

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY
Master-in-Equity

The Honorable Jeffery M. Tzerman

Case No. 2011-CP-28-0981

Appellate Case No. 2012-212971

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FEB 27 2014

SC Court of Appeals

11399

CitiMortgage, Inc., Respondent,

v.

Ellen R. Springer, Peggy S. Charles f/k/a Peggy S.
Roberts, Defendants

Of whom Ellen R. Springer is Appellant.

Motion to Dismiss Appeal

Pursuant to South Carolina Appellate Court Rule 240, Respondent CitiMortgage, Inc. ("CitiMortgage") moves to dismiss the appeal filed by Appellant Ellen R. Springer ("Appellant") on the ground that Appellant failed to serve the Record on Appeal. By letter dated December 11, 2013, this Court directed Appellant to serve the Record on Appeal by January 10, 2014.¹ Appellant has ignored that clear mandate. As of the date of this motion, Appellant is delinquent **42 days** in serving the Record on Appeal.

¹ Initially, Appellant was required by the rules to serve the Record of Appeal within 30 days of the service of the last brief, which was CitiMortgage's brief filed on October 14, 2013, because no reply brief was served. See Rule 210(a), SCACR. The due date was November 13, 2013. Appellant failed to do so. Instead, Appellant has constantly filed frivolous motions seeking identical relief (this Court has consistently denied each motion).

This Court has been more than lenient with Appellant throughout this appeal. Despite multiple opportunities and second chances from this Court, Appellant simply refuses to comply with this Court's mandates and rules. This appeal has been pending since September 17, 2012, and due to Appellant's failure to follow the appellate court rules and clear directions from this Court, this appeal has yet to even move to final briefing.² The constant delays caused by Appellants' frivolous filings and the inability of Appellant to comply with clear directives from the Court have caused CitiMortgage to incur unnecessary costs, delay in advancing the appeal, and unwarranted delay in the underlying foreclosure.

By choosing to pursue this appeal, our appellate court rules impose certain obligations on Appellant. See, e.g., State v. Burton, 356 S.C. 259, 265 n. 5, 589 S.E.2d 6, 9 n. 5 (2003) ("A pro se litigant who knowingly elects to represent h[er]self assumes full responsibility for complying with substantive and procedural requirements of the law."). Appellant simply refuses to comply with her obligations. This Court cannot allow Appellant's abuses of the appellate system to continue. CitiMortgage requests that this Court put an end to the abuses of the appellate system by Appellant and dismiss this appeal.

Conclusion

Based on the foregoing, Appellant has failed to serve the Record on Appeal within the deadline imposed by this Court. Therefore, CitiMortgage requests dismissal of the appeal with prejudice.

² This is not Appellant's first failure to comply with the court rules, orders of the court, and deadlines. A review of the Court's file will illustrate Appellants blatant disregard for the appellate process.

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February 27, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY
Master-in Equity

Jeffery M. Tzerman, Circuit Court Judge

Case No. 2011-CP-28-0981

Appellate Case No. 2012-212971

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SC Court of Appeals

CitiMortgage, Inc., Respondent,

v.

Ellen R. Springer, Peggy S. Charles f/k/a Peggy S.
Roberts, Defendants

Of whom Ellen R. Springer is, Appellant.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for CitiMortgage, Inc., do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: Motion to Dismiss Appeal

Parties Served:

Ellen R. Springer
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Jennifer Lee
Administrative Assistant

February 27, 2014

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February 27, 2014

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

RE: CitiMortgage, Inc. v. Ellen R. Springer
Case No.: 2011-CP-28-0981
Our file no.: 26019/01732

Dear Ms. Kitchings:

Enclosed please find an original and seven copies of a Motion to Dismiss Appeal in the above-referenced matter. Please file the original and return a clocked-in copy to me via our courier. Should you have any questions, please do not hesitate to contact me.

By copy of this letter, I am hereby serving opposing parties.

Very truly yours,



Michael J. Anzelmo

MJA:jlee
Enclosures

cc: Ellen R. Springer, Pro se

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