

IN THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

MAR 01 2012

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

S.C. Supreme Court

George C. James, Jr., Circuit Court Judge

Docket No.: 07-CP-40-03116

Frank H. Love. Appellant,

v.

Alan Wilson, in his official capacity
as the Securities Commissioner for
the State of South Carolina Respondent.

MOTION TO DISMISS

In connection with the above-referenced appeal, the Respondent files this Motion to Dismiss. The trial court dismissed the underlying substantive case on December 13, 2010. (Exhibit 1, Order filed December 13, 2010 [without referenced court exhibits]). Neither Appellant nor anyone acting on his behalf appeared to present argument as to why the underlying substantive case should not be dismissed. Appellant then filed his "OBJECTION of THE

STATE! Of South Carolina's COURT'S ORDER OF DISMISSAL ..." with the trial court but he failed to appear at a hearing held by the trial court to present argument on his "motion". (Exhibit 2, Order filed January 31, 2011).¹ After the trial court denied these "motions", Appellant and others like him, continued to send "motions" and letters to the chambers of the trial judge and the Office of the Attorney General. The trial court then again *noticed* a hearing on the self-styled "Motion for Relief and Disqualification" filed by Appellant and others similarly situated. (Exhibit 3, Notice of Hearing filed April 22, 2011). Again, Appellant failed to appear at the hearing to present argument on his "motion". The trial court then denied all of the "Motion for Relief from Orders of Judge James Dated January 31, 2011 and December 13, 2010". One of the reasons the trial court denied these "motions" was because the court found them to be "largely grammatically, syntactically, and logically incomprehensible. At best, the motions are without merit, and at worst, the motions are gibberish and gobbledygook." (Exhibit 4, Order filed June 1, 2011). Appellant then filed a "Motion for Relief from June 1, 2011 Order, Motion to disqualify Judge James, and bring a compulsory counterclaim". The trial court found Appellant's motions to be without merit and denied them. The trial court also dismissed the "compulsory counterclaim". (Exhibit 5, Order filed June 21, 2011).

Appellant never properly presented any issue at the appropriate trial court level to preserve any issue for an appeal. If Appellant's incoherent "motions" could be construed as a Rule 59 Motion to Alter or Amend, he is still too late to preserve whatever his argument may be in this case. "A party cannot use a motion to reconsider, alter or amend a judgment to present an issue that could have been raised prior to the judgment but was not." Poch v. Bayshore Concrete

¹ The trial court notes that the individuals sending in "motions", including Appellant, did not have standing to intervene in the case and certainly did not have standing to "file" the "motions" that they continuously did after the case was dismissed in December 2010. Should this Motion to Dismiss be denied, Respondent will argue standing as a barrier to Appellant's appeal in this case.


Products/South Carolina, Inc., 386 S.C. 13, 31, 686 S.E.2d 689, 699 (Ct.App.2009); *relying on* Dixon v. Dixon, 362 S.C. 388, 399, 608 S.E.2d 849, 854 (2005) (finding issue raised for first time in Rule 59, SCRCPC, motion is not preserved for review); Kolle v. State, 386 S.C. 578, 589, 690 S.E.2d 73, 79 (2010) (standing issue not properly before the Court where the State did not raise issue at PCR hearing but only in its motion for reconsideration); *see also* Johnson v. Sonoco Prods. Co., 381 S.C. 172, 177, 672 S.E.2d 567, 570 (2009) (recognizing that an issue may not be raised for the first time in a motion to reconsider); Kiawah Prop. Owners Group v. Public Serv. Comm'n., 359 S.C. 105, 113, 597 S.E.2d 145, 149 (2004) (stating an issue raised for first time in petition for rehearing not preserved); *see* Peterson v. Porter, 389 S.C. 148, 152, 697 S.E.2d 656, 658 (Ct.App.2010) (holding that failure of Peterson to raise employer-employee argument during summary judgment proceedings but raising argument in motion to reconsider insufficient to preserve issue for review); Spreeuw v. Barker, 385 S.C. 45, 69, 682 S.E.2d 843, 855 (Ct.App.2009) (holding an argument presented to the court for the first time during post-trial motions pursuant to Rule 59 and Rule 60 are not preserved for appellate review); *see* McClurg v. Deaton, 380 S.C. 563, 579-80, 671 S.E.2d 87, 96 (Ct.App.2008) (holding a party may not raise an issue for the first time in a motion to reconsider, alter or amend a judgment); *see* Hickman v. Hickman, 301 S.C. 455, 456-67, 392 S.E.2d 481, 482 (Ct.App.1990) (“A party cannot use Rule 59(e) to present to the court an issue the party could have raised prior to judgment but did not”).

Thus, the issues raised by Appellant in this appeal were raised for the first time in “post-judgment motions” and are not properly preserved for review before this Court. Respondent, on this ground alone, is entitled to the affirmation of the Circuit Court’s Order of Dismissal and the dismissal of this appeal. *See* Bakala v. Bakala, 352 S.C. 612, 576 S.E.2d 156 (2003) (husband’s

decision to forego participation in the family court proceedings inevitably resulted in his failure to properly preserve for appeal any complaint regarding those proceedings).

As noted above and as an additional ground for dismissal, Appellant's brief and "arguments" therein are nonsensical and incoherent. Pleadings written by pro se parties are to be liberally construed but the brief written by Appellant in this case does not meet basic English requirements. At minimum, a pleading must inform opposing parties of the nature of the claim asserted and the issues opposing parties must be prepared to meet. *See e.g., Marshall v. Winter*, 250 S.C. 308, 157 S.E.2d 595 (1967); *Oxman v. Profitt*, 241 S.C. 28, 126 S.E.2d 852 (1962); *Arctic Ice & Coal Co., et al. v. Southern Ice Co., et al.*, 194 S.C. 60, 9 S.E.2d 38 (1940); *Pendleton v. Columbia Ry., Gas & Elec. Co.*, 132 S.C. 507, 128 S.E. 711 (1925). The trial court also could not interpret the meaning of Appellant's unintelligible motions. (Exhibit 4, p. 3, Order filed June 1, 2011) and (Exhibit 5, Order filed June 21, 2011). Appellant's brief is logically incomprehensible and insufficient to inform Respondent of the nature of the claim and what issues Respondent must meet.

For the above stated reasons, or any appearing in the record, Respondent is entitled to the dismissal with prejudice of Appellant's appeal in this matter. Counsel for Respondent has not conferred with Appellant as there is no duty to consult on a Motion to Dismiss or with a pro se litigant.



Alan Wilson
Attorney General of the State of South Carolina

J.C. Nicholson, III
Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211

Telephone: (803) 734-9916

March 1, 2012

ATTORNEYS FOR RESPONDENT

Exhibit 1

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
C.A. No. 07-CP-40-3116

Henry D. McMaster, in his official capacity)
as the Securities Commissioner for the State)
of South Carolina,)

Plaintiff,)

-vs-)

Capital Consortium Group, LLC; 3 Hebrew)
Boys, LLC; Tony Pough a/k/a Tony Bernard)
Pough; Tim McQueen a/k/a Timothy)
McQueen; Joseph Brunson a/k/a Joseph B.)
Brunson; Daniel Development Group, LLC;)
and First Citizens Bank and Trust Co., Inc.,)

Defendants.)

RICHLAND COUNTY
FILED
2010 DEC 13 PM 3:13
JEANETTE M. MORRIS
C.C.P. & G.S.

ORDER OF DISMISSAL

WHEREAS, Plaintiff has alleged in this case ("State Action") that Defendants Tony Pough a/k/a Tony Bernard Pough ("Pough"); Tim McQueen a/k/a Timothy McQueen ("McQueen"); Joseph Brunson a/k/a Joseph B. Brunson ("Brunson"); Capital Consortium Group, LLC; 3 Hebrew Boys, LLC; and Daniel Development Group, LLC operated an unlawful investment scheme ("Scheme") from which they accumulated several million dollars' worth of cash and other assets (collectively, "Assets"); and

WHEREAS, this Court previously issued several temporary injunction orders¹ ("Orders") freezing the Assets pending appointment of a receiver and enjoining Defendants Pough, McQueen, and Brunson (collectively, "Defendants") from taking any action with respect to the Assets; and

¹ *Order Granting Plaintiff's Motion for Temporary Injunction* (filed June 25, 2007), *Order Expanding the*

WHEREAS, the Court has taken judicial notice² of a federal criminal case³ ("Federal Action") against Defendants Brunson, Pough, and McQueen for numerous violations of the law stemming from their aforementioned activities, including "execut[ing] a scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises"⁴; and

WHEREAS, a court-appointed receiver ("Receiver") in the Federal Action has acquired the Assets, including all monies and property previously seized by the Court in the State Action; and

WHEREAS, Defendants Brunson, Pough, and McQueen were found guilty on all fifty-eight (58) counts in the Federal Action on November 20, 2009,⁵ and they are currently scheduled to be sentenced on December 14, 2010; and

WHEREAS, the jury in the Federal Action returned a *Special Verdict for Forfeiture of Property*⁶ totaling eighty-two million dollars (\$82,000,000) against Defendants on November 20, 2009, and the United States District Court for the District of South Carolina ("District Court") entered a judgment against Defendants in this amount on February 23, 2010⁷; and

Temporary Injunction & Appointment of a Receiver (filed July 16, 2007), and *Order Granting a Temporary Injunction against Daniel Development Group, LLC* (filed September 13, 2007).

² See Matter of Clarkson, 271 S.C. 5, 244 S.E.2d 512 (1978) (acknowledging judicial notice taken of federal court indictments and contempt citation).

³ United States v. Brunson, et al., Case No. 3:08-cr-615 (U.S. District Court, District of South Carolina).

⁴ *Superseding Indictment* at p.1, ¶ 1 (Count 1), attached as Exhibit "A."

⁵ *Verdict form* attached as Exhibit "B."

⁶ Attached as Exhibit "C."

⁷ *Judgment and Preliminary Order of Forfeiture as to Defendants Brunson, McQueen and Pough* attached as Exhibit "D."

WHEREAS, the District Court has directed the Receiver to "assume all duties necessary to seize, manage and liquidate the Defendants' [A]ssets"⁸; and

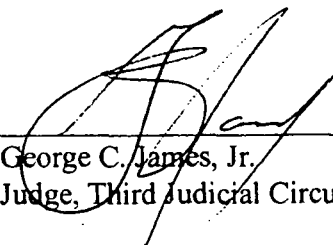
WHEREAS, the disposition of the Federal Action renders maintaining the State Action largely redundant, insofar as (1) Defendants face a lengthy period of incarceration and are no longer operating their Scheme; (2) the enormity of the \$82,000,000 judgment against Defendants makes it unlikely that it will ever be satisfied and casts considerable doubt on whether Plaintiff would be able to collect on any additional judgment(s) or penalties obtained against Defendants in the State Action; and (3) the Receiver will retain possession of the Assets and ultimately liquidate them under the District Court's supervision irrespective of the State Action's disposition; and

WHEREAS, Plaintiff acknowledges that the primary objectives of its State Action have been met by the Federal Action's disposition and has consequently informed the Court that it no longer intends to pursue this case further under the aforementioned circumstances;

THEREFORE, it is ORDERED that this action is dismissed.

AND IT IS SO ORDERED.

12/9, 2010


George C. James, Jr.
Judge, Third Judicial Circuit

⁸ Exh. D at p.4, ¶ 2.

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF RICHLAND

CASE NO: 2007CP4003116

IN THE COURT OF COMMON PLEAS

Henry D McMaster

vs.

Capital Consortium Group Inc

Plaintiff

Defendant

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other:
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____

JEANETTE W. McBRIDE
 C.C. JUDGE
 2010 DEC 14 PM 1:00
 COURT OF COMMON PLEAS
 RICHLAND COUNTY

DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):

- Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

Dated at Columbia, South Carolina, this _____ day of _____, 2010.

PRESIDING JUDGE

This judgment was entered on the _____ day of _____, 2010, and a copy mailed first class this 14 December 2010, to attorneys of record or to parties (when appearing pro se) as follows:

Tracy Askew Meyers
John Terrence Mobley

Stanley H McGuffin
Hemphill P. Pride II

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Jeanette W. McBride

Clerk of Court

Exhibit 2

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
HENRY D. MCMASTER)
In his official capacity as the)
SECURITIES COMMISSIONER)
FOR THE STATE OF SOUTH)
CAROLINA,)

Plaintiff,)

vs.)

CAPITAL CONSORTIUM)
GROUP, LLC; TONY POUGH a/k/a)
TONY BERNARD POUGH; TIM)
MCQUEEN a/k/a TIMOTHY)
MCQUEEN; JOSEPH B.)
BRUNSON; DANIEL)
DEVELOPMENT GROUP, LLC;)
FIRST CITIZENS BANK AND)
TRUST CO., INC.)

Defendants.)
_____)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
C.A. No. 07-CP-40-3116

ORDER

JEANETTE W. McBRIDE
C.C.P. & G.S.

2011 JAN 31 AM 9:59

FILED

RICHLAND COUNTY

This action was dismissed by order of this court dated December 9, 2010 and filed December 13, 2010. John T. Mobley, Esq., represents over one hundred individuals who collectively filed a motion to intervene in this action in May, 2009. The order dismissing the action renders moot the motion to intervene. Over the past month, the court has received a raft of papers styled in pertinent part "OBJECTION of THE STATE! Of South Carolina's COURT'S ORDER OF DISMISSAL" (sic) from almost four dozen individuals, some of whom are listed as would-be intervenors on the aforesaid motion to intervene. The complete listing of the individuals who have forwarded the "OBJECTION" is as follows, with a "no" beside their name if they have never made an appearance and a "yes" beside their name if they are would-be intervenors represented by Mr. Mobley:

Gloria Cosner—no

Almia J. McCrief—yes

Tamiko D. Lowe-McIntosh—yes
Cynthia A. Smith—yes
Mary Taylor—yes
Ashley Poitier—yes
Marcel Poitiev—no
Rev. Leroy Smith—no
Betty Smith—no
Joseph W. Arties—no
Anthony McRay—no
Norcell McCray—no
Tyrone Smith—yes
Tensler C. Laster—yes
Tyrone Laster—yes
Brenda Charles-Bowe—no
Roger L. Whaley—no
Deborah Weaver—no
Kreska Smith Finney—yes
Frank H. Love—no
Willie Hill—no
Constance Hill—no
Eddie Shepard—no
Jeanetta Shepard—no
Clifford Brown—no
Susie Brown—no
Joseph Giles—no
Sherah Giles—no
John P. Lewis—no
Henry R. Lewis, Jr.—no
Paulette E. Lewis—no
Frankie Nance—no

A handwritten signature or set of initials, possibly 'EJP', written in dark ink at the bottom right of the page.

Cynthia Nance—no
Calvin F. Sykes, Sr.—no
Heddy B. Sykes—no
Pearl E. Humphrey—no
Becky Short—no
Ray P. Davis—no
Lela L. Davis—no
Jan Austin—no
David Austin—no
Frankie L. McKoy—no
Ted McNeill—no
Connie L. Huger—no
Levone B.—no

It appears that none of the “OBJECTION” documents filed with the Richland County Clerk of Court were accompanied by the required \$25.00 motion filing fee. The language in the “OBJECTION” is impossible to logically interpret and the “OBJECTION” includes attachments that are largely illegible and faded, with handwriting in the margins that is also faded and if not faded, then illegible. One of the attachments (received from Willie Hill and Constance Hill) is accompanied by a document entitled “INSTRUCTIONS” which directs the person sending the “OBJECTION” to sign his or her name to the “OBJECTION” and to a cover letter, to fax the documents to this court and to the Attorney General, and to send the original to the Clerk of Court by certified mail, and to request the return of a certified copy. The instructions list the fax numbers of this court and Assistant Attorney General Warren V. Ganjehsani.

The vast majority of those who faxed the “OBJECTION” did not provide any return address information. Therefore, the Clerk of Court will have no way to advise these people of any ruling on the “OBJECTION.”

This court has been given the name of the individual who purportedly authored the “INSTRUCTIONS” and the “OBJECTION” and is concerned that the preparation of these documents, especially the “OBJECTION” and the attachments thereto, constitutes the unauthorized

Handwritten signature or initials, possibly "B/S" or "B/3", with a large flourish.

practice of law by the individual who purportedly authored the documents. However, that issue is not before this court at this time.


To the extent that the "OBJECTION" amounts to a Rule 59(e) motion to alter or amend the court's December 9 order, the individuals represented by Mr. Mobley are required to make such a motion through their attorney, Mr. Mobley, which they have not done. For that reason alone, the motions of these individuals are denied (Rule 11(a), SCRPC, "Every motion... of a party represented by an attorney shall be signed in his individual name by at least one attorney of record..."). With regard to the individuals who have not heretofore appeared in this action, they have no standing to assert any claim for relief and their motions are denied for that reason. Even if the motions had been properly presented to the court, the motions are summarily denied on the merits.

Further, the aforementioned individuals, except for the attorneys, are ORDERED to have no facsimile or email communication with this court, the Attorney General, or the Clerk of Court. All communications must be hand-delivered or sent by U.S. mail and must be accompanied by a valid return address and a valid telephone number.

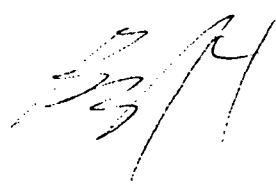
AND IT IS SO ORDERED.

Columbia, South Carolina

January 31, 2011



The Honorable George C. James, Jr.
Circuit Court Judge



STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2007CP4003116

Henry D McMaster
Plaintiff

vs.

Capital Consortium Group Inc
Defendant

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a) SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other:
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____

2011 JAN 31 11:12:00
CLERK OF COURT

- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed; Reversed; Remanded; Other
- NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

Dated at Columbia, South Carolina, this _____ day of _____, 2011.

PRESIDING JUDGE

This judgment was entered on the _____ day of _____, 2011, and a copy mailed first class this 31 January 2011, to attorneys of record or to parties (when appearing pro se) as follows:

Tracy Askew Meyers
John Terrence Mobley

Stanley H McGuffin
Hemphill P. Pride II

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Jeanette W. McBride

Clerk of Court

Exhibit 3

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
HENRY D. MCMASTER)
In his official capacity as the)
SECURITIES COMMISSIONER)
FOR THE STATE OF SOUTH)
CAROLINA,)

Plaintiff,)

vs.)

CAPITAL CONSORTIUM)
GROUP, LLC; TONY POUGH a/k/a)
TONY BERNARD POUGH; TIM)
MCQUEEN a/k/a TIMOTHY)
MCQUEEN; JOSEPH B.)
BRUNSON; DANIEL)
DEVELOPMENT GROUP, LLC;)
FIRST CITIZENS BANK AND)
TRUST CO., INC.,)

Defendants.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
C.A. No. 07-CP-40-3116

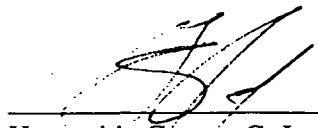
Notice of Hearing on Motion
for Relief from Order

RICHLAND COUNTY
FILED
2011 APR 22 AM 8:50
JEANETTE W. McBRIDE
C.C.P. & G.S.

To: Romma L. Hines, Sonya R. Reid, Roger Whaley, Shirley Byrd, Ray Davis, Jerry Warren Home, Mary Taylor, Frank H. Love, Betty Dunston Smith, Clarence Packer, Irona Linder, Tensler C. Laster, Cicily Harrington, Willie Mae Harrington, T. McNeill, Cynthia A. Smith, Frankie Nance, Billy Snow, Stacie Lilly, DeAron Smith, Virginia Kirby, Jessica Ellerbe, Ervin Drake, Marisa Linder, Ineka Dixon, Joseph Giles, Tamiko D. Lowe-McIntosh, Ava A. Cain, Anita Liles, Tyrone Laster, Tyrone Smith, Rutha L. Kinloch, Kreska Smith Finney, Isolde Brunson, Katie D. Harrington, Keionis Bostic, Della Harrington, Barbara Little, Inez Redfern, and Allen.

A hearing on the Motion made by the persons mentioned above will be held on May 12, 2011 at 10:00 a.m. in Courtroom 2-C of the Richland County Courthouse. You are hereby notified and invited to take part.

April 14, 2011


Honorable George C. James, Jr.
Circuit Court Judge

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF RICHLAND

CASE NO: 2007CP4003116

IN THE COURT OF COMMON PLEAS

Henry D McMaster

vs.

Capital Consortium Group Inc

Plaintiff

Defendant

CHECK ONE:

JEANETTE W. McBRIDE
C.C.P. & C.S.
2011 APR 25 PM 3:25
RICHLAND COUNTY
FILED

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 43(k), SCRPC (Settled);
 - Other:
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____

- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed; Reversed; Remanded; Other
- NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

Dated at Columbia, South Carolina, this _____ day of _____, 2011.

PRESIDING JUDGE

This judgment was entered on the _____ day of _____, 2011, and a copy mailed first class this 25 April 2011, to attorneys of record or to parties (when appearing pro se) as follows:

Tracy Askew Meyers
John Terrence Mobley

Stanley H McGuffin
Hemphill P. Pride II

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Jeanette W. McBride

Clerk of Court

Exhibit 4

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
07-CP-40-3116

HENRY D. McMASTER,)
In his official capacity as the)
SECURITIES COMMISSIONER)
FOR THE STATE OF SOUTH)
CAROLINA,)

Plaintiff,)

vs)

CAPITAL CONSORTIUM)
GROUP, LLC; TONY POUGH a/k/a)
McQUEEN a/k/a TIMOTHY)
McQUEEN; JOSEPH B.)
BRUNSON; DANIEL)
DEVELOPMENT GROUP, LLC;)
FIRST CITIZENS BANK AND)
TRUST CO., INC.)

Defendants,)

ORDER

RICHLAND COUNTY
FILED
2011 JUN -1 AM 9:04
JEANETTE W. McBRIDE
C.C.P. & G.S.

This matter was before the court on May 12, 2011 for hearing of certain motions. For the reasons set forth herein, all of the motions are denied. The primary motion to be heard was a motion styled "Motion for Relief from Orders of Judge James Dated January 31, 2011 and December 13, 2010". This motion was presented by forty individuals, all of whom were given ample notice of the May 12 hearing date and time. This notice was given by the court via United States mail deposited April 14, 2011 to the addresses provided by the current movants. Unfortunately, however, only five of the forty movants appeared for the hearing. Those movants appearing were Shirley Byrd, Ineka Dixon, Virginia Kirby, Inez Redfern, and Barbara Little. The instant motion was the very

first appearance in this case by these five movants. Appearing for the plaintiff was Warren V. Ganjehsani, Esquire, of the South Carolina Attorney General's Office.

A history of the latest procedural events in this case is as follows:


This forfeiture action was dismissed by order of the undersigned filed December 13, 2010. Subsequently, forty-five individuals who claimed to be constituents of the defendant Capital Consortium Group (CCG) presented motions styled as OBJECTION!, which the undersigned denied by order dated and filed January 31, 2011. Of these forty-five individuals, nine had appeared through their former counsel, John T. Mobley, Esquire, and his predecessor counsel, Glenn Walters, Esquire, as moving parties in a motion to intervene. As noted in this court's December 13, 2010 order, this forfeiture action has been rendered redundant and unnecessary in light of a federal forfeiture action which is aimed at obtaining are the same relief sought in this state action. The funds which are the subject of this action are being held by a receiver appointed by United States District Judge, the Honorable Margaret B. Seymour. After the undersigned issued the January 13, 2011 order, the current forty movants presented their motion. Prior to the May 12 hearing, the court received sixteen motions to disqualify the undersigned from presiding in this action, and eight motions for continuances of the May 12 hearing. After the hearing, but before the issuance of this instant order, the court received several more motions to disqualify and motions to continue. None of the five individuals who appeared moved to disqualify or to continue.

At the hearing, the court inquired of the five movants who were present as to whether they wanted to present any argument to the court other than what has been set forth in their motions. They all confirmed they did not. The court did then, and does

now, summarily deny the motions to disqualify and to continue. There is absolutely no reason to grant either motion, and the court notes that the motions are largely grammatically, syntactically, and logically incomprehensible. At best, the motions are simply without merit, and at worst, the motions are gibberish and gobbledygook. The same is said for the Motion for Relief, which was the primary reason for the scheduling of the May 12 hearing. If the court were to use its imagination to attempt to conjure a ground upon which the Motion for Relief was based, it could not do so. The five movants who were present offered no argument, and the remaining thirty-five movants did not bother to appear for the hearing.

As all three motions are manifestly and absolutely without merit, they are DENIED.¹

AND IT IS SO ORDERED.



George C. James, Jr.
Circuit Court Judge

Sumter, South Carolina

May 23, 2011

¹ Of course, the court makes no finding as to the timeliness of any appeal to the South Carolina Court of Appeals or the Supreme Court of South Carolina; however, the court is aware of case law addressing successive motions for reconsideration insofar as timely appeals are concerned.

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF RICHLAND

CASE NO: 2007CP4003116

IN THE COURT OF COMMON PLEAS

Henry D McMaster

vs.

Capital Consortium Group Inc

Plaintiff

Defendant

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried and heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other:
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____

RICHLAND COUNTY
 FILED
 2011 JUN 1 AM 9:38
 JEANETTE W. MCBRIDE
 C. C. P. & G. C.

DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):

- Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:

See attached order;

Statement of Judgment by the Court:

Dated at Columbia, South Carolina, this _____ day of _____, 2011.

PRESIDING JUDGE

This judgment was entered on the _____ day of _____, 2011, and a copy mailed first class this 1 June 2011, to attorneys of record or to parties (when appearing pro se) as follows:

Tracy Askew Meyers
John Terrence Mobley

Stanley H McGuffin
Hemphill P. Pride II

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Jeanette W. McBride

Clerk of Court

Exhibit 5

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

HENRY D. McMASTER,)
In his official capacity as the)
SECURITIES COMMISSIONER)
FOR THE STATE OF SOUTH)
CAROLINA,)

Plaintiff,)

vs)

CAPITAL CONSORTIUM)
GROUP, LLC; TONY POUGH a/k/a)
McQUEEN a/k/a TIMOTHY)
McQUEEN; JOSEPH B.)
BRUNSON; DANIEL)
DEVELOPMENT GROUP, LLC;)
FIRST CITIZENS BANK AND)
TRUST CO., INC.)

Defendants,)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
07-CP-40-3116

ORDER

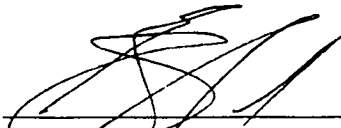
RICHLAND COUNTY
FILED
2011 JUN 21 PM 2:07
JEANETTE W. McBRIDE
C.C.P. & G.S.

This matter is presently before the court pursuant to Mr. Frank H. Love's motion for relief from this court's June 1, 2011 order, motion to disqualify the undersigned, and Mr. Love's attempt to bring a counterclaim. No hearing was held on the instant motions.

The motion to disqualify and the motion for relief are both wholly without merit and are summarily denied. The compulsory counterclaim is dismissed. As stated in this court's order filed 6/1/11, this matter is concluded. No further proceedings are warranted.

AND IT IS SO ORDERED.

Sumter, SC
June 15, 2011



George C. James, Jr., Circuit Court Judge

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF RICHLAND

CASE NO: 2007CP4003116

IN THE COURT OF COMMON PLEAS

Henry D McMaster

vs.

Capital Consortium Group Inc

Plaintiff

Defendant

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been heard and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other:
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____

RICHLAND COUNTY
 FILED
 2011 JUN 22 AM 9:12
 JEANETTE W. MCGUFFIN
 C. CLERK OF COURT

DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):

- Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:

- See attached order;
- Statement of Judgment by the Court:

Dated at Columbia, South Carolina, this ____ day of _____, 2011.

PRESIDING JUDGE

This judgment was entered on the ____ day of _____, 2011, and a copy mailed first class this 22 June 2011, to attorneys of record or to parties (when appearing pro se) as follows:

Tracy Askew Meyers
John Terrence Mobley

Stanley H McGuffin
Hemphill P. Pride II

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Jeanette W. McGuffin

Clerk of Court

IN THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

George C. James, Jr., Circuit Court Judge

Docket No.: 07-CP-40-03116

Frank H. Love..... Appellant,

v.


Alan Wilson, in his official capacity
as the Securities Commissioner for
the State of South Carolina..... Respondent.

PROOF OF SERVICE

I certify that on the 1st of March, 2012, I have served the Motion to Dismiss on Appellant as shown below by depositing a copy of same in the United States Mail, postage prepaid, addressed as follows:

Frank H. Love
1025 Mason Road
Columbia, South Carolina 29203

Pro Se Appellant



Alan Wilson

Attorney General of the State of South Carolina

J.C. Nicholson, III

Assistant Attorney General

Post Office Box 11549

Columbia, SC 29211

Telephone: (803) 734-9916

March 1, 2012

ATTORNEYS FOR RESPONDENT



RECEIVED

MAR 01 2012

S.C. Supreme Court

ALAN WILSON
ATTORNEY GENERAL

March 1, 2012

Via Hand Delivery

The Honorable Daniel E. Shearhouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Frank Love v. Alan Wilson, in his capacity as Securities Commissioner for the
State of SC
Docket No.: 07-CP-40-03116

Dear Mr. Shearhouse:

Enclosed please find for filing the original and six (6) copies of the Motion to Dismiss of Respondent in the above-referenced case.

If there are any concerns, please contact me at (803) 734-3759. Thank you for your consideration in this matter.

Very truly yours,

J.C. Nicholson, III
Assistant Attorney General

cc: Frank Love (U.S. Mail)