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SC Court of Appeals

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January 9, 2014

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

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

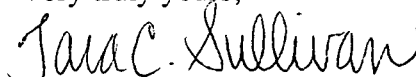
Dear Ms. Kitchings:

On October 25, 2013, our firm filed a Motion to Dismiss Appeal and Opposition to Whaley's "Motion for Judgment," and Alternatively, Motion to Strike Parts of Whaley's Designation of Matter on behalf of Bank of America in the above-referenced matter.

Our Motion to Strike was granted by this Court by Order filed November 27, 2013. Pursuant to this Order, Whaley was required within thirty days to serve and file an amended Designation of Matter, excluding those items not properly included, and to serve and file an amended Initial Brief that fully complies with Rules 208 and 267 of the Appellate Court Rules. The Order indicates that upon receipt of the amended Designation of Matter and Initial Brief or upon the expiration of thirty days, the Court would reconsider our Motion to Dismiss.

Although thirty days has passed, Whaley has failed to serve and file an amended Designation of Matter and Initial Brief that fully complies with Rules 208 and 267 of the Appellate Court Rules as ordered. Bank of America therefore respectfully requests that this Court reconsider its Motion to Dismiss at this time. Please let us know if you need any further information.

Very truly yours,


Tara C. Sullivan

Cc: Roger L. Whaley, Plaintiff pro se
Drew Hamilton Butler, Esquire/Sheila M. Bias, Esquire (Counsel for SCFCU)

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