

In this 14<sup>th</sup> year of the 2<sup>nd</sup> millennium, ~21<sup>st</sup> day of the 11<sup>th</sup> Lunar Cycle (January) aka 01/21/2014.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge

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CASE NO.: 2012-CP-23-6148/6149  
Appellate Case No.: 2013-001488

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SUNTRUST BANK,

Respondent,

Vs.

BILAL ABDULLAH AND LATOYA ABDULLAH,

Appellate(s)

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JAN 24 2014

SC Court of Appeals

**MOTION FOR RECONSIDERATION**

**Move for the Court to take Judicial Notice: See Fed. R. Evid. 201 and South Carolina Rules of Evidence Rule 201: Judicial Notice of Adjudicative Facts: (d) When Mandatory. A court shall take judicial notice if requested by a party and supplied with the necessary information.**

We, ***Bilal Abdullah and LaToya Abdullah***; are in receipt of your instrument dated January 10, 2014, we MOVE the Honorable Court to take ***Judicial Notice of the laws herein*** and enter an order FOR DISMISSAL of ***Summary Judgment*** on Case Numbers: 2012-CP-23-6148/6149, due to **the particular points of material fact or principle of law have been overlooked or disregarded by the court to the compelling grounds to warrant rehearing**; HEREBY states:

1. A Motion to Discovery and Disclosure was entered on the court November 20, 2012.
2. The Motion for Summary Judgment was entered on the court April 23, 2013.
3. The Respondent ignores the rules by filing the Motion for Summary Judgment without answering the Motion to Discovery and Disclosure.
4. The Respondent ignoring the rules of discovery was not allowing the Appellate proper examination of the facts prejudicing our defense at the hearing. See **Fed. R. Civ. P. Rule 26.**
5. Without full discovery the Appellate is unable to file a proper opposing "affidavit" to the summary judgment. See *Snook v. Trust Co. of Ga. Bank of Savannah, N.A.*, 859 F.2d 865, 870 (11th Cir. 1988) (quoting *Parrish v. Bd. of Com'rs of Ala. State Bar*, 533 F.2d 942, 948 (5th Cir. 1976)), "[t]he whole purpose of discovery in a case in which a motion for summary judgment is filed is to give the opposing party an opportunity to discover as many facts as are available and he considers essential to enable him to determine whether he can honestly file opposing affidavits." Also See

*Webster v. Rumsfeld*, No. 04-1749, 4th Cir., 2005, “the non-moving party’s duty to respond specifically to a summary judgment motion is expressly qualified by Rule 56(f)’s requirement that summary judgment be refused where the non-moving party has not had the opportunity to ‘discover information that is essential to his opposition.’” *Strag v. Board of Trustees*, 55 F.3d 943, 953 (4th Cir. 1995) (quoting *Nguyen*, 44 F.3d at 242); see also *Anderson*, 477 U.S. at 250 n.5 (noting that Rule 56(e) requirement that the nonmoving party come forth with specific facts demonstrating a genuine issue for trial “is qualified by Rule 56(f)’s provision that summary judgment be refused where the nonmoving party has not had the opportunity to discover information that is essential to his opposition”); *Celotex*, 477 U.S. at 326 (“**Any potential problem with [a] premature [summary judgment motion] can be adequately dealt with under Rule 56(f), which allows a summary judgment motion to be denied, or the hearing on the motion to be continued, if the nonmoving party has not had an opportunity to make full discovery.**” (footnote omitted)).

6. Appellate files a Motion to Dismiss in response to the summary judgment.
7. The court did not acknowledge the open Discovery on record at the summary judgment hearing allowing the Motion for Summary Judgment to enter on the court without the close of **ALL DISCOVERY**. See *Fed. R. Civ. P. Rule 56*: (b) TIME TO FILE A MOTION. Unless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days **after the close of all discovery**. Also See *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250 n.5 (1986) (summary judgment inappropriate where “the nonmoving party has not had the opportunity to discover information that is essential to his opposition”)
8. The open discovery was mentioned in the Initial Brief on the Appeal.

**Legal maxim: “From the words of the law there must be no departure.”**

**Legal maxim: “The law ought not to fail in dispensing justice.”**

**Legal maxim: “The law always gives a remedy.”**

WHEREFORE; based upon the **aforementioned grounds** and **Authorities** presented herein, Petitioner(s) **moves this Honorable Court to enter an Order** to VACATE Summary Judgment, DISMISSING ALL UNCONSTITUTIONAL (misrepresented) ORDERS made in excess of jurisdiction and/or under Color of Authority to be ‘Dismissed’, ‘Abated’ and expunged from the Record; together with such other and further relief as the Court may deem reasonable and just under the circumstances.

***Notice to Agent is Notice to Principal. Notice to Principal is Notice to Agent.***

**CERTIFICATE OF SERVICE**

UNDER PENALTY OF PERJURY within the law of the UNITED STATES CODES, I  
HEREBY CERTIFY that a true and correct copy will be furnished by U.S. mail delivery to:  
**Jenny Abbott Kitchings, Appeals Clerk of Court**, P.O. Box 11629, Columbia, South Carolina  
29211; **Sheila M. Bias- Richardson Plowden & Robinson, P.A.**, P.O. Drawer 7788, Columbia,  
SC 29202.

I Am: Bilal Abdullah  
**Bilal Abdullah**, Ex Relatione BILAL ABDULLAH  
Non-Assumpsit – All Rights Reserved, Without Prejudice:  
c/o 7 Landing Lane  
Simpsonville non-domestic near (29681)-9999  
South Carolina united States of America

I Am: LaToya Abdullah  
**LaToya Abdullah**, Ex Relatione LATOYA ABDULLAH  
Non-Assumpsit – All Rights Reserved, Without Prejudice:  
c/o 7 Landing Lane  
Simpsonville non-domestic near (29681)-9999  
South Carolina united States of America

***IN THE NAME OF THE ALMIGHTY!!!***

**NOTARY PUBLIC**

In the State of **South Carolina**, County of **Greenville**  
BEFORE ME personally appeared Al-Bilal Nashid Abdullah and LaToya Abdullah, affirmed  
and subscribed in my presence this 21 day of January, 2014.

Mary J. Nordstrom  
Notary Public Commission Expires August 29, 2017.

Personally Known  OR Produced Identification  - Type Produced: \_\_\_\_\_

In this 14<sup>th</sup> year of the 2<sup>nd</sup> millennium, ~21<sup>st</sup> day of the 11<sup>th</sup> Lunar Cycle(January) aka 01/21/2013.

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

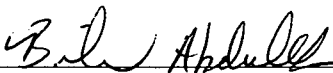
RE: SUNTRUST BANK  
VS: BILAL ABDULLAH AND LATOYA ABDULLAH  
CASE NO.: 2012-CP-23-6148/6149  
APPELLATE CASE NO. 2013-001488

Dear Jenny Abbott Kitchings,

Enclosed is our **Motion for Reconsideration**.

Thank you for your assistance in this regard. If there are any questions or comments please call.

Contact  
Cell – 407-595-3868  
Home – 864-283-0842

I Am:   
**Bilal Nashid Abdullah, Authorized Representative:**  
**In Special Appearance under Threat, Duress and Coercion**  
Non-Assumpsit – All Rights Reserved, Without Prejudice:  
c/o 7 Landing Lane  
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PROOF OF SERVICE

I certify that I have served the Motion to Allow Late Filing on SUNTRUST BANK by depositing a copy of it in the United States Mail, postage prepaid, on January 21, 2014, addressed to their attorney of record, Sheila M. Bias, Post Office Drawer 7788, Columbia, South Carolina 29202. South Carolina Court of Appeals Clerk of Court; Jenny Abbott Kitchings, P.O. box 11629, Columbia, South Carolina 29211.

I am

Bilal Abdullah

**Al-Bilal Nashid Abdullah**, Authorized Representative  
Non-Assumpsit – All Rights Reserved, Without Prejudice:  
c/o 7 Landing Lane  
Simpsonville non-domestic near (29681)-9999  
South Carolina united States of America

I am

Latoya Abdullah

**Latoya Abdullah**, Authorized Representative  
Non-Assumpsit – All Rights Reserved, Without Prejudice:  
c/o 7 Landing Lane  
Simpsonville non-domestic near (29681)-9999  
South Carolina united States of America

**CERTIFIED MAIL™**

Bilal Abdullah  
7 Landing Lane  
Simpsonville, South Carolina 29681



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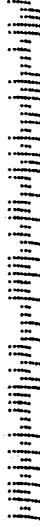
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