

To: Clerk of S.C. Appeals Court, Abbott Kitchings
 cc : S.C. Supreme Court Clerk
 1015 Sumter Street
 Columbia, S.C. 29201

From: Mr. Roger Whaley
 8673 Laurel Grove Lane
 North Charleston, SC 29420

Pages 1 of 2 Attachments – 5

Re: Respondent Bank of America/BOA/ Non-Objection- to RELIEVE as COUNSEL, filed by Appellant 12/2013 same! as BOA's Non- Compliance to this! Appeals Court's REQUIRED both!! RespondentS/BOA & SCFCU to have TIMELY filed INITIAL BRIEF in (30) Days, *(See Exh. Aaa – from SAME Appeals Clerk Kitchings) requested since, "AUGUST 23, 2013" to been filed (after 10 days of 8/23/2013/or within 30 days) after! Appellant filed his ORDERED CORRECTIONS in his INITIAL BRIEF... which would have been DUE, by OCTOBER 23rd 2013-but! BOA ADMITS! in his Letter "Jan. 9, 2014" filed its Motion to Dismiss instead ("...ON OCTOBER 25, 2013"), pursuant under Rule 240, which caused for an Automatic "STAY", which the said Appeals Court Complied;

As FACTS ARE, Respondent/BOA and its said Counselors/NELSON, MULLIN...LAW FIRM are aware! that Appellant's filed its RELIEVE as COUNSEL /or BOA also! under Rule 240/and 241¹ dated DEC. 24, 2013 filed in this Appeals Court; and under a "Supersedeas" Rule 241(a)- filed "Jan. 7, 2014" within the S.C. SUPREME COURT – so to review a possible "Interlocutory Appeals"; which RESPONDENT/BOA and its said LEGAL COUNSELORS are Legally! aware!! that BOTH said Rules cause for a STAY!! of ALL OTHER MATTERS in this said APPEALS Court to be STAYED until the SUPREME COURT render its decision(s) involving this Appeals Court and Lower Trial Court's decisions with Appellant Whaley involves CONSTITUTIONAL Questions of Law.

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REF: Appellate Case No. 2012-213208
 Lower Trial Court case nol 2012-CP-18-539

JAN 13 2014

Dear Clerk Kitchings:

SC Court of Appeals

As this said appeals court's officials, (as well as the said named Respondent/BOA (and the Respondent South Carolina Credit Union/SCFCU) are quite aware, that I, Appellant Whaley personally had mail delivery of his correspondence [pursuant with Rules 240(a),(b),(j); & 241[a]- and SCRCPC 203(d)(1)(A)(ii)] regarding his request for ALL MATTER are to be a "AUTOMATIC"/or/ STAY within this said Appeals Court until the said S.C. Supreme Court makes its ruling regarding Appellant/Whaley's legal! and Constitutional Rights in the said Lower Trial Court and within this said Appeals Court's Decision dated "JAN. 3, 2014" – which is a question - "... involves a challenge on state or federal grounds to the constitutionality of a state law...", which this Appeals Court's continued! Orders, and recently dated "JAN. 3, 2014"/and "...November 27, 2013" shows, are "INTERLOCUTORY ORDER(s)"/or are Partial Judgment/Order(s), which involves a CONSTITUTIONAL QUESTION, involving the Respondent/BOA's hired LAW FIRM's connections in this said matter, involving a "...challenge on state or federal grounds to the constitutionality of a state law...".

Therefore, its amazing that the Respondent/BOA/and its said counselor(s), who has absolutely NEVER complied to any! of this said Appeals Court's TIMELY requirements – so to have filed its REQUIRED "INITIAL BRIEF" (within its 30 days), although! indeed this said Appeals Court Excepted!! Appellant's "Designation" and Appellant's Timely filed "INITIAL BRIEF" (attached! with his said Brief and Designation his UNDISPUTED DOCUMENTED EVIDENCE) along with any and all requested corrections requested by this said Appeals Court.

¹ In error rule Rule 255(a)...But! always wrote that he filed his "STAY" of all matters by "SUPERSEDEAS", which is Rule 241/or241(a).

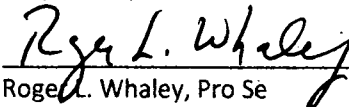
But, yet! one, or two of this said APPEALS Court Officials – CONTINUES! WITHOUT!! ANY! DOUBT!, placed! their own! personal!! Decisions!/or ANSWER!! for the said RESPONDENT!! BOA, WITHOUT! Respondent/BOA ever! filed! any! kind! of Responses/nor never! no! DENIAL!!, to Appellant Claims. nor! any OBJECTION! to its said Required!! REMOVAL!! as Counsel! in this said case matter, due to KNOWN!! and ILLEGAL!! Conflict! of INTEREST with Respondent/BOA's said Legal Counselors, which has ALWAYS been a matter of GREAT!! written! CONCERNS! by this Appellant/Whaley, which continues to be IGNORED by the Lower Trial Court and this said Appeals Court's Officials. Pursuant with Rule 1.7 and Rule 240(a)(b)(i); Rule 241(a); Rule 203(d)(A)(1)(ii); and under Canon 2&3

WHEREFORE, this said Appellant has requested in correspondence for the rights to file (for an INTERLOCUTORY APPEAL) to the S.C. Supreme Court, which involves this said Appeals Court's recent personal DENIAL to Relieve as COUNSEL (NELSON, MULLINS' ...LAW FIRM, and all its Associates- who were/or has ALWAYS BEEN ACTUAL!! PARTIES! in Appellant Whaley's Lower and this Appeals Courts' Case matter, which also, always involved STATE!! LAWS! involving a STATE! COURT! APPOINTED RECEIVER!, and FEDERAL LAWS that involves an alleged FEDERAL!! appointed RECEIVER/Mr. Beattie B. Ashmore, who is also known as being a BOARD MEMBER of this said Appeals Court, and/or the S.C. Supreme Court, which may be affecting the continued! ERRORS made by this said Appeals Court's said ERRED Judgments, first! involving Appellant Whaley's TRANSCRIPT(s), (and when BOA first got this Appeals Court to Grant BOA's FIRST! request for Dismissal, and LATER! THIS APPEALS COURT had to Withdraw that said Motion to Dismiss; but in the meanwhile, caused! Appellant/Whaley great! cost and additional preparation in gathering FURTHER ADDED information, to this said Appeals Court, just as NOW! involving Respondent/BOA's frivolous!! ATTACHED filed LETTER dated, "JAN. 9, 2014".

WHEREAS, this said Appeals Court is aware, even if! Appellant/Whaley were requested to file "...an amended Designation of Matter...and to serve and file an AMENDED INITIAL BRIEF...", this said Appeals Court is also!! aware!!! that, those said documents WOULD NOT BE DUE, UNTIL!! (30) DAYS! After! this said Appeals Court's RECENT! said DENIAL! Order dated "JAN. 3, 2014". Although! ALL Matters in this said Appeals Court is at a "STAY" under a "Supersedeas" request/notice/or petition (Rule 41[a]) dated Jan. 7, 2014, which STAYS all matter in this said Appeals Court until the S.C. Supreme Court has rendered its Rulings involving Appellant/Whaley's request to file his INTERLOCUTORY APPEALS, pursuant with Rule 241(a) and Rule 240(a), and possibly involving also Canon 2&3.

January 12, 2014

Respectfully,


Roger L. Whaley, Pro Se

cc: Drew Hamilton, Esquire/Sheila M. Bias, Esquire/and S.C. Supreme Court Clerk

ATTACHMENTS - 5

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
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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

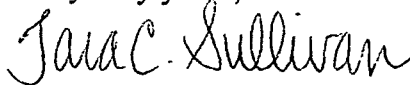
Dear Ms. Kitchings:

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

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JAN 13 2014

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

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 has filed a motion to relieve Respondent Bank of America's counsel.
After careful consideration, Appellant's motion is denied.


FOR THE COURT

Columbia, South Carolina

cc:

Roger L. Whaley
Drew Hamilton Butler
Erik Tison Norton
Jody Alan Bedenbaugh
Sheila Marlouvon Bias
Tara C Sullivan

FILED

1-3-14

January 3, 2014

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

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
C/A No.: 2012-CP-1800539
Appellate Case # 2012-213208
Our File No. 7130-36

Dear Ms. Kitchings:

Respondent South Carolina Federal Credit Union ("SCFCU") is in receipt of Mr. Whaley's "Motion to Relieve as Counsel – Respondent BOA's Attorneys and/or Law Firm Nelson Mullins . . ." ("Motion"). It appears this Motion is directed at another party. However, out of an abundance of caution and based on statements made in the Motion, please accept this letter (and the copies required by Rule 240(e)) as our brief Return to the Motion. If the Court requires a more formal return, please advise and we will provide same.

In his Motion, Mr. Whaley contends that the removal of Bank of America's ("BOA") counsel should also include the removal of all claims and added parties brought by BOTH Respondents. (See Appellant's Motion p. 2). Appellant further argues SCFCU's claims must also be "relieved." *Id.* To the extent that Appellant's Motion seeks to vitiate SCFCU's claims and/or defenses at trial level and on appeal, same should be denied. The relief requested by Appellant is improper, inappropriate, without merit, and should be rejected by this Court. Even if Mr. Whaley's motion to relieve counsel were properly made, such a motion cannot serve as a vehicle to remove the claims, defenses, and/or arguments of another party to the action. Accordingly, any relief requested by Mr. Whaley as it applies to SCFCU must be denied.

By copy of this letter we are serving *pro se* Appellant with this response.

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

Sincerely,

Sheila M. Bias

Sheila M. Bias
SC Bar # 100005

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JAN 13 2014

SC Court of Appeals

IN THE SUPREME COURT OF SOUTH CAROLINA
P.O. Box 11330
Columbia, S.C. 29211
(803) 734-1080

Pages 1 of 1 Exhibits - 7
Mr. Rodger Whaley
8673 Laurel Grove Lane
North Charleston, SC 29420

Ref: See attach Exhibits A, Aa, B, C, & Cc shows, FIRST filed NOTICE of APPEAL was PAID *(See Exh. B, C, & Cc) to be reviewed within SUPREME COURT: -dated Sept. 28, 2012 - but allegedly "Transferred May 21, 2013" (See Exh. D) to the S.C. Appeals Court in case no. 2012-213208, regarding Lower trial court case no. 2012-CP-1800539

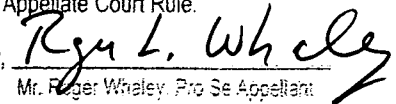
REF: Appellant Whaley Request to file his "Interlocutory appeal..." in this Supreme Court WITHOUT another! PAY/or WAIVER of PAY to this Supreme Court involving Respondent/SCFCU's attached LETTER dated 1-3-2014, *(See Exh. D) in reference to an appeared! APPEALS Court's written "Interlocutory order" also! dated 1-3-2014 - which **is an order that addresses some intermediate matter and is issued before the said Appeals court's final order.** Which Appellant requests also a STAY of all the Appeals Court's matters by "Supersedeas"², Rule 225(a), and must STAY all matters Until a response Letter is written from this said SUPREME COURT.

Dear Clerk; or any Proper Authority:

I, Mr. Roger Whaley, is asking this said Supreme Court's administration, and or any Supreme Court's proper authorities, to allow Appellant Roger Whaley to be excused from PAYING A SECOND TIME to FILE/or Transfer his said APPEALS within this said SUPREME Court (See Exh. B), so to file Appellant Whaley's Interlocutory Appeal³ of the Appeals Court's appeared to be an "Interlocutory ORDER" dated 1-3-2014 (which is "... **An order that addresses some intermediate matter and is issued before the lower court's final order.**" pursuant also with Rule 225(a), as a required STAY must apply to all the said Appeals matters, until this Supreme Court respond to this Appellant's letter requesting to WAIVE any additional FEES in order to TRANSFER his matters BACK within this said SUPREME COURT/ so to review Appellant Whaley's filed INTERLOCUTORY APPEAL, which will be/or is timely filed concerning Appellant Whaley's always filed claims involves Constitutional Questions of Law, pursuant with 203(d)(1)(A)(ii) - in reference to the Respondent/South Carolina Federal Credit Union/SCFCU's LETTER which shows its reliance!! upon "Rule 240(e)"⁴, although! SCFCU only filed its attached LETTER dated 1-3-2014, and never filed a proper filed MOTION. (just as SCFCU's MANY OTHER improper ex parte filed LETTERS!! filed in said APPEAL COURT, and never! filed a required MOTION⁵ with a required CAPTION⁶, to be filed pursuant with the rules of the said Appellate Court Rule.

Dated: January 7, 2014

Respectfully,


Mr. Roger Whaley, Pro Se Appellant

CC: Drew Hamilton Butler/Sheila M. Bias, Erik Tison Norton, Joey Alan Benenbaugh & Appeal Court Clerk;

¹ The Appeals Court's attached LETTER dated "May 21, 2013", and Appellant Whaley's attached "NOTICE OF APPEALS" dated SEPT. 28, 2012, supports that this said SUPREME COURT indeed HELD Appellant Whaley's filed claims involves a CONSTITUTIONAL QUESTION of LAW (See Exh. C&Cc) filed ONLY in this said SUPREME COURT for over about (8) months, without this said SUPREME COURT NEVER provided ANY TYPE REQUIRED signed Case number within the said Supreme Court. As to WHY, Appellant Whaley can not provide above, any PRIOR Supreme Court ASSIGNED case number, NEVER rendered.
² RULE 225 - "STAY AND SUPERSEDEAS IN CIVIL ACTIONS" - and super-se-de-as means - "...A writ containing a command to STAY legal Proceedings..."

³ Interlocutory appeal. An appeal that is filed before the lower court enters its final order on the entire case."

⁴ Which Respondent/SCFCU's Letter dated 1-3-2014 NEVER COMPLIED with the Appellate RULES, its own written RESPONSES pursuant with Respondent's- Rule 240(e) Return to Motion. states - "...Any party Opposing! al Motion!! or petition shall have ten (10) days from the date of service thereof to file an Original and Six (6) COPIES of his RETURN with the Clerk and Serve on ALL PARTIES a copy of the Return; provided, however, a return to a petition or motion for rehearing under Rule 221 need not be filed unless requested by the court." SCFCU's Lt 1-3-14, indeed illegally requested Denial of App's filed Motion.

⁵ "Rule 224(j), SCACR, is amended to read: A judge or justice may grant or deny any MOTION or Petition on behalf of the court."; Which SCFCU's said LETTER dated 1-3-2014 indeed requested the said APPEALS COURT to issue an DENIAL of Appellant Whaley's properly filed MOTIONS/or Petitions, although! SCFCU's said LETTER 1-3-14, and the Appeals Court's SHORT letter granted ORDER also! dated 1-3-2014 - acknowledges Appellant Whaley's "...MOTION to Relieve as COUNSEL - Respondent BOA's Attorneys and/or LAW FIRM NELSON, MULLINS..." - which, Respondent SCFCU further ADMITS that "...BOTH!! RESPONDENTS" "...ADDED PARTIES Brought!! by BOTH RESPONDENTS" Bank of America/BOA and SCFCU! own! Added! PARTIES involved FEDERAL!! matters!, which Appellant Whaley's lower STATE!! Court LAWS, FILED COMPLAINT - never! brought any FEDERAL!! claims of LAWS which BOTH!! RESPONDENTS's Added! FEDERAL!! issues! Conflicts!! with Appellant ONLY filed STATE LAW, filed claims. Which BOTH said RESPONDENTS said ADMITTANCE! as to their "ADDED PARTIES" - in Appellant Whaley said matters, which Appellant Whaley's filed attached NOTICE OF APPEALS. (See Exh. D.) shows Appellant Whaley ALWAYS filed within this said SUPREME COURT, Dated September 2012, supports Appellant's claims were always CONSTITUTIONAL QUESTIONS OF LAWS concerning FEDERAL and STATE LAWS in conflicts, in which the said Lower Trial Court/and! NOW said APPEALS COURT ORDER(s) is in Great! ERRORS, and/or was MISLED/and or due to known BIAS Misconduct - overlooked! the UNDISPUTED!! FACTS, that Appellant Whaley's STATE!! APPOINTED "RECEIVER" and Attorney Law Firm of NELSON, MULLINS...etc.al. (concerning Appellant Whaley's said MONEY CLAIMS in his Original and Amended Complaint) is also! illegally! and/UNETHICALLY the Respondent BOA's SAME! Atty's at the Law Firm, NELSON, MULLINS...).

Whereas, BOTH said RESPONDENTS BOA/and SCFCU, as well as the said APPEALS COURT's improperly written/or otherwise signed Bias ORDER(s) allowed RESPONDENT SCFCU's LETTERS!! to be filed (instead! of a properly filed MOTION/or Petition) which BOTH RESPONDENTS admits/or SCFCU's Letter 1-3-2014, supports Appellant's NOTICE of APPEALS claims involved CONSTITUTIONAL QUESTIONS of LAWS which only this said SUPREME COURT is allowed to Review, pursuant with Rule 203(d)(1)(A)(ii) - Which Appellant Whaley has ALREADY Paid in said Supreme Court since Sept. 2012.

⁶ (16) Rule 238(a), SCACR, is amended to read: "...a) Captions. ALL Documents filed in the Appellate court shall be headed by a caption."

Eth. Aaa

*Appellate 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 Appellate
Court...
since the
Appellate
Court
never
dismissed!
Appellant's
initial
brief*



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS

CLERK

V. CLAIRE ALLEN

DEPUTY CLERK

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1015 SUMNER STREET
COLUMBIA, SOUTH CAROLINA 29201
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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.

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JAN 13 2014

SC Court of Appeals