

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No. 2012-CP-18-0539

Appellate Case No. 2014-001371

Roger L. Whaley, Petitioner,

v.

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

**BANK OF AMERICA’S RETURN TO WHALEY’S
PETITION FOR A WRIT OF CERTIORARI**

Pursuant to Rule 242(f), SCACR, Respondent Bank of America (“BOA”) hereby responds to the Petition for a Writ of Certiorari filed by Petitioner Roger L. Whaley (“Whaley”). BOA respectfully requests that this Court deny Whaley’s Petition for a Writ of Certiorari. First, Whaley’s Petition is largely unintelligible. “Failure of a petitioner to present with accuracy, brevity, and clarity the information and arguments that are essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition.” Rule 242(d)(4), SCACR.

Second, to the extent Whaley’s Petition can be understood, Whaley’s Petition fails to present any important issues of law which would merit the consideration of this Court. There are no novel questions of law at issue; there was no dissent in the decision of the Court of

Appeals; the subject decision does not conflict with any prior decision of this Court; there are no constitutional issues involved; there is no federal question or any conflict with a decision of the United States Supreme Court at issue; and there are no other special or important reasons to grant Whaley's writ of certiorari. See Rule 242(b), SCACR.

Third, Whaley's appeal was dismissed on February 27, 2014, because Whaley failed to comply with the South Carolina Appellate Court Rules. Although Whaley now seeks further review of this decision, he continues to fail to comply with the South Carolina Appellate Court Rules. For example, Whaley fails to include information required in the Appendix and continues to include information not part of the Record on Appeal. See Rule 242(e), SCACR. Furthermore, Whaley has failed to properly serve BOA with the Petition as it has only been received by fax, which is not a proper method of service, and therefore Whaley has not timely perfected his Petition. See Rules 242(c) and 262(b), SCACR.

Finally, this Court has previously declined to hear this matter. See Orders of this Court dated January 31, 2014, and February 25, 2014.

For the foregoing reasons, Respondent Bank of America respectfully requests that this Court deny Whaley's Petition for a Writ of Certiorari.

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NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Tara C. Sullivan

Jody A. Bedenbaugh, SC Bar No. 71176
E-Mail Address: jody.bedenbaugh@nelsonmullins.com
Erik T. Norton, SC Bar No. 73860
E-Mail: erik.norton@nelsonmullins.com
Tara C. Sullivan, SC Bar No. 79806
E-Mail: tara.sullivan@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Attorneys for Respondent Bank of America

Columbia, South Carolina

July 24, 2014.

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PROOF OF SERVICE

I certify that I have served Bank of America's corrected Return to Whaley's Petition for a Writ of Certiorari on Roger L. Whaley by depositing a copy of it in the United States Mail, postage prepaid, on July 24, 2014, addressed to him at 8673 Laurel Grove Lane, North Charleston, South Carolina 29420.

July 24, 2014.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Jody A. Bedenbaugh

Jody A. Bedenbaugh, SC Bar No. 71176

E-Mail Address: jody.bedenbaugh@nelsonmullins.com

Erik T. Norton, SC Bar No. 73860

E-Mail: erik.norton@nelsonmullins.com

Tara C. Sullivan, SC Bar No. 79806

E-Mail: tara.sullivan@nelsonmullins.com

1320 Main Street / 17th Floor

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