

Dated: July 18, 2014

To: Whom this may concern, please find attach Petitioner/Roger Whaley's RESPONSE/or/REPLY to Respondent/SCFCU's Motion to Dismiss and Memorandum being FAXED, and placed in Certified MAIL, by postal services, dated July 18, 2014; Mailed to the said Court(s), faxed to all Attorneys.

Ref: Supreme Court Case no: 2014-000067
Appeal Case no: 2012-213208

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JUL 18 2014

S.C. SUPREME COURT

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court
Case no: 2014-000067

RECEIVED

APPEALING the South Carolina's APPEAL COURT
Appellate Case no. 2012-213208

JUL 18 2014

APPEAL of Dorchester County Circuit Trial
Court of Common Pleas
Master of Equity/serving as Circuit – Judge Malte D. Murphy
Case no: 2012-CP-18000539

S.C. SUPREME COURT

Roger L. WhaleyPetitioner

vs.

South Carolina Federal Credit Union and Bank of AmericaRespondents.

Petitioner/Whaley's RESPONSE to Respondent,
SOUTH CAROLINA FEDERAL CREDIT UNION's
MEMORANDUM of LAW IN SUPPORT of
Motion to Dismiss or, In the Alternative, Motion to Strike
Appendix on Behalf of RESPONDENT SOUTH CAROLINA FEDERAL CREDIT UNION

Roger L. Whaley, Pro Se
8673 Laurel Grove Lane
North Charleston, S.C. 29420

Pro Se, Petitioner/Roger Whaley

Date: July 18, 2014

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court
Case No: 2014-000067

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APPEALING the South Carolina's APPEAL COURT
Appellate Case no. 2012-213208

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Page 1 of 6 - Attachments-14

APPEAL of Dorchester County Circuit Trial
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Case no: 2012-CP-18000539

S.C. SUPREME COURT

Roger L. WhaleyPetitioner/Appellant,

vs.

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

Petitioner/Whaley's RESPONSE/or Reply to Respondent,

SOUTH CAROLINA FEDERAL CREDIT UNION's Motion to Dismiss (and Memorandum in Support) or, In the Alternative, Motion to Strike Appendix on Behalf of **RESPONDENT SOUTH CAROLINA FEDERAL CREDIT UNION**

COMES NOW, Petitioner/Plaintiff/Appellant, Roger L. Whaley/a/k/a Petitioner/Whaley writing his responses/or Reply ONLY to the Respondent, South Carolina Federal Credit Union/a/k/a SCFCU, who ONLY filed SCFCU's said motion to dismiss/and said memorandum in support/a/k/a "Memorandum", to be reviewed by this said Supreme Court involving Petitioner/Whaley's filed and this Supreme court's acceptance of Petitioner's Writ of Certiorari and Appendix, after Petitioner Corrected this said court's requested "deficiency...of...the...proof of service...", which Petitioner/Whaley did timely complied, as Petitioner/Whaley respond/or reply by the below numbered statements;

1. Respondent/SCFCU's filed motion to dismiss and Memorandum is not in compliance with the SCACR Rule 240(c)(3),¹ nor Rule 242(f) ², when SCFCU's complete motion and Memorandum does not address absolutely none of the required "...Argument on each Question...presented for Review...", written in Petitioner/Whaley's Writ of Certiorari, which Respondent/SCFCU ADMITS! was FAXED as filed in this said Supreme Court, with the date June 23, 2014, and admits, later was immediately Delivered by Petitioner, the Original Writ document to this Supreme Court. Therefore Respondent/SCFCU said Admittance! shows Petitioner's Writ of Certiorari was timely served, and properly accepted by this Supreme Court on the date June 25, 2014, pursuant with SCACR Rule 262(a)(2)³.

2. Respondent/SCFCU's 7/8/2014 filed Motion to Dismiss & Memorandum, (see Exh. H-0), shows Respondent/SCFCU never Complied with its own! provided Rule, SCACR Rule 240(c), alleging "Petitioner's Petition for Writ of

¹ "...Rule 240(c) Form and Content of Motions and Petitions... (3) Where the Record on Appeal or Appendix has not been filed, or where the facts relied upon in support of the motion are not contained in the Record on Appeal or Appendix, the parties shall file affidavits and other documents in support of their positions.
² "...(f) Return to Petition. Within thirty (30) days after service of the petition, respondent shall serve a copy of his return on opposing counsel, and shall file with the Clerk of the Supreme Court ...The return shall include an argument on each question and may include a counter-statement of the case and of the questions presented for review."
³ RULE 262 FILING AND SERVICE - (a) Filing. Except for petitions for rehearing (Rule 221) and motions for reinstatement (Rule 260), filing may be accomplished by: (1) "...An electronically transmitted FACSIMILE COPY of a document may be ACCEPTED for filing; however, an original of the document must be immediately sent...to the clerk"; which Respondent/SCFCU ADMITS! It "...RECEIVED, VIA FAX, a COPY of a DOCUMENT..." of pro se Petitioner/Whaley's FAXED! Writ of Certiorari, "...ADVISING...the said above Court by...DOCUMENT...DATED JUNE 23, 2014..." (See Exh. 2); As Respondent/SCFCU ADMITS! pro se Petitioner/Whaley filed SEVERAL! NOTICES! to the SUPREME COURT, BEFORE the Deadline Date of 30 days, which (copy) said NOTICE! was considered as PRO SE Petitioner/Whaley "...EFFORTS to SEEK an EXTENSION of TIME: Pursuant with SCACR 240(e) states - "...This Rule governs all motions or petitions filed in the appellate court, including but not limited to: motions for extension of time...; which even! Respondent/SCFCU admits! in its said Motion's Memo could be ACCEPTED as an Extension of Time. Which, this Supreme Court CLERK, provided pro se Petitioner/Whaley ON the DATE! June 6, 2014 that he had UNTIL "JULY 26, 2014" to file his Writ of Certiorari, which pro se Petitioner/Whaley HAND-DELIVERED to this Supreme Court, ON the date JUNE 6, 2014. (See Exh. A), which Respondent/SCFCU ADMITS that "Petitioner...filed, on JUNE 6, 2014, a NOTICE of COURTEOUS...advising the Court and the Parties that he would be filing his Petition for a Writ of Certiorari..." (See Exh. 1); THEREFORE, ALL Proper parties and this said Supreme Court was GIVEN TIMELY FAIR!! (Extension)/a/k/a NOTICES!, and was always in Compliance with the SCACR rule 240(e), and SCACR rule 242(c).

Certiorari as **UNTIMELY**. Alternatively...moves to **STRIKE** the **APPENDIX** filed by Petitioner **due to extraneous INFORMATION FOUND on the DOCUMENTS INCLUDED in the filed Appendix.**"; Whereas, Respondent/SCFCU's own provided Rule 240(c)(3) supports, Respondent/SCFCU never provided ANY required DOCUMENTATION from this Supreme Court's office, nor from Respondent/SCFCU's said Attorney(s)', which could possibly support SCFCU's claims alleged in its "Argument" on pages 3, & 4, that "...The Petition for a Writ of Certiorari is **UNTIMELY...On! or about June 24, 2014**, counsel for Respondent/SCFCU Received, **VIA FAX**, a copy of a Document, attached as **Exhibit B...document was dated June 23, 2014...**"; (See Attached Exhibits 2,3,4)

2a): As the attached above exhibit documents in number 2, shows neither of Respondent/SCFCU's provided any alleged attached DOCUMENTED EVIDENCE, NEVER! showed Respondent/SCFCU received any Faxed document on the alleged date! June 24, 2014; as well as Respondent/ SCFCU never provided ANY DOCUMENT from this Supreme Court, showing any date other than the written date "June 23, 2014" when this Supreme Court received its Faxed!! copy of pro se Petitioner/Whaley's Writ of Certiorari. Therefore shows Respondent/SCFCU never produced the required documents in order to uphold its allegations filed in its motion to dismiss. pursuant with SCACR Rule 240(c)(3).

3. Respondent/SCFCU ADMITS! pro se Petitioner/Whaley's provided EXHIBITS having also the HAND-WRITING Notes on side, Circles, Arrows...are "Correspondence! and ORDERS!! RELATED!! to this! APPEAL!...", filed under Respondent/SCFCU's 7/08/2014 Supreme Court filed Motion to Dismiss or said Alternative... (appear to be on page 1, court stamp dated July 8, 2004, [See Exh. H-0], and/or on page 5, under "II, In the Alternative, SCFCU moves to STRIKE the APPENDIX"), which Respondent/SCFCU ADMITS! this said Supreme Court, as well as the Appeals Court, and! always!! filed also within the said LOWER COURT, are documents always accepted by ALL the PARTIES in the Lower Trial Court, which is pursuant with Respondent/SCFCU's own! provided RULE, 210, SCACR, when Respondent/SCFCU admits! that -

"Petitioner's 'EXHIBITS,' which this Court construed as the APPENDIX in this Matter, CONSIST! of various Correspondence! and ORDERS!! RELATED!! to this! APPEAL! Although! these! ARE! ITEMS! which MAY! BE! typical of an APPENDIX, Petitioner...Rather, most of the Documents have Petitioner-emphasized text by way of HANDWRITTEN NOTES, CIRCLED, and UNDERLINED Text, and ARROWS. See Exhibit D. Part 1, Petitioner's Filed Appendix. Petitioner has improperly altered these documents from their original state and his submission of such altered documents to this Court is IMPERMISSIBLE. SEE Rule 210, SCACR..." ⁴

Therefore, Respondent/SCFCU's above own! admittance! makes moot!and/or shows must DENY Respondent/SCFCU's Move to Strike the Appendix, pursuant with its rule 210, or any of South Carolina Appellate Court rules. ⁵

⁴ As Rule SCACR 210(c) admits! that "...**(c) Content.** The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. **The Record shall not, however, include matter which was not presented to the lower court or tribunal.**"; and

Rule 209 states that "**(a) Time to Serve and File.** At the same time **a party serves his initial brief(s)** under Rule 208, to **include a reply brief, he shall also serve on all parties to the appeal a Designation of Matter** to be included in the Record on Appeal which shall set forth with specificity those parts of the transcript, pleadings, orders, EXHIBITS, or OTHER MATERIALS which he proposes to include in the record on appeal. One copy of this Designation with proof of service shall immediately be filed with the clerk of the appellate court."

⁵ Respondent/SCFCU's filed Motion to Dismiss filed in the Appeals Court (See Exh. H-2,3,4) dated February 5, 2014 under its "INTRODUCTION/BACKGROUND". ADMITS!! DO NOT DENY!and/or SHOWS - in its first and last paragraphs, that it always! ACCEPTED! and RELIED! upon! pro se Appellant/Petitioner/Whaley's (HAND-WRITTEN NOTE! Circles, Arrows, written on his ATTACHMENTS) with his original COMPLAINT filed in the Lower Trial Court, and the SAME! type documents also within the said APPEAL COURT, shows same hand-writing, written on pro se PETITIONER/Whaley's provided CASHIER'S CHECKS, which Respondent/SCFCU's "INTRODUCTION/BACKGROUND" ADMITS! Petitioner/Whaley's CASHIER'S CHECKS, and ALL his other RESEARCH/FOUND Documents (which also have hand-written notes focused on it!and/or CIRCLES, and Arrows) which shows the ACTUAL ORIGINAL written TYPED NAME Document with the Petitioner/Whaley's named PAYEE, whom Respondent/SCFCU ADMITS! is CLEARLY! UNDERSTOOD! that Respondent/SCFCU made OUT to the "...Entry known as CAPITAL CONSORTIUM GROUP..."; which are the SAME! exact type DOCUMENTS! filed and ACCEPTED within the Lower Trial Court, and! the Appeals Court, in which Respondent/SCFCU relied! upon! and actually USED these said Documents as their alleged PROOF, involving the Petitioner's said CASHIER'S CHECKS.

Although! Appeals court filed documents, shows neither! said named RESPONDENTS/SCFCU nor BOA, NEVER! complied with Respondent/SCFCU's own! provided South Carolina Appellate Court Rule 210(c), nor Rule 209...INVOLVING the REPLY to pro se Appellant/PETITIONER/Whaley's TIMELY! filed INITIAL BRIEF, which Respondent/SCFCU filed below ADMITS! that...

"...The underlying action was COMMENCED on FEBRUARY 16, 2012, with APPELLANT filing a confusing COMPLAINT AGAINST BANK of AMERICA (BOA) and SOUTH CAROLINA FEDERAL CREDIT UNION (SCFCU). It appears the allegations INCLUDED CLAIMS of Civil Conspiracy, Fraud, THEFT of MONEY, and BREACH of CONTRACT with respect to CASHIER'S CHECKS!! Issued! BY! SCFCU!! to! an! ENTITY!! known! as! CAPITAL CONSORTIUM GROUP! and! (allegedly) DEPOSITED into (Unknown) ACCOUNT at BOA...this NOTICE OF APPEAL was filed in OCTOBER 2012. Due to various ISSUES with the TRANSCRIPT, and FILING DEFICIENCIES, Appellant's purported INITIAL BRIEF was not filed until AUGUST of 2013. On October 24, 2013, BOA filed A Motion to Dismiss or In the Alternative a Motion to STRIKE those Portions of Appellant's INITIAL BRIEF and DESIGNATION of Matter to be INCLUDED in the RECORD on APPEAL..."

4. This Supreme Court's ORDERS in its LETTER dated "June 25, 2014", shows and/or supports pro se Petitioner/Whaley, always complied with CORRECTIONS requested by the said Court(s), when this Supreme Court also requested that - Petitioner/Whaley's "Deficiency...must be CORRECTED ...of the...accompanying PROOF OF SERVICE...in compliance with SCACR...substantially in the FORMAT shown by FORM 7 in Appendix C to part II...", which Petitioner/Whaley complied, by or before the date "June 25, 2014", OTHERWISE this Supreme Court ordered/or stated that Petitioner/Whaley's filed Petition of Certiorari would have been dismissed, just as ALL the Deficiency ORDERS requested by the said APPEALS COURT officials always APPROVED and ACCEPTED! All and ANY of Appellant/Petitioner/Whaley's CORRECTED Deficiencies, therefore shows that - Respondent/SCFCU's claims under its "Introduction" claimed that "...Petitioner's...filed the INSTANT APPEAL in OCTOBER of 2012. There were numerous filing DEFICIENCIES and his INITIAL BRIEF was not filed UNTIL AUGUST of 2013"⁶, is pursuant with SCACR Rule 242(b)(2) "...Where there is a dissent in the decision of the Court of Appeals."

RESPONDENT/SCFCU's COMPLETE FILED MOTION TO DISMISS and MEMORANDUM and ALL its Supportive LAWS ONLY SUPPORTS, Respondent SCFCU's MOTION TO DISMISS must be "DECLINED"/or DENIED; and SUPPORTS pro se PETITIONER/Whaley's Writ of Certiorari to be Granted, since Respondent/SCFCU's Own provided LAWS CONFLICTS with this said SUPREME COURT's prior RULINGS and LAWS (pursuant with SCACR 242(b)(2)&(3))

5. Respondent/SCFCU's July 8, 2014 filed motion to dismiss and Memorandum ADMITS that Petitioner/Whaley indeed, did TIMELY filed "...his Initial Brief was filed...(in the above said Appeals Court, timely on) AUGUST of 2013... and Designation of Matter..."; and shown by the said APPEALS COURT's ORDER/or Letter of August 23, 2013, that the APPEALS COURT ACCEPTED pro se filed "Initial Brief and Designation of Matter" as being PROPERLY FILED after Petitioner CORRECTED any and all deficiencies requested by the Appeals Court for Petitioner to Correct. Therefore Respondent/SCFCU provided Law dated July 8, 2014, requesting this Supreme Court to DISMISS Petitioner/Whaley's APPEAL, by repeated the APPEALS Court's provided Law "Henning v. Kaye...415 S.E. 2d 794 (1992)" that was entered in the Appeals Court's ORDER 2/27/2014, and (allegedly) supported by the Appeals Court's FINAL ORDER on 5/22/2014, shows the Appeals Court & Respondent's provided Law - "Henning v. Kaye...415 S.E. 2d 794 (1992)" is pursuant with SCACR Rule 242(b)(3) "...Where the decision of the Court of Appeals is in CONFLICT with a prior decision of the Supreme Court."- WHEN this Supreme Court Henning V. Kaye - DECLINED /or DENIED to Grant that said Respondent(s) MOTION to DISMISS - which indeed CONFLICTS with Respondent/SCFCU and the Appeals Court that Granted Respondent's MOTION to DISMISS 2/27/14 was pursuant with their ONLY above case LAW "Henning v. Kaye..."

6. Respondent/SCFCU's July 8, 2014 MOTION to DISMISS and Memo's written "Introduction" and "Argument" also rely upon the Appeals Court's provided LAW "Henning v. Kay, 307 S.C. 436, 415 S.E. 2d 794 (1992)" which is a LAW shown to be ONLY in FAVOR of pro se Petitioner/Whaley's Appeals MUST NOT be DISMISSED, pursuant with this Supreme

⁶ Petitioner's attached Exhibits, As, AAA, AAA-1, shows, and ADMITS in Respondent/SCFCU's LETTERS dated "September 10, 2013", and "OCTOBER 22, 2013", (Admitted by SCFCU, WITHOUT ANY SUPPORTIVE LAW nor ANY Supportive S.C. Appellate Court, that could possibly support SCFCU's Letter on Sept. 10, 2013 stating that "...Mr. Whaley, pro se Appellant, FILED and SERVED the DESIGNATION OF MATTER on what appears to be SEPTEMBER 4, 2013; therefore pursuant TO THIS (Appeals) COURT'S AUGUST 23, 2013 LETTER, OUR INITIAL RESPONSE'S Brief and Designation ARE CURRENTLY DUE BY Friday, OCTOBER 4, 2013. However, with a 30-day EXTENSION of time, by MY!! (which shows ONLY ONE INDIVIDUAL) CALCULATIONS!! OUR INITIAL BRIEF and DESIGNATIONS would be DUE ON or BEFORE November 4, 2013.", Just as SCFCU provided ABSOLUTELY NO SUPPORTIVE Law nor any Appellate Court Rule to support the TIME!! in which SCFCU ADMITS that "...Subsequent (meaning FOLLOWING) or LATER!! to PETITIONER'S (pro se Whaley's) FILING of his INITIAL BRIEF, RESPONDENT BOA (or Bank of America) filed a MOTION TO DISMISS...- which SCFCU Letter of OCT. 22, 2013 and shows was not ONLY UNTIMELY filed, and SCFCU's LETTER dated "OCTOBER 22, 2013" ADMITS that "...Respondent South Carolina Federal Credit Union is in receipt of Mr. Whaley's LETTER to the CLERK with MOTION!! for JUDGEMENT!! against RESPONDENT BANK of AMERICA!! Request to Remain (sic) That said RESPONDENT!! MATTER!! Back to Lower Trial Court with INSTRUCTION to ENTER DIRECT JUDGEMENT IN FAVOR of PLAINTIFF/Appellant Roger Whaley Pursuant with SCRAP Rule 20(b)(4) &(7)...R APPEARS this MOTION is DIRECTED at ANOTHER PARTY. HOWEVER, to the extent Mr. Whaley INTENDED the Motion be DIRECTED towards Respondent South Carolina Federal Credit Union, please ACCEPT this LETTER as OUR BRIEF RETURN to the MOTION. THIS MOTION is not PROPER as against RESPONDENT!! South Carolina Federal Credit Union. Respondent!! South Carolina Federal Credit Union MOVED this honorable COURT for an EXTENSION of TIME in which to FILE said INITIAL BRIEF. This Court GRANTED the MOTION by ORDER!! filed September 27, 2013. ACCORDINGLY!! Respondent!! SOUTH CAROLINA FEDERAL CREDIT UNION!! INITIAL BRIEF!! IN NOT!! due!! Until November 4, 2013 -- 13 DAYS from TODAY."

As, Respondent/SCFCU's September 10, 2013, LETTER shows Respondent/SCFCU is the ONLY!! (Licensed) Attorney (or Individual) Respondent/Party in the APPEALS COURT!! that REQUESTED!! an EXTENSION of TIME, (and SCFCU 9/10/13 letter shows RESPONDENT-BANK OF AMERICA NEVER!! Requested an EXTENSION!! nor FILED any kind of NOTICE of INTENT!! just a pro se Petitioner/Whaley-) although the said document dated 9/10/2013, shows also that absolutely NO licensed Attorney placed ANY REQUIRED!! RULE!! nor ANY LAW!! under which SCFCU's requested its said EXTENSION; but in accordance with Rule 242(b)(2) states (a)-"... This Rule governs all motions or petitions filed in the appellate court, including but not limited to: motions for extension of time...and... (b)...Unless otherwise provided by these Rules, or ordered by the appellate court, the time limits imposed by these Rules SHALL NOT BE STAYED by the FILING!! of a MOTION!! or petition." - DEFEATS SCFCU's "Introduction" claims that "Subsequent to Petitioner's FILING of his Initial BRIEF, Respondent BOA (Bank of America) FILED!! a MOTION!! to DISMISS!! or, in the ALTERNATIVE, a MOTION to Strike Petitioner's INITIAL BRIEF, and DESIGNATION OF MATTER."

Court's prior decisions, pursuant with SCACR 242(b)(2)&(3); which now! on 7/8/14, the said Respondent/SCFCU has provided this said SUPREME COURT with a NEW case LAW "Cf. Elam v. South Carolina Dept. of Transp., 361 S.C. 9, 602 S.E. 2d 772 (2004), which again! contradicts! or shows that! said cas LAW "Cf. Elam v. S.C. Dept of Transp..." also! FAVORS! the pro se Petitioner/Whaley, when this SUPREME COURT RULED! and admits! that "...We granted the petition for a writ of certiorari to review the Court of Appeals' unpublished order dismissing the appeal of the South Carolina Department of Transportation (SCDOT) as untimely. Elam v. South Carolina Dept of Transp., S.C. Ct.App. Order dated July 26, 2002. We REVERSE!; - which makes the Appeals Case pursuant with SCACR Rule 242(b)(3), which CONFLICTS! with a PRIOR RULING of this said Supreme Court's DISCISION.

6a): Respondent/SCFCU's filed requests in their 07/08/2014 motion and memorandum, shows "...Where the decision of the Court of APPEALS is in CONFLICTS with a PRIOR DECISION of the SUPREME COURT- decided by this Supreme Court of South Carolina. Heard November 19, 2003. Decided September 13, 2004. in ELAM v. SOUTH CAROLINA DEPT. of TRANSP. NO. 25869., 361 S.C. 9 (2004), 602 S.E.2d 772, Hattle Rose ELAM, Respondent, v. SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, Petitioner, whereas makes Respondent/SCFCU's alleged DEADLINE Claims another! moot! and Conflicting claims by SCFCU, whose Motion to Dismiss must be denied/or "Declined". SEE "Rule 242(b), SCACR" - 7

Respondent/SCFCU ADMITS! THIS SUPREME COURT "construed"/or READ AS the APPENDIX in THIS MATTER - CONSIST of various CORRESPONDENCE and ORDERS! RELATED! TO! this APPEAL; which RESPONDENT/SCFCU's 07/08/2014 "Introduction" FOOTNOTE 1 SHOWS -Where substantial constitutional issues are directly involved; AND Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court; involving also as FEDERAL! RECEIVER-Mr. Beattie B. Ashmore who is also EMPLOYED/or receives Benefits with THIS SUPREME COURT BOARD - Pursuant with 28 USC 958 (see Ex. C); and Conflicts with the STATE! COURT! LAW reference a Appointed RECEIVER-Law Firm of Nelson, Mullin, Riley & Scarborough, LLP

7. Respondent/SCFCU's 7/8/2014 motion to dismiss memorandum, on page 5, under its "In the Alternative; SCFCU moves to strike the Appendix", ADMITS that "Petitioner's 'EXHIBITS' in its Appendix in this matter, CONSIST of various Correspondence and Orders RELATED! to! this! APPEAL." Petitioner/Whaley provided the SAME attached documents given to this Supreme and Appeals Court -is! not! denied!! by Respondent/SCFCU/was given to the Appeals Court, provided with Appellant/Petitioner's filed along! with! the Lower Court's TRANSCRIPT(s); and other Documented EVIDENCE, that always SUPPORTED, Petitioner's SAME documents with all said handwritten notes-written, was also provided to the Lower Trial Court, which make ALL THOSE SAME said Documents Admissible! in this SUPREME COUR, as well within the said APPEAL COURT, involving the APPEALS COURT'S (alleged Final) ORDERS (which RESPONDENT/SCFCU admits the Court GRANTED both RESPONDENTS Motion to Dismiss involving the APPEAL Court) dated 5/22/2014 AND 02/27/2014, although! NEITHER!! said named RESPONDENTS! NEVER! Objected! to absolutely!! any! of the said HAND-WRITTEN NOTES, or Circles, and Arrows made on the SAME documents that were filed within the lower Trial Court, involving Petitioner's Cashier's Checks named PAYEE, whom Respondent/SCFCU admits it made out Petitioner's cashier's checks to the Ently Capital Consortium Group. ⁶

⁷ SCACR 242(b) Considerations Governing Review. A writ of certiorari is not a matter of right...granted only where there are special and important reasons. ...which will be considered:

(2) Where there is a dissent in the decision of the Court of Appeals.

(3) Where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court.

⁶ Respondent/SCFCU has actually used! the said WRITTEN DOCUMENTS as SCFCU's alleged documented EVIDENCE, so to allegedly support its allegations involving PETITIONER/WHALEY'S provided CASHIERS CHECKS, named PAYEE/CCG, whom BOTH Respondents/or SCFCU's Motion to Dismiss filed in this SUPREME COURT dated 7/8/2014, page 2 "Introduction" FOOTNOTE 1, ALLEGED that "...the trial Judge's ORDER on RESPONDENTS' Motion to Dismiss, PETITIONER's claims RELATE!! to! CONTRIBUTIONS he MADE, via CASHIER'S CHECKS, to!! Capital Consortium, an ENTITY!! CONTROLLED!! BY! INDIVIDUALS!! (Pough, McQueen, Brunson-written in Respondent's pleadings and in LOWER TRIAL COURT'S TRANSCRIPT(s)) Colloquially!! REFERRED to as the THREE HEBREW BOYS'. In DECEMBER of 2010, the THREE HEBREW BOYS were CONVICTED!! for THEIR INVOLVEMENT in an alleged!! PONZI SCHEME! involving!! the CONTRIBUTIONS! to! CAPITAL CONSORTIUM and Other Similar! ENTITIES"...involving a FEDERAL!! COURT!! said Case matters! that! interfering!! with! this! ON! GOING! STATE!! COURT! CASE MATTER(s), which RESPONDENTS/or SCFCU and the APPEAL COURT - said claims and decisions/or request involves "...Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court." pursuant with SCACR Rule 242(b)(5);

8. Respondent/SCFCU's said Motion to Dismiss/Memorandum 07/08/2014, under its Footnote 1, makes its claims. (WITHOUT! Respondent/SCFCU Never! PRODUCED!! absolutely NO! SUPPORTIVE DOCUMENTS), which Respondent/SCFCU's own said Motion & Memo, says is required pursuant with SCACR Rule 240(c) or 240(c)(3), which SCFCU's claims involve the Appeal Court's DECISIONS of 5/22/2014 and 2/27/2014, that involves a Question in this said matter, Pursuant with SCACR Rule 242(b)(4), Where substantial constitutional issues are directly involved, (pursuant also with SCACR Rule 242 (b)(2)(3)&(5), INVOLVING Respondent/SCFCU's 7/8/2014 FOOTNOTE 1 claims and allegations involving Petitioner/Whaley's -

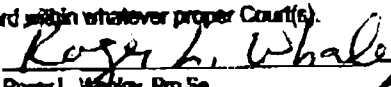
... Via Cashier's Check, to CAPITAL CONSORTIUM, and ENTITY Controlled (allegedly) by INDIVIDUALS (Fough, McQueen, Brinson. See Lower Trial Court Transcript, regarding Federal Law Issues! brought by Respondents in this State! Court Laws hearing matters held, May, 2012) Colloquially referred to as the 'THREE HEBREW BOYS'. In December of 2010, the 'THREE HEBREW BOYS' were CONVICTED as to for their INVOLVEMENT in an alleged!! PONZI SCHEME "aka/a which Petitioner's Original COMPLAINT/and filed in the Appeals Court, always! claimed "Conspiracy of "THEFT!! of Money Funds" -

...(which involves ONLY! Respondent(s)! who JOINT! ADDED! PARTY (the alleged! Federal RECEIVER, Mr. Beattie B. Ashmore/who is also!! a MEMBER! on the BOARD!! of this said SUPREME COURT) whom RESPONDENT(S)/SCFCU's JOINT a FEDERAL!! Case Law Matters! with [a Prior Closed! STATE! COURT! Case Law MATTER] and this! present! ONGOING STATE! COURT! Case Law MATTER! that the said FEDERAL COURT Case said Laws interferes with this said ONGOING!! STATE! Court CASE Laws and Rules, which involves "...Where substantial constitutional issues are directly involved; AND Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court..."; pursuant with SCACR Rule 242(b)(4)(5);

9. Respondent/SCFCU's 07/08/2014, Supreme Court filed Motion to Dismiss and Memorandum, under its footnote 1, makes allegations involving another! Court CASE MATTER, involving the said Respondent/SCFCU and the S.C. APPEAL Court's granted Orders of 5/22/2014 and 2/27/2014, ordered pursuant ONLY!! with a SUPREME STATE! Court Case LAW "Herring v. Kay, 307 S.C. 438, 415 S.E. 2d 794 (1992)", which RULED in FAVOR of pro se Petitioner/Whaley, as to this Supreme Court's ORDERED the RESPONDENT's Motion to Dismiss (and memo) to be "DECLINED" for DENIED. Which is pursuant with SCACR Rule 242 (b)(2)(3)&(5)

10. Respondent/SCFCU's 07/08/2014, Supreme Court filed Motion to Dismiss and Memorandum, under its footnote 1 makes allegations involving another Court Case matter, which Respondent/SCFCU alleged involves Petitioner/Whaley's filing of his Writ of Certiorari to be allegedly! UNTIMELY, which Respondent/SCFCU provided another SUPREME State! Court Case Law... "ELAM v. SOUTH CAROLINA DEPT. OF TRANSP. 359 S.C. 311, 362 S.E.2d 772", which Ruled ALSO in FAVOR of pro se Petitioner/Whaley, when Elam v. S.C. of Trans. ruled that "...We granted the petition for a writ of certiorari to review the Court of Appeals' unpublished order dismissing the appeal of the South Carolina Department of Transportation (SCDOT) as untimely. *Elam v. South Carolina Dept of Trans., S.C. ClApp. Order dated July 25, 2012. We REVERSE!* Which is pursuant with SCACR Rule 242 (b)(2)(3)&(5)

WHEREFORE, in Conclusion of Respondent/SCFCU's request to this said Supreme Court, have requested matters that "... the decision of the Court of Appeals is in CONFLICTS with a PRIOR DECISION of this SUPREME Court". Furthermore, shows that Respondent/SCFCU's motion to dismiss and its memorandum in support must be "DECLINED" for Denied, and therefore shows this honorable Supreme Court must Grant pro se Petitioner/Whaley's Petition for Writ of Certiorari, by upholding this Supreme Court's prior said Ordered decisions involving the LAWS provided by the said named Respondent/SCFCU, which all said LAWS were indeed in FAVOR of the pro se Petitioner/Whaley, involving also the Appeals Court's ordered decisions of May 22, 2014 involving its order of 2/27/2014, must be overruled, and REVERSE! and or remand this said very serious, case matter to be heard within whatever proper Court(s).
Dated July 18, 2014


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8673 Laurel Grove Lane
North Charleston, South Carolina, 29420

8. Respondent/SCFCU's said Motion to Dismiss/Memorandum 07/08/2014, under its Footnote 1, makes its claims, (WITHOUT!! Respondent/SCFCU Never! PRODUCED!! absolutely NO! SUPPORTIVE DOCUMENTS), which Respondent/SCFCU'S own said Motion & Memo, says is required pursuant with SCACR Rule 240(c)/or 240(c)(3), which SCFCU's claims involve the Appeal Court's DECISIONs of 5/22/2014 and 2/27/2014, that involves a Question in this said matter, Pursuant with SCACR Rule 242(b)(4), **Where substantial constitutional issues are directly involved**, (pursuant also with **SCACR Rule 242 (b)(2)(3)&(5)**), INVOLVING Respondent/SCFCU's 7/8/2014 FOOTNOTE 1 claims and allegations involving Petitioner/Whaley's -

"...Via Cashier's Check, to CAPITAL CONSORTIUM, and ENTITY Controlled (allegedly) by INDIVIDUALS (Pough, McQueen, Brunson, See Lower Trial Court Transcript, regarding Federal Law issues! brought by Respondents in this State! Court Laws hearing matters held, May, 2012) Colloquially referred to as the 'THREE HEBREW BOYS'. In December of 2010, the 'THREE HEBREW BOYS' were CONVICTED as to for their INVOLVEMENT in an alleged!! PONZI SCHEME. /a/k/a which Petitioner's Original COMPLAINT/and filed in the Appeals Court, always! claimed "THEFT!! of Money Funds" -

**** (which involves ONLY! Respondent[s]! who JOINT! ADDED! PARTY [the alleged! Federal RECEIVER, Mr. Beattie B. Ashmore/who is also!! a MEMBER! on the BOARD!! of this said SUPREME COURT] whom RESPONDENT(S)/SCFCU's JOINT a FEDERAL!! Case Law Matters! with [a Prior Closed! STATE! COURT! Case Law MATTER] and this! present! ONGOING STATE! COURT! Case Law MATTER! that the said FEDERAL COURT Case said Laws interferes with this said ONGOING!! STATE! Court CASE Laws and Rules, which involves "...Where substantial constitutional issues are directly involved; AND Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court..."; pursuant with SCACR Rule 242(b)(4)(5):**

9. Respondent/SCFCU's 07/08/2014, Supreme Court filed Motion to Dismiss and Memorandum, under its footnote 1, makes allegations involving another Court CASE MATTER, involving the said Respondent/SCFCU and the S.C. APPEAL Court's granted Orders of 5/22/2014 and 2/27/2014, ordered pursuant ONLY!! with a SUPREME STATE! Court Case LAW "Henning v. Kay, 307 S.C. 436, 415 S.E. 2d 794 (1992)", which RULED In FAVOR of pro se Petitioner/Whaley, as to this Supreme Court's ORDERED the RESPONDENT's Motion to Dismiss (and memo) to be "DECLINED"/or DENIED. **Which is pursuant with SCACR Rule 242 (b)(2)(3)&(5)**

10. Respondent/SCFCU's 07/08/2014, Supreme Court filed Motion to Dismiss and Memorandum, under its footnote 1 makes allegations involving another Court Case matter, which Respondent/SCFCU alleged involves Petitioner/Whaley's filing of his Writ of Certiorari to be allegedly! UNTIMELY, which Respondent/SCFCU provided another SUPREME State! Court Case Law... "ELAM v. SOUTH CAROLINA DEPT. OF TRANSP. NO. 25869.. 381 S.C. 9 (2004). 602 S.E.2d 772", which Ruled ALSO in FAVOR of pro se Petitioner/Whaley, when Elam v. S.C. of Trans, ruled that "...We granted the petition for a writ of certiorari to review the Court of Appeals' unpublished order dismissing the appeal of the South Carolina Department of Transportation (SCDOT) as untimely. *Elam v. South Carolina Dept of Trans., S.C. ClApp. Order dated July 25, 2002. We reverse!!*; **Which is pursuant with SCACR Rule 242 (b)(2)(3)&(5)**

WHEREFORE, in Conclusion of Respondent/SCFCU's request to this said Supreme Court, have requested matters that "... the decision of the Court of Appeals is in CONFLICTS with a PRIOR DECISION of this SUPREME Court". Furthermore, shows that Respondent/SCFCU's motion to dismiss and its memorandum in support must be "DECLINED"/or Denied, and therefore shows this honorable Supreme Court must Grant pro se Petitioner/Whaley's Petition for Writ of Certiorari, by upholding this Supreme Court's prior said Ordered decisions involving the LAWS provided by the said named Respondent/SCFCU, which all said LAWS were indeed in FAVOR of the pro se Petitioner/Whaley, involving also the Appeals Court's ordered decisions of May 22, 2014 involving its order of 2/27/2017, must be overruled, and REVERSE/and or remand this said very serious, case matter to be heard within whatever proper Court(s).

Dated July 18, 2014

Roger L. Whaley, Pro Se
8673 Laurel Grove Lane
North Charleston, South Carolina, 29420

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court
Case no: 2014-000067

APPEALING the South Carolina's APPEAL COURT
Appellate Case no. 2012-213208

APPEAL of Dorchester County Circuit Trial
Court of Common Pleas
Master of Equity/serving as Circuit – Judge Maite D. Murphy
Case no: 2012-CP-18000539

Roger L. WhaleyPetitioner

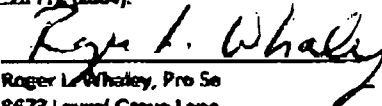
vs.

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

CERTIFICATE OF SERVICE

I, declare, that I, Roger L. Whaley, hand-delivered, mailed, and/or faxed his said Response or Reply ONLY to Respondent SCFCU's filed motion to dismiss and Memorandum in Support, whose Legal Counselor's Law Firm, is Richardson, Ploewden, Robinson, P.A., as the Appellate Court rulings nor any lower trial court's rulings, NEVER CONSOLIDATED/nor JOINT the said DEFENDANTS (SCFCU & Bank of America). Therefore only SCFCU's provided its Motion to Dismiss and Memorandum, which NEVER COMPLIED with the required Rule pursuant with SCACR RULE 242(f) 1, regarding Respondent SCFCU's motion & memo that was never upheld with SCFCU's own provided Laws Henning v. Kaye, 415 S.E.2d 794 (1992), nor Cf. Etam v. South Carolina Dept. of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004).

Date: July 18, 2014


Roger L. Whaley, Pro Se
8673 Laurel Grove Lane
North Charleston, S.C. 29420

Tara C. Sullivan, Esquire
Erik T. Norton, Esquire
Jody A. Bedenbaugh, Esquire
NELSON MILLINS RILEY & SCARBOROUGH, LLP
Post Office Box 11870
Columbia, South Carolina 29211
Sheila M. Bias, Esquire

Draw H. Butler, Esquire
Caleb M. Riser, Esquire
Sheila M. Bias, Esquire
RICHARD PLOWDEN & ROBINSON, P.A.
1900 Barnwell Street (29201) /or P.O. Drawer 7768
Columbia, South Carolina 29202 - Phone - 803-771-4400

1. (f) Return to Petitioner. Within thirty (30) days after service of the petition, respondent shall serve a copy of its return on copying contact, and shall file with the Clerk of the Supreme Court one original and six (6) copies of his return and proof of service showing that the return has been served. The return SHALL INCLUDE an Answer ON EACH QUESTION and may include a counter-statement of the case and of the questions presented for review.

WHEREAS, undated facts are, that Respondent SCFCU's COMPLETE "ARGUMENT" addresses substantially NONE of Petitioner Whaley's provided "..." questions presented for review... which began (not as in the Appellate Court, and within the Lower Trial Court) Respondent SCFCU only motion? and Build your ADDITIONAL Claims, in which the Plaintiff Respondent SCFCU's Petitioner Whaley - NEVER' claimed in its COMPLAINT regarding any alleged Criminal charges involving an alleged FEDERAL, Postal Scheme, involving the alleged BUSINESS-RELATED PARTIES S-Hubert Bajer, whom RESPONDENT SCFCU admitted under said ADDED CLAIMS, such as HIGH-COST INVESTOR'S RIGHTS to Dismiss - and Bajer - has not ANSWERED nor DENIED nor ANSWERED, substantially ANY of Petitioner Whaley's provided Questions and Answers within in Petitioner's Bill of Complaint. As Respondent SCFCU's said motion and memo only address the alleged timeliness of Petitioner's already filed and accepted Bill of Complaint, which this said Supreme Court accepted a Bill in this Supreme Court ONLY after Petitioner Whaley filed into this Supreme Court's REQUESTED CORRECTIONS, which was corrected and also filed within this said Supreme Court.

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court
Case no: 2014-000067

APPEALING the South Carolina's APPEAL COURT
Appellate Case no. 2012-213208

APPEAL of Dorchester County Circuit Trial
Court of Common Pleas
Master of Equity/serving as Circuit – Judge Maite D. Murphy
Case no: 2012-CP-18000539

Roger L. WhaleyPetitioner

vs.

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

CERTIFICATE OF SERVICE

I, declare, that I, Roger L. Whaley, hand-delivered, mailed, and/or faxed his said Response/or Reply ONLY to Respondent/SCFCU's filed, motion to dismiss and Memorandum in Support, whose Legal Counselor's Law Firm, is Richardson, Plowden, Robinson, P.A., as the Appeals Court rulings nor any lower trial court's rulings, NEVER CONSOLIDATED/nor JOINT the said DEFENDANTS (SCFCU/ & Bank of America). Therefore only SCFCU's provided its Motion to Dismiss and Memorandum, which NEVER COMPLIED with the required Rule pursuant with SCACR RULE 242(f) ¹, regarding Respondent/SCFCU's motion & memo that was never upheld with SCFCU's own provided Laws Henning v. Kaye...415 S.E.2d 794 (1992), nor Cf. Elam v. South Carolina Dept. of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004).

Date: July 18, 2014

Roger L. Whaley, Pro Se
8673 Laurel Grove Lane
North Charleston, S.C. 29420

Tara C. Sullivan, Esquire
Erik T. Norton, Esquire
Jody A. Bedenbaugh, Esquire
NELSON MULLINS RILEY & SCARBOROUGH, LLP
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Sheila M. Bias, Esquire

Draw H. Butler, Esquire
Caleb M. Riser, Esquire
Sheila M. Bias, Esquire
RICHARD PLOWDEN & ROBINSON, P.A.
1900 Barnwell Street (29201) /or P.O. Drawer 7788
Columbia, South Carolina 29202 - Phone - 803-771-4400

¹ - (f) Return to Petition. Within thirty (30) days after service of the petition, respondent shall serve a copy of his return on opposing counsel, and shall file with the Clerk of the Supreme Court one original and six (6) copies of his return and proof of service showing that the return has been served. The return SHALL INCLUDE an Argument ON EACH QUESTION and may include a counter-statement of the case and of the questions presented for review.;

WHEREAS, undisputed facts are, that Respondent/SCFCU's COMPLETE "ARGUMENT" addresses absolutely NONE of Petitioner/Whaley's provided "...questions presented for review...", which again! (just as in the Appeals Court, and within the Lower Trial Court) Respondent/SCFCU Only makes! up! their own! ADDED! Claims, in which the Plaintiff/Appellant/Petitioner/Whaley - NEVER! claimed in his COMPLAINT-regarding any alleged Criminal claims involving an alleged FEDERAL!l, Ponzi Scheme, involving the alleged BUSINESS/with/ADDED! PARTIES 3-Hebrew Boys, whom RESPONDENT/SCFCU continues! make said ADDED CLAIMS, JUST AS RESPONDENT/SCFCU's Motion to Dismiss - and Memo - has not ADDRESSED/nor DENIED/nor ANSWERED, absolutely ANY! of Petitioner/Whaley's provided Questions and Arguments written in Petitioner's Writ of Certiorari. As Respondent/SCFCU's said motion and memo only address the alleged timeliness of Petitioner's already! filed! and accepted Writ of Certiorari, which this said Supreme Court accepted! a filed in this Supreme Court ONLY! after Petitioner/Whaley filed also this Supreme Court's REQUESTED CORRECTIONS, which was corrected and also filed within this said Supreme Court.

**ROGER WHALEY'S RESPONSE TO
Respondent/SCFCU's MOTION TO DISMISS and MEMO**

**Part 1
10 - Attachments**

Exh. 1

THE SOUTH CAROLINA COURT OF APPEALS
&
The South Carolina SUPREME COURT

RECEIVED

JUN - 6 2014

S.C. Supreme Court

Appellate Case 2012-213208
Supreme Court Case no: 2014-000067 &
Lower Court Case no: 2012-CP-18-539

Page 1 of 1
Attachments-17

Roger L. Whaley, Pro Se

Appellant/Plaintiff,

vs.

South Carolina Federal Credit Union
and Bank of America,

Respondents/Defendants.

) Appellant/Whaley's **NOTICE of COURTEOUS**
) that he **WILL BE FILING** within 30 days of 5/22/2014 a
) **WRIT of CERTIORARI** -- Appealing this APPEALS
) COURT's "ORDER"¹ dated "5/22/2014"
) and this Appeals Court's LETTER to "Counsel" 5/22/2014
) written Letter ONLY which filed with a - Rule 221(b)

After speaking with the Supreme Court official(s), on today's date June 5, 2014, who agreed that it would not be improper, nor frivolous for Plaintiff/Appellant/Whaley to file also this said NOTICE of COURTEOUS so to bring to the attention of ALL proper court officials that this pro se Appellant/Whaley will be filing his writ of certiorari within the required (30) days, to be filed within both said courts. With the Original(s) filed required documents to be filed within the said Supreme Court, and a copy to this said Appeals Court.

Said notice is being filed, so not to repeat! the prior errors/or lack of knowledge of this appeals court official(s) time limitations in which this PRO SE Appellant/Whaley and ALL other parties are required to TIMELY and PROPERLY file their said pleadings in these said Appellate Court(s), and to make known that this Pro Se Whaley is quite aware of following the rules and laws of both said appellate courts, and will continue to do his best to comply with the said required laws and rules, but pray the SAME by both said Appellate courts to apply to all parties equally.

PRAYING only for fair and Equal Justice to be applied, with absolutely no! special treatments to neither acting party.

Dated: June 5, 2014

Respectfully submitted,

Roger L. Whaley
Roger L. Whaley, Pro Se
8673 Laurel Grove Lane
North Charleston, S.C. 29420

CERTIFICATE of SERVICE: I declare that all proper parties has been served this said Courteous Notice, by mail, fax, or hand-delivery. cc: Jody A. Badenbaugh, Esquire; Erik Tyson Morton, Esquire-1320 Main St, 17th Fl-Columbia, SC 29201; Drew Hamilton Geller, Esquire, Sheila M. Biss, 1900 Barnwell St-Columbia, S.C. 29202

¹ This Appeals Court's "Order" dated 5/22/2014 Never! provided ANY! supportive! LAW nor RULE of Court, that could possibly support its said findings/or allegations written in its "ORDER" 5/22/2014, which is highly, improper for an APPEALS COURT Rulings, actually signed by more than one Appeals Court JUDGES.

Exh. 2

TO: SUPREME and APPEALS COURT Clerk

From: Mr. Roger Whaley, 2012-213208

Date: June 23, 2014

Please be advised that I will be personally hand-delivering this complete Writ of Certiorari to these said above Court by 9:00 am. And has faxed, and will be hand-delivering to all Necessary Legal Counsel.

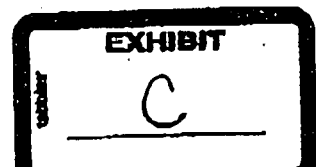
EXHIBIT
B

EMERGENCY NOTICE

Exh. 3

TO: ALL CONCERN, due to Vehicle transportation problems, Mr. Roger Whaley is not able to HAND-DELIVER the attached Writ of Certiorari, but will be OVERNIGHT MAILED to the proper Courts and Faxed to ALL proper Legal Counselors

Ref: Supreme Court Prior Case no. 2014-000067; & Appeals case no. 2012-CP-1B-539



Exh. 4

THE SOUTH CAROLINA COURT OF APPEALS
The South Carolina SUPREME COURT

Appellate Case 2012-213208
Supreme Court Case no: 2014-000067 &
Lower Court Case no: 2012-CP-18-539

Page 1 of 1
Attachments-17

Roger L. Whaley, Pro Se)
) Appellant/Whaley's NOTICE of COURTEOUS
Appellant/Plaintiff,) that he WILL BE FILING within 30 days of 5/22/2014 a
vs.) WRIT of CERTIORARI -- Appealing this APPEALS
) COURT's "ORDER" ¹ dated "5/22/2014"
South Carolina Federal Credit Union) and this <u>Appeals Court's LETTER to "Court"</u> 5/22/2014
and Bank of America,) written <u>Letter ONLY</u> which filed with a - Rule 221(d)
)
Respondents/Defendants.)

After speaking with the Supreme Court official(s), on today's date June 5, 2014, who agreed that it would not be improper, nor frivolous for Plaintiff/Appellant/Whaley to file also this said NOTICE of COURTEOUS so to bring to the attention of ALL proper court officials that this pro se Appellant/Whaley will be filing his writ of certiorari within the required (30) days, to be filed within both said courts. With the Original(s) filed required documents to be filed within the said Supreme Court, and a copy to this said Appeals Court.

Said notice is being filed, so not to repeat the prior errors/lack of knowledge of this appeals court official(s) time limitations in which this PRO SE Appellant/Whaley and ALL other parties are required to TIMELY and PROPERLY file their said pleadings in these said Appellate Court(s), and to make known that this Pro Se Whaley is quite aware of following the rules and laws of both said appellate courts, and will continue to do his best to comply with the said required laws and rules, but pray the SAME by both said Appellate courts to apply to all parties equally.

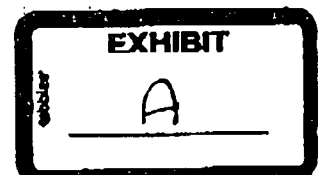
PRAYING only for fair and Equal Justice to be applied, with absolutely no special treatments to neither acting party.

Dated: June 5, 2014

Respectfully submitted,
Roger L. Whaley
Roger L. Whaley, Pro Se
8873 Laurel Grove Lane
North Charleston, S.C. 29420

CERTIFICATE of SERVICE: I declare that all proper parties has been served this said Courtcase Notice, by mail, fax, or hand-delivery. cc: Jody A. Bederbaugh, Esquire; Erik Tison Norman, Esquire-1320 Main St, 17th Fl-Columbia, SC 29201; Drew Hamilton Esq., Esquire, Sheila M. King, 1900 Barnwell St-Columbia, S.C. 29202

¹ This Appeals Court's "Order" dated 5/22/2014 Never! provided ANY! supportive! LAW nor RULE of Court, that could possibly support its said findings/allegations written in its "ORDER" 5/22/2014, which is highly, improper for an APPEALS COURT Rulings, actually signed by more than one Appeals Court JUDGES.



Exh. A



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

June 25, 2014

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

Re: Roger Whaley v. SC Federal Credit Union
Appellate Case No. 2014-001371

Dear Mr. Whaley:

Upon reviewing your Petition for Writ of Certiorari and Appendix, the following deficiency has 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 accompanying proof of service is not in compliance with the SCACR. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

CLERK

cc: Erik Tison Norton, Esquire
Jody Alan Bedenbaugh, Esquire
Tara C Sullivan, Esquire
Drew Hamilton Butler, Esquire
Sheila Marlouvon Bias, Esquire
Caleb Martin Riser, Esquire
The Honorable Jenny Kitchings

Ex. Aa

RICHARDSON
PLOWDEN
ATTORNEYS AT LAW

COLUMBIA P.O. Drawer 2788 • Columbia, SC 29202
1400 Farrow St. Columbia, SC 29201 P 803.771.1000 F 803.739.9010

MYRTLE BEACH P.O. Box 1696 • Myrtle Beach, SC 29577
2103 Farrow St. Myrtle Beach, SC 29577 P 843.440.1000 F 843.400.1522

CHARLESTON 40 Calhoun St., Suite 320 • Charleston, SC 29401
P 843.609.8530 F 843.800.6196

www.richardsonplowden.com

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

see Exh. B + Exh. C

Respondent's

SCFCU

Not

BOA

Complied
with this
Appellate Court's
Orders in it
Clerk's letter.

Dated Sep Aug.
25, 2013. for

Bot a Respondent
to file them.
I did SCFCU

Paid for
only

(1)
Respondent
Filing
Fee

Request
for
Extension

September 10, 2013

Via Hand Delivery
The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumner Street
Columbia, South Carolina 29201

Re: Roger Whaley v. SC Federal Credit Union
Appellate Case No.: 2012-213208

Dear Ms. Kitchings:

As Counsel for Respondent SC Federal Credit Union in the above-referenced case, we respectfully request a 30-day extension of time in which to serve and file our Initial Respondent's Brief and Designation of Matter to be included in the Record on Appeal.

Mr. Whaley, *pro se* Appellant, filed and served his Designation of Matter on what appears to be September 4, 2013; therefore pursuant to this court's August 23, 2013 letter, our Initial Respondent's Brief and Designation are currently due by Friday, October 4, 2013. However, with a 30-day extension of time, by my calculations, our Initial Brief and Designations would be due on or before November 4, 2013. We find it necessary to request this extension due to our current heavy workload. This is our first request for an extension of time to serve and file the Initial Respondent's Brief and Designation of Matter.

I am enclosing the \$25.00 filing fee and thank you for your consideration of this request. By copy of this letter, I am notifying Roger Whaley, *pro se* Appellant, of record of this correspondence.

Thank you for your assistance in this matter.

Sincerely,

Sheila M. Bias

Sheila M. Bias
SC Bar # 100005

SMB/dfb
Enclosure
cc. Roger Whaley, *pro se* (w/o enclosure)

Case - Henning. The South Carolina Court of Appeals

Exh. AA

Roger L. Whaley, Appellant,

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

Appellate Case No. 2012-213208

ORDER

Respondents South Carolina Federal Credit Union and Bank of America have each filed motions to dismiss this appeal. After careful consideration, this appeal is dismissed because Appellant has failed to comply with the South Carolina Appellate Court Rules. See Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992) (noting an appellate court is justified in dismissing an appeal based on an appellant's failure to comply with the South Carolina Appellate Court Rules).

[Signature] FOR THE COURT

Columbia, South Carolina

- cc: Roger L. Whaley, Drew Hamilton Butler, Erik Tison Norton, Jody Alan Bedenbaugh, Sheila Marlouvon Bias

Exh. AA

Research Shows... See Attached Exhibit AA shows the Appellate Court in Error for otherwise due to Bear David Intentionally Return of Appellate Whaley's - Attached Document Evidence - that was Attached with the Requirements of Rule 210(c) SCACR - Attached with Appellate

Case - Henning... support... Whaley's Appeal must not be dismissed - alleged deficiencies were indeed v. Appellate - Whaley Appellant - Whaley's see Attachment 5 - b-2 on see Attached Exh. AA

Designated and his Initial Brief... [unclear] with... mt... [unclear] Diana... [unclear] Rule 210... [unclear] (a)(b)(c) + (c) which shows Appellate error... Request... [unclear] Appellate Designation... [unclear] Class

Whereas Appellant Whaley was always in compliance with S.C. Appellate Court Rules

2/27/14

RICHARDSON PLOWDEN ROBINSON, P.A.
PLOWDEN
ATTORNEYS AT LAW

Exh. AAA

MYRTLE BEACH P.O. Box 3646 • Myrtle Beach, SC 29578
7:03 Ferlow St., Myrtle Beach, SC 29577 P 843 449.1008 F 843.448.1533

CHARLESTON 30 Calhoun St., Suite 220 • Charleston, SC 29401
P 843.805.6550 F 843.805.6599

www.richardsonplowden.com

Respondent SCFCU

*Research shows Respondent-SCFCU - Admits!
It only filed for extension for SCFCU*

October 22, 2013

797

and not Respondent BOA who never complied with his

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

Appeals Court Order Letters Dated

9-25-2013 Exh. AA; 8-23-2013 Exh. 5-C

Nov 9-27-2013 Exh. 5

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**
CIA No.: 2012-CP-1800539
Appellate Case # 2012-213208
Our File No. 7130-36

Dear Ms. Kitchings:

Respondent South Carolina Federal Credit Union is in receipt of Mr. Whaley's "Letter to Clerk a/k/a Motion for Judgment against Respondent Bank of America or Request to Remain [sic] That said Respondent Matter Back to Lower Trial Court with Instruction to Enter Direct Judgment in Favor of Plaintiff/Appellant Roger Whaley Pursuant with SCRAP [sic] 208(a)(2), (4) & (7). (hereinafter "Motion"). It appears this Motion is directed at another party. However, to the extent Mr. Whaley intended the Motion be directed towards Respondent South Carolina Federal Credit Union, please accept this letter as our brief Return to the Motion. This Motion is not proper as against Respondent South Carolina Federal Credit Union. Respondent South Carolina Federal Credit Union moved this honorable court for an extension of time in which to file our initial brief. This Court granted the Motion by Order filed September 27, 2013. Accordingly, Respondent South Carolina Federal Credit Union's Initial Brief is not due until November 4, 2013—13 days from today. Consequently, to the extent Appellant's motion is directed toward Respondent South Carolina Federal Credit Union the motion is premature, without merit, and should be denied as against us.

Appellant Whaley Complied with Appeals Court request of plaintiffs

which shows also compliance with Appeals Order

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

2-27-2014

Therefore shows

Appeals Order

2-27-2014

is most or/Big

written when it

own opinion

relies on. supports Appellant's compliance with S.C. Appellate Rules.

SMB/dfb

Shows Appellant's Error possible bias said Interest of Appeals Court's Board member - Mr. BB Ashmore
Respondent BOA - Did not file its untimely filed Motion to Dismiss until 10/1/13 - when Appeals Court Date 10-22-2013 - when Appeals Court ordered its initial brief to be filed by 10-23/13

Exh. AAA-1

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

The Honorable Maite D. Murphy,
Dorchester County
Trial Court Case No. 2012CP1800539

ORDER

The time for serving and filing the respondent's initial brief and designation of matter is hereby extended until November 4, 2013.

FOR THE COURT

BY [Signature]
CLERK

Columbia, South Carolina

- Roger L. Whaley
- Drew Hamilton Butler
- Eric Eison Norton
- Joey Van Bedemmangh
- Shelle Martouren Blas

*Helson
Mullins
Rear
Zinn*

FILED
2-27-13 AB
* A

SCFCU

EDWARD L. HENNING v. EXHIBIT

Herbert KAYE and Max L. Hill Co., Inc., Defendants, of whom Max L. Hill Co., Inc. is Respondent, and Herber Kaye is Appellant.

Supreme Court of South Carolina.

March 11, 1992.

*437 March 11, 1992.

ORDER

Respondents move the Court to dismiss this appeal. By return, appellant opposes the motion as to respondents Edward Henning and Carol Henning (the Hennings). Appellant does not oppose the motion as to respondent Max L. Hill Co., Inc. (Hill). The motion to dismiss as to Hill is granted.

The Hennings move to dismiss pursuant to Rule 231, SCACR. The Hennings claim that appellant's initial brief fails to comply with Rule 207, SCACR, and that his Designation of Matter to be Included in the Record on Appeal (Designation) is insufficient under Rule 208, SCACR.

By return, appellant's counsel asserts that he has substantially complied with the Rules and that instances of noncompliance were inadvertent technical errors and minor discrepancies. Counsel moves to amend his brief. Counsel further contends that his Designation is clear and specific.

Appellant's brief fails to comply with the Rule 207 in the following particulars: the components of the brief are incorrectly organized and labeled, the issues are not distinctively headed, the table of authorities is not alphabetized or referenced to the body of the brief, the statement of the case contains contested matter and omits required information, and the arguments contain no citations to the record or to the cases listed in the table of authorities.

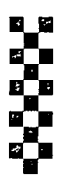
Counsel is advised that the South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review.

Although this Court would be completely justified in dismissing this appeal based on appellant's numerous violations of the Rules, we decline to do so and deny the motion to dismiss *438 as to the Hennings. Instead, appellant shall, within fifteen (15) days of this order, serve and file an initial brief that does fully comply with Rule 207, SCACR. No changes shall be made to appellant's arguments except that appellant may add citations to the cases listed in the current table of authorities and references to the record as provided by Rule 207(b)(4).

With his brief appellant shall serve and file an amended Designation that sets forth with specificity the exhibits and other matter he wishes to include in the Record on Appeal. Appellant is reminded that the Record on Appeal shall not contain any matter not presented to the trial court. Rule 209(c), SCACR.

It is so ordered.

Appellant provide as his Exhibits) The over Trial Court's Transcripts as well as the Respondent's own filed pleadings that showed and supported ALL Pet. 4; new Appellant's Initial Brief and Designation of Matter - as well as Appellant provided other Documented Evidence THAT was Ignored or Returned to Appellate Court.



**ROGER WHALEY'S RESPONSE TO
Respondent/SCFCU's MOTION TO DISMISS and MEMO**

**Part 2
9 - Attachments**

28 U.S. Code § 958 Persons ineligible as receivers

SCFCU's 7-8-2014 - Introduction on page 2

Current through Pub. L. 113-121. (See Public Laws for the current Congress.)

Footnote - 1 - Claiming a Federal Receiver was allegedly appointed by SCFCU's Appeals Court - Mt to dis. next et. Granted by App. prev | next

EXH-C

US Code Notes Updates

A person holding any civil or military office or employment under the United States or employed by any justice or judge of the United States shall not at the same time be appointed a receiver in any case in any court of the United States.

Shows Supreme Court's Board Member - Beattie D. Ashmore - could not be a Receiver - involving Pro se Petitioner / Whaley; (State Court filed) per Ashmore Checks - which in which only! The Respondents / BOA + SCFCU Brought into for joined! in Petitioner / Whaley's civil! State! Court! Case matters. which Petitioner always responded to Respondents!! by providing the same LAW - without they Lower + Appeals Courts who over looked or BOA as interest ruled.

involve also a State Court Appointed Receiver. LAW Firm Nelson, Mullins & who serves as the hire of paid Attorneys

Exh. H-

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
The Honorable Maite D. Murphy

Appellate Case No.: 2012-213208
Civil Action No.: 2012-CP-18-339

RECEIVED
FEB 05 2014
SC Court of App

SCFCU provided
NO! given SC
Rule Nor! Law
that
could
support
its

Roger L. Whaley.....Appellant,

vs.

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

Motion
to

**MOTION TO DISMISS ON BEHALF OF RESPONDENT SOUTH CAROLINA
FEDERAL CREDIT UNION**

Dismiss
filed
2-5-2014

Respondent South Carolina Federal Credit Union ("SCFCU") hereby respectfully moves for a dismissal of Appellant's appeal. The ground for this Motion is Appellant's failure to perfect his appeal pursuant to the South Carolina Rules of Appellate Procedure and the Orders of this Court. The accompanying memorandum of law sets forth this ground in more detail.

Respectfully submitted,

Sheila M. Bias

Drew H. Butler, Esquire
Caleb M. Riser, Esquire
Sheila M. Bias, Esquire
RICHARDSON PLOWDEN & ROBINSON, P.A.
1900 Barnwell Street (29201)
P.O. Drawer 7788
Columbia, South Carolina 29202
803-771-4400

Counsel for Respondent South Carolina Federal
Credit Union

Not
SCFCU
provided
Absolutely

NO!
D.A. (C) when Petitioner
Whaley

February 5, 2014

Allegedly
Failure to Perfect his Appeal...

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

Hee
RECEIVED

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Maite D. Murphy, Circuit Court Judge

JUL - 8 2014

S.C. Supreme Court

On Order of Dismissal (S.C. Ct. App. Filed Feb. 27, 2014)
Appellate Case No.: 2014-001371

Roger L. Whaley.....Petitioner

vs.

South Carolina Federal Credit Union and Bank of AmericaRespondents.

MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION TO STRIKE
APPENDIX ON BEHALF OF RESPONDENT SOUTH CAROLINA FEDERAL
CREDIT UNION

Respondent South Carolina Federal Credit Union ("SCFCU") hereby
moves this Court for an Order dismissing Petitioner's Petition for a Writ of
Certiorari as untimely. Alternatively, and should this Court accept Petitioner's
untimely filing, SCFCU moves to strike the Appendix filed by Petitioner due to
extraneous information found on the documents included in the filed Appendix.
Pursuant to Rule 240(c), SCACR, the accompanying Memorandum of Law
supports this Motion.

[SIGNATURE TO FOLLOW]

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

Exh. H-2

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Maite D. Murphy, Circuit Court Judge

On Order of Dismissal (S.C. Ct. App. Filed Feb. 27, 2014)
Appellate Case No.: 2014-001371

Roger L. WhaleyPetitioner

vs.

South Carolina Federal Credit Union and Bank of AmericaRespondents.

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS OR, IN
THE ALTERNATIVE, MOTION TO STRIKE APPENDIX ON BEHALF OF
RESPONDENT SOUTH CAROLINA FEDERAL CREDIT UNION

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*Counsel for Respondent South Carolina Federal
Credit Union*

July 8, 2014

EX. 11-3

the Court of Appeals and in this Court,² he failed to file an Amended Initial Brief and Designation of Matter to be Included in the Record on Appeal. SCFCU then filed a Motion to Dismiss based on Petitioner's failure to perfect his appeal. The Court of Appeals granted both BOA and SCFCU's Motions to Dismiss. The Court of Appeals denied Rehearing.

ARGUMENT

I. The Petition for a Writ of Certiorari is untimely and must be dismissed.

Rule 242(c), SCACR, affixes the time for filing a Petition for a Writ of Certiorari as thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals. In this matter, the Court of Appeals' Order denying the Petition for Rehearing was filed on May 22, 2014. Given that date, the Petition for a Writ of Certiorari must have been served and filed by June 23, 2014³.

Petitioner was aware of this deadline as he filed, on June 6, 2014, a "Notice of Courtesy," attached as Exhibit A, advising the Court and the parties that he would be filing his Petition for a Writ of Certiorari "within 30 days of 5/22/2014." On or about June 24, 2014, counsel for Respondent SCFCU received, via fax, a copy of a document, attached as Exhibit B, advising that

² Petitioner's previous filings with this Court related to this matter were given the Appellate Case No.: 2014-000067. In those filings, the Court construed Petitioner's requests as seeking a transfer of his case under Rule 204, SCACR, a review of the Court of Appeals' decision related to this matter, and a request for waiver of the filing fee. This Court denied all of Petitioner's requests.

³ Thirty (30) days from the May 22, 2014 is actually June 21, 2014; however, that day was a Saturday. Pursuant to the Appellate Court Rules, the deadline was then the following Monday—June 23, 2014.

Respondent SCFCU's Only: (2) SCFCU's Laws Support's Pet. Time

Petitioner would be hand-delivering "this complete Writ of Certiorari" to the said above Court by 9:00 a.m." The document was dated June 23, 2014; however, it was received and filed by this Court on June 24, 2014. On June 24, 2014, Petitioner faxed an "Emergency Notice,"⁵ attached as Exhibit C, stating that due to transportation issues, he was unable to hand-deliver the Petition for a Writ of Certiorari, but would overnight mail the documents to the proper Courts. The Petition for a Writ of Certiorari was filed on June 25, 2014—two days after the filing deadline.

Whaley: Appeals Can Not Be Dismissed #130 because of Requested Declaration on Respondent SCFCU's Motion to Dismiss Request goes against this Supreme Court's own prior Rulings

Exh. H-4

The Petition in this matter is untimely served and filed; therefore, it must be dismissed. See Rule 242(c), SCACR ("A Petition for a Writ of Certiorari shall be served on opposing counsel and filed with proof of service with the Clerk of the Court of Appeals and the Clerk of the Supreme Court within thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals") (emphasis added). Petitioner made no efforts to seek an extension of time nor did he file any documentation requesting to file the Petition out of time. Moreover, Petitioner's filings indicate he was aware of the deadline for filing his Petition and aware that he missed the deadline for the filing of his Petition. "The South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this state." Henning v. Kaye, 307 S.C. 436, 415 S.E.2d 794 (1992). Because the Petition was untimely, it must be dismissed. Cf. Elam v. South Carolina Dept.

SCFCU's own Case Law Henning v. Kaye Final Ordered Decision Also ruled in Favor of Petitioner Whaley when at the Supreme Court Denied Respondent's Motion to Dismiss and/or

⁴ Of note, the faxed documents included in this correspondence were not the same as the Petition for a Writ of Certiorari which was ultimately filed with this Court.
⁵ The Emergency Notice included a copy of the Petition for Writ of Certiorari which was eventually filed with this Court; however, only the first page of the "Emergency Notice" is attached as the Exhibit.

"Decline" to Dismiss Appellant's Appeal...

Exh.
H-5

of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004) ("The requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice.").

II. In the alternative, SCFCU moves to strike the Appendix.

Should this Court accept Petitioner's filing as timely, SCFCU respectfully moves to Strike the filed Appendix. Petitioner's "exhibits," which this Court construed as the Appendix in this matter, consist of various correspondence and Orders related to this Appeal. Although these are items which may be typical of an Appendix, Petitioner has not provided true copies of these documents. Rather, most of the documents have Petitioner-emphasized text by way of handwritten notes, circled and underlined text, and arrows. See Exhibit D, Part 1, Petitioner's Filed Appendix. Petitioner has improperly altered these documents from their original state and his submission of such altered documents to this Court is impermissible. See Rule 210, SCACR ("The Record [on Appeal] shall not, however, include matter which was not presented to the lower court or tribunal."); Rule 242(e), SCACR ("The Appendix shall include the following: A copy of the Record on Appeal and briefs, . . . If the matter was dismissed by the Court of Appeals for procedural or other reasons, the Appendix shall also include any documents relevant to the dismissal. . ."). Accordingly, the offending documents should be stricken from the Appendix.

Speed
Case Law
Dale Hat
uphold
SCFCU's
said
Claims
when the
said case
was
actually
ruled
in a
final
Decision
in
I never
saw
the
filed
Claims
were
indeed
Timely
and
the
Supreme
Court
Remanded
the
Case
ruled
"We
Reverse!"
The Court
of Appeals
Order... and
Conclude SCOT
Timely!! served,
its Notice...

CONCLUSION

*Exh.
H-6*

For the foregoing reasons, Respondent SCFCU respectfully requests an Order dismissing the Petition for a Writ of Certiorari as untimely. In the alternative, Respondent SCFCU requests an Order from this Court striking the filed Appendix.

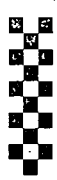
Respectfully submitted,

Sheila Bias

Drew H. Butler, Esquire
Caleb M. Riser, Esquire
Sheila M. Bias, Esquire
RICHARDSON PLOWDEN & ROBINSON, P.A.
1900 Barnwell Street (29201)
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803-771-4400

*Counsel for Respondent South Carolina Federal
Credit Union*

July 8, 2014



**ROGER WHALEY'S RESPONSE TO
Respondent/SCFCU's MOTION TO DISMISS and MEMO**

**Part 3
5 - Attachments**

Exh. H-2a

Appellant's Complaint Always Shows
was prepared w/ the Law & Rules
supporting its claims
SCFCU - Mt to Dismiss
Admitted in Appeals
Court -

INTRODUCTION/BACKGROUND

The instant appeal is the result of Motions to Dismiss filed on behalf of

Respondents at the trial level. The underlying action was commenced on February 16,

2012, with Appellant filing a confusing Complaint against Bank of America ("BOA")

and South Carolina Federal Credit Union ("SCFCU"). It appears the allegations included

claims of civil conspiracy, fraud, theft of money, and breach of contract with respect to
cashier's checks issued by SCFCU to an entity known as Capital Consortium Group and
deposited into accounts at BOA.

On March 7, 2012, SCFCU filed a Motion to Dismiss and on March 22, 2012,

BOA filed its Motion to Dismiss or, in the Alternative, Motion for a More Definite

Statement. After a hearing on these motions, the trial court granted the Motions to

Dismiss with prejudice. The Order dismissing the Complaint essentially found the

Complaint failed to meet the minimum pleading requirements of Rule 8(a), SCRPC, the

Appellant lacked standing to sue as the purchaser of a cashier's check, and that

Appellant's claims should be brought before the ongoing receivership action in federal

court.

Appellant filed a Motion to Reconsider on June 28, 2012, and a hearing was held

on August 29, 2012. On September 17, 2012, the trial court entered an Order denying

Appellant's Motion to Reconsider.

The Notice of Appeal was filed in October 2012. Due to various issues with the

transcript and filing deficiencies, Appellant's purported Initial Brief was not filed until

August of 2013. On October 24, 2013, BOA filed a Motion to Dismiss or in the

alternative a Motion to Strike those portions of Appellant's Initial Brief and Designation

serve

untimely filed
Mt to Dismiss
10-24-2013
See Appeals
Exh B. Letter
Shows BOA must have filed its
Pleadings before! Oct. 9, 2012

Respondent Admits to bring in & hope for a
a Federal "Receivership"

Respondent alleges
that Appellant's
Complaint is
allegedly
confusing - but
not only
Respondent
Admits, as to
their understanding
of each of
Appellant's
Claims; ~~although~~
therefore shows
Appellant's
Complaint is in
compliance with
Rule 8(a) SCRPC
Although Respondent
would not admit
to the Complaint
violated the Rules that
SCFCU
Admits!
Only!!
Respondent
BOA
filed its
Motion to Dismiss

ASB
Appeals
door
man
↓
SMA
JA
#:
Rel.
is
on
Ch
F
286
95

Exh. H26 * SCFCU - Below Motion to Dismiss - Admits - This
Appeals Court rendered OR Granted Respondents
Motion to Dismiss - Appellant wholly provided undisputed
Documented Evidence - and Claims that were filed above
in the lower Trial Court - that Appellant Respondent
BOA's Attorneys - whom
wholly always

of Matter to be Included in the Record on Appeal which were not in compliance with the claimed
 Appellate Court Rules. [Exhibit A] - and Respondent's known Appeals in
Court provided by Respondent's key - filed in Court
 Simultaneously, Appellant filed Motions for Judgment against both Respondents in Court
that BOA's

By Order filed November 27, 2013, this Court denied Appellant's Motion for Judgment
 as to both Respondents. [Exhibit B]. The Court further granted BOA's Motion to Strike
 and ordered Appellant serve and file an Amended Designation of Matter to be Included in

the Record on Appeal (excluding the offending portions). Id. The Order also indicated
 Appellant was to serve and file an amended Initial Brief that fully complies with Rule
 208, SCACR, within thirty days. Finally, the Order stated that at the expiration of thirty-
 days, the Court would consider BOA's Motion to Dismiss. Id.

On Tuesday (December 24, 2013), Appellant filed a Motion to Relieve the Counsel
 of Respondent Bank of America (seeking the protections of Rule 240, SCACR) thereby
 attempting to stay the perfection of the appeal. This Court denied the Motion to Relieve

Counsel on January 3, 2014. [Exhibit C]. Since that time, Appellant has filed various
 documents in this Court and the South Carolina Supreme Court, but has failed to file an
 amended Initial Brief or Designation of Matter to be Included in the Record on Appeal.

ARGUMENT

Appellant has failed to perfect his appeal.

Pursuant to Rule 260(a), SCACR, Appellant moves this Court to dismiss the
 instant appeal because Appellant has failed to comply with the requirements of the South
 Carolina Rules of Appellate Procedure and Orders of this Court. Appellant has failed to
 perfect this appeal because he has not filed a proper Initial Brief and Designation of
 Matter to be Included in the Record on Appeal as ordered by this Court. Rule 208(a)(4).

3013

SCFCU Admits
 Appeals Court rendered OR Granted Respondents
 Motion to Dismiss - Appellant wholly provided undisputed
 Documented Evidence - and Claims that were filed above
 in the lower Trial Court - that Appellant Respondent
 BOA's Attorneys - whom
 wholly always
 claimed
 in Court
 that BOA's
 Attorney
 were
 Also
 wholly's
 Clerk's
 paid \$495
 all done
 Appellant
 state
 Court
 Appellant
 wholly's money
 not returned

SCFCU
 Admits
 Appellant
 Whaley Also
 filed under
 Rule 240 - Just!
 AS - Both 5 filed
 Respondents.
 seeking the
 protection of Rule 240,
 SCACR, thereby perfecting
 the appeal.
 SCFCU
 Admits
 Appeals Court rendered OR Granted Respondents
 Motion to Dismiss - Appellant wholly provided undisputed
 Documented Evidence - and Claims that were filed above
 in the lower Trial Court - that Appellant Respondent
 BOA's Attorneys - whom
 wholly always
 claimed
 in Court
 that BOA's
 Attorney
 were
 Also
 wholly's
 Clerk's
 paid \$495
 all done
 Appellant
 state
 Court
 Appellant
 wholly's money
 not returned

Exh. H. 2/c

* SCFCU Nor! BOA
Filed + their Initial
Baileys as ordered by the STATE!!
Appeals Court - due to Appeal Court Board member B.B. Ashmore's

SCACR provides that upon the failure of the appellant to file an serve his brief within
the time prescribed, the clerk of the appellate court shall sign an order dismissing the
appeal." Because Appellant has filed no briefs which properly comply with the Appellate
Court Rules, he has failed to perfect his appeal. Consequently, the instant appeal must be

dismissed,
although

CONCLUSION

Based on the foregoing, Respondents respectfully move this honorable Court for
an Order dismissing this appeal.

Respectfully submitted,

Sheila M. Bias

Drew H. Birtler, Esquire
Caleb M. Riser, Esquire
Sheila M. Bias, Esquire
RICHARDSON FLOWDEN & ROBINSON, P.A.
1900 Barnwell Street (29201)
P.O. Drawer 7788
Columbia, South Carolina 29202
803-771-4400

Counsel for Respondent South Carolina Federal
Credit Union

February 5, 2014

against Appellant's
Katalent, in
Named Appellant's
Ashmer's check
Whom Both Respondents
SEFCU & BOA - Admits
Mr. B.B. Ashmore is the
alleged + Reclaiming
Federal! Court Case involving
3-Hebrew Boys - (whom Respondents
alleged Ponzi scheme in
or was involved in
alleged Respondents!
whom Respondents!
Produced Clear Martin
Sd. Money + that Respondents
will had Ponzi + documented
when Plaintiff + her
Produced Appellant's
Shaming + Agreement
Money! CCG's Customers
Checks from CCG's Customers
never
deposited!
into the
account
CCG's Bank
as to why!
Money! on
No St of CCG's!
Customer's
money were
Returned!
By! the
Respondent!
BOA and/or
by the Dept
of Revenue - due to CCG + the Law
whom BOA Money to Dept
I want CCG Money - Dept
Revenue due to CCG's
Money! CCG's Customers
as to why! BOA - Ashmer's
Money...

Deposited to Legally
to the Grant BOA do take CCG's
Ashmer's CCG's Constitution
Money...

Exh. I

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

This appeal was dismissed in an order dated February 27, 2014, and Appellant has filed what this Court construes as a petition for rehearing. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

R. G. Spivey, Jr. J.

W. E. Justice J.

Joseph W. Hunter A.J.

Columbia, South Carolina

cc:
Roger L. Whaley
Drew Hamilton Butler, Esquire
Erik Tison Norton, Esquire

FILED
5/22/14

Exh. I-1

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

** Denied by Appellate Court official w/out any party objection!! to the said withdrawal pursuant*

ORDER

W/SCAC against Rule 240(e) + (3) Appellate court's Shanon Bias and Personal Interest Rule Canon 2+3

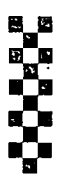
Appellant has filed a motion to relieve Respondent Bank of America's counsel. After careful consideration, Appellant's motion is denied.

Judge M. Curran AS
FOR THE COURT

Columbia, South Carolina

FILED
1-3-14

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



**ROGER WHALEY'S RESPONSE TO
Respondent/SCFCU's MOTION TO DISMISS and MEMO**

**Part 3
5 - Attachments**

Exh. I-2

THE SOUTH CAROLINA COURT OF APPEALS

Roger L. Whaley, Appellant, Pro Se

v.

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

Appellate Case No. 2012-213208

Presiding Lower Court Judge Maite D. Murphy
Dorchester County
Trial Court Case No. 2012CP-1800539

Attachments - 2
*Appeals Order/9/27/13
*and Respondent SCFCU Letter 8/10/13

LETTER to CLERK/a/w/a MOTION for Judgment against RESPONDENT BANK OF AMERICA or REQUEST to REMAIN THAT said RESPONDENT MATTER BACK to Lower Trial Court with INSTRUCTION, to ENTER Direct JUDGMENT IN FAVOR of Plaintiff/Appellant Roger Whaley Pursuant with SCRAP 208(a)(2),(4)&(7)

Dear Clerk:

Pursuant with SCRAP Rule 208(a)(4)&(7), by the understanding of this Pro Se, Plaintiff/Appellant Whaley, can write a LETTER/a/w/a or MOTION FOR JUDGMENT against Defendant/RESPONDENT-BANK OF AMERICA for Request to REMAIN that said Defendant/Respondent/Bank of America's MATTER BACK to Lower Trial Court with INSTRUCTION for the lower trial court Judge to Enter DIRECT JUDGMENT IN FAVOR of PLAINTIFF/Appellant Roger Whaley, as in indeed the Respondent BANK OF AMERICA, has not/and or CAN NOT Denied any!! of Appellant/Whaley's State of Facts/nor Arguments made in his Initial Brief/and/or Designation; as well as Respondent/Bank of America has FAILED to file its required Responsive Brief, pursuant with SCRAP 208(2), nor did Defendant/Respondent Bank of America, never! requested any kind of extension of time to file any Response, as is required by SCRAP Rule 7, just as the Defendant/ Respondent South Carolina Federal Credit Union.³

Therefore I, the Appellant, Roger Whaley is requesting this said APPEALS Court to Grant Plaintiff/Appellant/Whaley Motion for Judgment/and/or Requesting this Appeals Court Remain Respondent/ Bank of America's case matters Back before the said lower trial court with in SPECIAL INSTRUCTION to render Judgment in FAVOR of Plaintiff/Appellant Whaley, will not bias no party. But will indeed show that this said Appeals Court is not biased against the Plaintiff/Appellant Whaley, as a Pro Se, non-attorney.

Please find, attached also Plaintiff/Appellant Whaley's CASHIER'S CHECK for \$25.00, in case this said letter/or motion must be paid so to file in this said Appeals Court/or in order for this matter to receive such equal justice. If there is any other information needed, please do not hesitate to write this said Pro Se Appellant/Whaley.

September 30, 2013

Respectfully,

CC: Drew Hamilton Butler; Erik Tison Norton; Jody A. Bedenbaugh; Sheila M. Blas; Roger Whaley, Pro Se

¹ SCRAP Rule (7) Supplemental Citations. When pertinent and significant authorities come to the attention of a party after his initial brief(s) has been served and filed, the party shall promptly advise the clerk of the appellate court, by letter, with a copy to all counsel, setting forth the citations. There shall be a reference either to the page of the brief or to an issue to which the citations pertain, but the letter shall, without argument, state the reasons for the supplemental citations. Any response shall be made promptly and shall be similarly limited.

² SCRAP Rule (4) Failure to File. Upon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court shall sign an order dismissing the appeal, and the appeal shall not be reinstated except as provided by Rule 260. Upon the failure of respondent to timely file a brief, the appellate court may take such action as it deems proper.

³ Which this said Appeals Court Clerk could ONLY GRANTED the EXTENSION of Defendant/Respondent "SC Federal Credit Union" request for "...a 30 day Extension in which to SERVE and FILE...(their/ONLY SCFCU's)...Initial Respondent's Brief and Designation of Matter" when SCFCU's LETTER dated "September 10, 2013" shows it only!! requested in its said LETTER for the Extension for 30 days ONLY from the "COUNSEL" for "Respondent SC Federal Credit Union".