

The Supreme Court of South Carolina

Roger L. Whaley, Appellant,

v.

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

Appellate Case No. 2014-000067

Lower Court Case No. 2012-CP18-00539

RECEIVED

FEB 04 2014

SC Court of Appeals

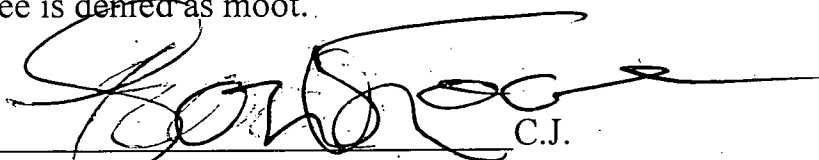
ORDER

The appeal in this case is currently pending before the South Carolina Court of Appeals.¹ Appellant has now sent this Court a document dated January 7, 2014.

To the extent this document is asking that this appeal be transferred to or certified for review by this Court under Rule 204 of the South Carolina Appellate Court Rules (SCACR), that request is denied.

To the extent appellant may be seeking a review of various rulings that the Court of Appeals has made in this appeal, that request is dismissed. *Aiken Speir, Inc. v. Henry*, 326 S.C. 268, 486 S.E.2d 492 (1997). Further, the request for a stay or supersedeas of the orders of the Court of Appeals is denied.

Finally, the request to waive any filing fee is denied as moot.


C.J.
FOR THE COURT

Columbia, South Carolina
January 31, 2014

cc: Mr. Roger L. Whaley
Drew Hamilton Butler, Esquire

¹ Before the Court of Appeals, the Appellate Case Number is 2012-213208.

Erik Tison Norton, Esquire

Jody Alan Bedenbaugh, Esquire

Sheila Marlouvon Bias, Esquire

Tara C Sullivan, Esquire

✓ The Honorable Jenny A. Kitchings (with enclosure)

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JAN 14 2014

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

Pages 1 of 1 Exhibits = 7

S.C. Supreme Court
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 for 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"*; 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 Appeal 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)", 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 exparte filed LETTERS filed in said APPEAL COURT, and never filed a required MOTION with a required CAPTION, to be filed pursuant with the rules of the said Appellate Court Rule.

Dated: January 7, 2014

Respectfully, *Roger L. Whaley*

cc: Drew Hamilton Butler/Sheila M. Bias, Erik Tison Norton, Jody Alan Benenbaugh & Appeal Court Clerk:

Mr. Roger Whaley, Pro Se Appellant

* 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.

* RULE 225 - "STAY AND SUPERSEDEAS IN CIVIL ACTIONS" - and super-se-de-as means - "A writ containing a command to STAY legal Proceedings."

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

* 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 a 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.

* "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 a DENIAL of Appellant Whaley's properly filed MOTIONS or Petitions, although SCFCU's said LETTER 1-3-14, and the Appeals Court's SHORT, filed 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 in 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 Conflicted 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. C) 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 admit 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.

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

ATTACHMENTS - 7

Exh. A

S.C. SUPREME COURT OF APPEALS
P.O. Box 11330
Columbia, S.C. 29211
(803) 734-1080

Ref: NEW filed NOTICE OF APPEALS
Lower Case no: 2012-CP-18-539

Dear Clerk:

Please see attached Original NOTICE of APPEALS, along with a extra COPIED copy to be Court Stamped and Returned to me within the Self address Envelope.

Also my PAYMENT of \$100.00 Dollars, attached with the said Appeals. I would also appreciate a receipt of the said payment.

Thank you.

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

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

Exh. Aaa

South Carolina's Dorchester's State Court
5200 East Jim Bilton Blvd.
St. George, SC 29477
(843) 563-0160

Ref: NEW filed NOTICE OF APPEALS
Lower Case no: 2012-CP-18-539

Dear Clerk:

Please see attached copy of NOTICE of APPEALS, along with a extra COPIED copy to be Court Stamped and Returned to me within the Self address Envelope.

Thank you.

Roger L. Whaley

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

Exh. B



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11628
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

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 your 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. C

IN THE SUPREME COURT OF SOUTH CAROLINA
SUPREME COURT'S NEW CASE No: Unknown
Lower Case No: 2012-CP-18-539
County of Dorchester Court of Common Pleas

Roger L. Whaley, Pro Se)
)
Plaintiff/Appellant.)
vs.)
)
South Carolina Federal Credit Union)
and)
BANK OF AMERICA)

Pages 1 of 2
Attachments - 6

NOTICE OF APPEALS

ATTENTION CLERK:

Please take notice that the research shows that this **NOTICE OF APPEALS** is being timely filed within the required (30) thirty days period, pursuant with SCRAP Rule 203(a)(b)(1)(d)(1)(A)(ii), appealing the Order of the lower trial court's State Circuit Court's appeared to be replacement Judge, Master of Equity Judge Maite D. Murphy's attach signed final Order stamped dated "September 17, 2012", although that said Order was not mailed to this said Plaintiff on that said date, whereas to say that this said appeals is being timely certified mailed on today's date September 28, 2012, so to be delivered to this said Supreme Court of Appeal's clerk, due to Plaintiff/appellant's "**...NOTICE OF APPEAL shall be filed with the Clerk of the Lower Court and with the Clerk of the Supreme Court in...ANY FINAL Judgment involving a *Challenge on State or Federal Grounds to the Constitutionality of a State Law...***".

Therefore, please see also attached, a copy of said Final (2 page) Order that denied Appellant's post trial/motion for Reconsideration, dated "September 17, 2012", as well as is attached is a partial copy of the lower trial court's prior/or first signed Order appeared to be stamp dated "June 27, 2012", as to the original Order in which this

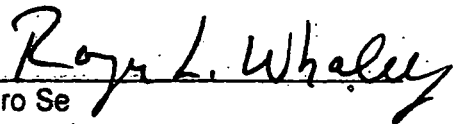
Exh. Cc

Plaintiff/Appellant requested his Reconsideration, and is involving this said SUPREME COURT'S filings due to the said lower trial court Judge's Order(s) in her decision number 6, is CLEARLY a question that "...Challenge on State or Federal Grounds to the Constitutionality of a State Law...", when the said lower trial court's said presiding Judge Murphy is attempting to illegally FORCE a State court's ALREADY RESOLVED matter (since the YEAR 2007) to be intervened within a Federal Court in this year 2012- regarding the same already resolved, and Granted full Relief ONLY by a STATE! Court signed Judge(s), since the year 2007.

WHEREFORE, all the known proper parties in this said matter is being served this said NOTICE of APPEAL.

September 28, 2012

Respectfully Submitted,


Pro Se

Address: 8673 Laurel Grove Lan

City & State: North Charleston, SC 29420

Email address: la99mont@yahoo.com

CERTIFICATE OF SERVICE

I declare that all the below proper parties have been served with this said NOTICE of APPEAL, filed within this said State Supreme Court, pursuant with SCRAP Rule 203(d)(1)(A)(ii).

South Carolina's Dorchester's State Court
5200 East Jim Bilton Blvd.
St. George, SC 29477
(843) 563-0160

Mr. Jody A. Bedenbaugh, Attorney
1320 Main Street, 17 Floor
Columbia, S.C. 29201
(803) 799-2000

**S.C. Supreme Court of Appeals
P.O. Box 11330
Columbia, S.C. 29211
(803) 734-1080

Drew Hamilton Butler, Esquire
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400

EXH. D

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

1-8-14

To The Supreme Court

~~_____~~

Please send me a stamped copy of this document with the date in the enclosed self-addressed envelope.

Sincerely,

Roger L. Whaley

Roger L Whaley

SENT JAN 15, 2014

Roger Whaley
8673 Laurel Grove Ln
N. Charleston, SC 29420

7013 1710 0000 2612 1741

RETURN RECEIPT
REQUESTED

U.S. POSTAGE
NORTH CHARLESTON, S
29406-14
JAN 1981
\$7.17
00036096-09



1000

Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

