Ct., Piedmont, SC 29673-7906
16. **Cheryl A. Ford**, 305 Camson Rd., Anderson, SC 29625 and 1047 Erskine Rd., Anderson, SC 29621-5052
17. **Randon Norris**, 2100 Welcome Road, Williamston, SC 29697 and 608 Sycamore Drive, Anderson, SC 29621-1125

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