

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 Maiba D. Murphy
Case no: 2012-CF-18000539

RECEIVED

JUL 21 2014

SC Court of Appeals

Roger L. WhaleyPetitioner

vs.

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

CORRECTION NOTICE - in FOOTNOTE 1
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

COMES NOW, the pro se Petitioner/Whaley, bring to the attention of all parties and to this said Supreme Court, making known, Petitioner's Notice of CORRECTION! involving Footnote 1, which wrote in error that "...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..."; should read the said Supreme Court Clerk told Petitioner/Whaley on JUNE 6, 2014 " ...he had UNTIL "JUNE 28, 2014".

As this said NOTICE of CORRECT is being filed before any party, nor this said Supreme Court, has actually returned any responses (first Faxed/and/mailed since 7/18/2014) of Petitioner/Whaley's filed "...Response for Reply 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...", therefore this said NOTICE of CORRECTION will not prejudice any said party or this said Supreme Court.

CERTIFICATE OF SERVICES

I declare that all proper parties, and this Supreme Court has been Faxed this said Notice of CORRECTION, (and the Original Notice of Correction will be certified/mailed/or hand-delivered to said Supreme Court).

Dated: June 19, 2014 (Being FAXED on a Saturday/for Weekend, to ALL parties & Supreme Court)

cc: Tara C. Sullivan, Esquire
NELSON MULLINS, LLP, LAW FIRM
Post Office Box 11070
Columbia, S.C. 29211

Sheila M. Bies, Esquire
RICHARD FLOWDEN, P.A. Law Firm
1900 Barnwell Street 29201
Columbia, S.C. 29202

Respectfully submitted,
Roger L. Whaley
Roger L. Whaley, Pro se
8673 Laurel Grove Lane
North Charleston, S.C. 29420

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SC Court of Appeals

Roger L. WhaleyPetitioner

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2nd CORRECTION NOTICE - under **FOOTNOTE 3**
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MEMORANDUM of LAW IN SUPPORT of
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Columbia, S.C. 29202

Respectfully submitted,

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

07/19/2014

11:21:07 PM

Certified Mail Receipt for Pet. + Mr. Whaley's Mailed Correction Notice of Fostel³ Supreme Case No: 2014-000067

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Appellate Case No: 2012-213208 Lower Court-2012 CP-18000539

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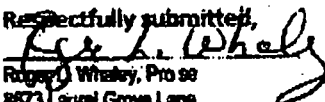
CERTIFICATE OF SERVICES

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1900 Barnwell Street 29201
Columbia, S.C. 29202

Respectfully submitted,

Roger L. Whaley, Pro se
8873 Laurel Grove Lane
North Charleston, S.C. 29420

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

Pro Se, Petitioner/Roger Whaley

Date: July 18, 2014

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Page 1 of 6 - Attachments-14

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vs.

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Petitioner/Whaley's RESPONSE/or Reply to Respondent,
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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 266), filing shall be accomplished by: (2) "... 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 is "...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!! IN THE SUPREME COURT, BEFORE the Deadline Date of (25) days, which those! said NOTICES was considered as PRO SE Petitioner/Whaley - EFFORTS to SEEK an EXTENSION OF TIME: Pursuant with SCACR 240(a) states - "...This Rule governs all motions or petitions filed in the appellate court, including but not limited to: motions for extension of time...; which event! Respondent/SCFCU admit! 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 8, 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 8, 2014. (See Exh. A), which Respondent/SCFCU ADMITS that "Petitioner...filed, on JUNE 8, 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(a), 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 6, 2014" under its "INTRODUCTION/ BACKGROUND" - ADMITS!or DO NOT DENY!and/or SHOWS - in its first and last paragraphs, that it always! ACCEPTED! and RELEDED!! upon! pro se Appellant/Petitioner/Whaley's (HAND-WRITTEN NOTES!, 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 some 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 located on U/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 "...Entity known as CAPITAL CONSORTIUM GROUP..."; which are the SAME! exact type DOCUMENT! filed and ACCEPTED within the Lower Trial Court, and! the Appeals Court, in which Respondent/SCFCU relied!! upon! and actually! USED those 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! and ENTITLED! known as CAPITAL CONSORTIUM GROUP! and (allegedly) DEPOSITED into [Unknown] ACCOUNT at BOA...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 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 his DESIGNATION of MATTER on what appears to be SEPTEMBER 4, 2013; therefore pursuant TO THIS (Appeals) COURT'S AUGUST 23, 2013 LETTER, OUR!! (Respondent's) Brief and Designations 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 TIMES!! in which SCFCU ADMITS! that "...Subsequent (meaning: FOLLOWING) for 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 JUDGMENT!! against! RESPONDENT! BANK of AMERICA!! (and Request to Remedy [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] 2013 (4) 407)... If 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 PROCEED as against RESPONDENT!! South Carolina Federal Credit Union. Respondent!! South Carolina Federal Credit Union DENY!! 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!! INITIAL BRIEF!! is NOT!! due!! UNTIL!! November 4, 2013 - 43 DAYS from TODAY."

As, Respondent/SCFCU's September 10, 2013, LETTER shows Respondent/SCFCU is the ONLY!! (Licensed Attorney/individual/or) 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(a)(b) 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 Strick 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 25, 2002. **We reverse.**"; - which makes the Appeals Case pursuant with SCACR Rule 242(b)(3), which **CONFLICTS!** with a **PRIOR RULING!** of **THE** said Supreme Court's **DISCISON.**

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, Hattie 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 Exh. 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 COURTS (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 Entity Capital Consortium Group. ⁸

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.

⁸ 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 RELATED! 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)for 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. ~~Which~~ 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 Matter! 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 "Hening v. Kay, 307 S.C. 436, 415 S.E. 2d 784 (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. 387 S.C. 1304, 632 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 Transp.*, 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


Roger L. Whaley, Pro Se
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 "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);**

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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

RECEIVED

JUL 21 2014

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

SC Court of Appeals

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/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 *Loes Henning v. Kays*...415 S.E.2d 794 (1992), nor *Cl. Elam v. South Carolina Dept. of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004).

Date: July 18, 2014

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

Tara C. Sullivan, Esquire
Erik T. Norton, Esquire
Jody A. Bodenbaugh, Esquire
NELSON MULLINS RILEY & SCARBOROUGH, LLP
Post Office Box 11070
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.
1880 Barewell Street (28201) for P.O. Drawer 7768
Columbia, South Carolina 29202 - Phone - 803-771-4480

* (f) Return to Petitioner. 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 Affidavit ON EACH QUESTION and may include a counter statement of the case and of the questions presented for review:

WHEREAS, and/or facts are, that Respondent/SCFCU's COMPLETE "ARGUMENT" addresses absolutely NONE of Petitioner/Whaley's provided "...questions presented for review..." which appear both at in the Appellate Court, and within the Lower Trial Court's Respondent/SCFCU's Only motion and their own ADDED Claims, in which the Petitioner/Appellant/Petitioner/Whaley - NEVER obtained in his COMPLAINT regarding any alleged Critical claims involving an alleged FIDELITY, Public Schemes, involving the alleged BUSINESS/INVESTMENT PARTIES 2-4 below Bias, whose RESPONDENT/SCFCU's conditional motion case ADDED CLAIMS, JUST AS RESPONDENT/SCFCU's Motion to Dismiss - and others... has not ADDRESSED nor DENIED nor ANSWERED, absolutely ANY of Petitioner/Whaley's essential Questions and Answers within its Petitioner's Trial of Evidence. As Respondent/SCFCU's said motion and memo only address the alleged weakness of Petitioner's already filed and accepted Trial of Evidence, which the said Supreme Court accepted a Red in the Supreme Court ON VI after Petitioner/Whaley filed into the 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

RECEIVED

JUL 21 2014

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

SC Court of Appeals

APPEAL of Dorchester County Circuit Trial
Court of Common Pleas
Master of Equity/serving as Circuit – Judge Maite D. Murphy
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Roger L. WhaleyPetitioner

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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
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NELSON MULLINS RILEY & SCARBOROUGH, LLP
Post Office Box 11070
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RICHARD FLOWDEN & 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 agent (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/II, Porzi Scheme, involving the alleged BUSINESS/As/ADDED! PARTIES 3-Hebrew Boys, whom RESPONDENT/SCFCU continual 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**

RECEIVED

JUN - 6 2014

Exh. 1

THE SOUTH CAROLINA COURT OF APPEALS
The South Carolina SUPREME COURT

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/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 Appeals Court's <u>LETTER</u> to "Counsel" 5/22/2014
and Bank of America,	) written <u>Letter ONLY</u> which filed with a - Rule 221(b)
)
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/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
8873 Laurel Grove Lane
North Charleston, S.C. 29420

CERTIFICATE of SERVICE: I declare that all proper parties has been served this said Courtous Notice, by mail, fax, or hand-delivery, cc: Jody A. Badenbaugh, Esquire; Erik Tyson Norton, Esquire-1320 Main St, 17th Fl-Columbia, SC 29201; Drew Hamilton Butler, Esquire, Shelia M. Bisco, 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
tabular
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-18-539



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 Appeals Court's LETTER to "Counsel" 5/22/2014
and Bank of America,	) written Letter <u>ONLY</u> which filed with a - Rule 221(b)
)
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 Courtroom Notice, by mail, fax, or hand-delivery. cc: Jody A. Bodenbaugh, Esquire; Erik Tyson Norton, Esquire-1320 Main St, 17th Fl-Columbia, SC 29201; Drew Hamilton Bullis, Esquire, Sheila M. Blos, 1900 Barnwell St-Columbia, S.C. 29202

¹ This Appeals Court's "Order" dated 5/22/2014 Never provided ANY support or 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. A

**RICHARDSON
PLOWDEN**
ATTORNEYS AT LAW

COLUMBIA P.O. Drawer 7289 • Columbia, SC 29202
1660 Barnwell St. Columbia, SC 29201 P 803 734 7013 F 803 734 0211

MYRTLE BEACH P.O. Box 3046 • Myrtle Beach, SC 29577
3103 Farlow St. Myrtle Beach, SC 29577 P 843 440 1008 F 843 440 1552

CHARLESTON 40 Calhoun St., Suite 200 • Charleston, SC 29401
P 843 805 6520 F 843 805 0146

www.richardsonplowden.com

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

September 10, 2013

Via Hand Delivery

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter 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,

Sherla M. Bias

Sherla M. Bias
SC Bar # 100005

SMB/dfb

Enclosure

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

See Ex. B + Ex. C
Respondent's
SCFCU
Nor
BOA
Complied
with this
Appellate Court's
Order in it
Clerk's Letter
Dated August
25, 2013. for
BOA's response
to file there.
I did not
see 2013-9-11-13
SCFCU
Paid for
only
(1)
Respondent
Filing
fee
Request
for
Extension

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

Exh. AAA

MYRTLE BEACH P.O. Box 3646 • Myrtle Beach, SC 29578
2103 Farlow St., Myrtle Beach, SC 29577 P 843.448.1008 F 843.448.1533

CHARLESTON 10 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

7 of 7

*and Nat! Respondent
BOA - who does!
Complied with his*

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

*Appellate
Court
Order(s)
Letters
Dated
9-25-2013
Exh. AA
8-23-2010
Exh. 5-C
Nov
9-27-2013
Exh. 5
aaa*

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.

*as Appellant
Whaley
Complied
w/ the Appellate
Court request
of plaintiff
which
shows
Also
Compliance
w/ the
Appellate
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
Appellate
Order
2-27-2014
is Most-
or/ Big
Written
When it
comes to
relying on
Appellate's Compliance
with S.C. Appellate Rules.*

SMB/dfb

*Shows Appellate Court's Error possible bias
Respondent BOA - Did not
file its Motion timely filed
Motion to Dismiss until 10/1/13
The Date 10-22-2013 - when Appellate
Ordered its initial brief to be filed by 10-4-13*

*said intent
of Appellate
Court's Board
member Mr.
BB Ashmore*

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

cc: Roger L. Whaley

Drew Hamilton Butler

Eric Eason Nohrer

Lois Ann Bodenmann

Sheila Marion von Bries

*Helson
Mullins
Agos
Jerman*

→ SCFCU

FILED
12-27-13
* A

Edward L. Hemming as a co-appellant, Respondent to v. Exhibit B

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 Hemming and Carol Hemming (the Hemmings). 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 Hemmings. 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 above Trial Court's Transcripts as well as the Respondents' own filed pleadings that showed and supported ALL Pet. 41 new Appellant's Initial Brief and Designation of Matter - as well as Appellant's provided by return & Documented Evidence - THAT will be turned in for Return & Appeals 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

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

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

Exh. C

US Code Notes Updates

a Federal Receiver was allegedly appointed by the court. Mt to Dispute court. Granted by App. prev | next

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 B. Ashmore - could not be a receiver - involves Pro se petitioner / Whaley; (State court filed) Dan McAshmore Checks - which in which only! The Respondents / BOA + BCFCU Brought into for joined! in petitioner / Whaley's civil! state! Court! case matters. Which Petitioner Always responded to Respondents!! by provisions the same LAW - without they lower + Appeals Court's who over looked. ruled.

involved 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 Maits D. Murphy

Appellate Case No.: 2012-213208
Civil Action No.: 2012-CP-18-539

RECEIVED

FEB 05 2014

SC Court of App

SC FCA-provided
NO! given SC,
Rule 10b-1(a)

that
could
support
its

Roger L. Whaley.....Appellant,

vs.

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

Motion
to
Dismiss
filed
2-5-2014

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

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 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

SC FCA
provided
Absolutely

NO!

D.A. (C) Whaley Petitioner

February 5, 2014

Whaley
allegedly
Failure to Perfect his Appeal...

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

H-0

RECEIVED

JUL - 8 2014

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

S.C. Supreme Court

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.

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 DORCHESTOR 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.

RL

**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**

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*

July 8, 2014

EX. # - 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: 12/10/14 See Law & Justice 5-1st, Time Whaley: Appeals

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.

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.

*Can't be
Be
Dismissed
\$130
because
+ re-appeal
past board
Declaratory
an
Respondent
SCFCU's
Motion to Dismiss
Request goes
against his
Supreme
Court's
own prior
Rulings "*

*SCFCU's
own Case
Law
Henning v.
Kaye
Final
Ordered
Decision
Also
Ruled
in
Favor
of
Petitioner
Whaley
when
at the
Supreme
Court
Denied
+ re-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.

to bid
Case 2 per
29 pages that
uphold
SCFCU's
said
Claims
when the
said case
was
actually
Rule 11
in a
final
Decision
in
I mean
of the
whole
the
Filed
Claims
were
indeed
"Timely"
and
the
Supreme
Court
Remanded
the
Case on
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)
P.O. Drawer 7788
Columbia, South Carolina 29202
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 brought w/ the Law & Equity
supporting its claims
SCFCU - Mt to Dismiss
Admitted in Appeals
Court -

Respondent alleges
that Appellant's
Complaint is
allegedly
confusing - But
yet! Not only
do Respondent
Admits! as to
their understanding
of each of
Appellant's
claims; ~~through~~
+ herefore shows
Appellant's
Complaint is in
compliance with
Rule 8 @ SCRCP -
Although Respondent
could not admit
ISO to the Complaint also
rounded target rules that

SCFCU
Admits!
Only!!
Respondent
BOA
filed its
untimely filed
Mt to Dismiss
10-24-2013
See Appellate
Exh. B. Letter
Shows BOA must have filed its
pleadings before! Oct. 4, 2011

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), SCRCP, 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

Respondent Admitted
BOA Admitted Appellant's
Cashier checks - BOA on alleged
"Deposited" Although Respondent
Admits the Complaint includes
Respondent Received
Plaintiff
Plaintiff
Plaintiff

Also
B. Ashwell - Appeals
door
man
Sera
JA
H:
Kell.
in
on
C:
F:
286
93

SMV

Respondent Admits! to bring in + his not able! matter of Law,
a Federal "Receivership"

Exh. #36

SCFCU - Below Motion to Dismiss - Adverse - This Appeals Court rendered the Granted Respondents Motion to Strike or Dismiss whatever designation of matter... Documented Evidence - an Claims that were filed also in the lower Trial Court - that appeared Respondent's BOA's Attorneys - whom Whaley always

SCFCU Admits Appeals Court in favor of Respondent's SCACR 208 - but Appellate Court went against the law and Rules of Court when Respondent... SCFCU Admits Appellant Whaley also filed under Rule 240 - Just! AS - Both sides Respondents... protection of Rule 240... SCACR - thereby... 57AY - he perfect... of the Appellate... which SCFCU denied - Whaley equal - while to be protected by the Rules - 240 -

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

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

Exh. H-2/e

*SCFCU Nor! BOA
 Filed their Initial
 Brief to the Court - Due to Appeal Court Board member B.B. Ashmore's
 Katalant in
 against Appellant's
 Named Plaintiff - checks
 Whom Both Respondents
 SEFCU & BOA - Admits
 Federal Court Case involving
 on alleged - Reclaiming is the
 3-Hebrew Boys - (business involv
 who was involved in an
 alleged Ponzi Scheme - who
 both Respondents
 who are Respondents
 who Net the Respondent - whom
 Produced Case Matter without
 Money that Respondent
 will had for part of his
 when Plaintiff Appellant
 Shaming that Document
 Money, CCG, Pylone - or
 checks from CCG, Pylone - or
 never!*

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

CONCLUSION

Respectfully submitted,

Sheila H. 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

February 5, 2014

*Deposited!
 not to by
 account
 CCG's Bank
 as to why!
 Money!
 No \$ of CCG!
 Customer is
 Money were
 Returned!
 by the
 Respondent!
 BOA and by
 by the Dept
 of Revenue - Due to the Law
 when BOA Money to Dept!
 toward CCG Money - Deposited legally
 Advance due to CCG
 Most or Money of CCG is Cashiers checks out to why! BOA - Return of CCG's Const. Man
 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.

Drew Hamilton Butler J.
Erik Tison Norton J.
[Signature] A.J.

Columbia, South Carolina

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

FILED
05/22/14

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 Appeals Court Official w/out any party objection!! to the said withdrawal pursuant to SCAC Rule 240(e) + (3)*

ORDER

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

Judy M. Crutcher AS
FOR THE COURT

Appeals Court's Show Bias and Personal Interest Rule of Canon 2+3

Columbia, South Carolina

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

FILED
1-3-14

**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 9/10/13

LETTER to CLERK/and/or MOTION for Judgment against RESPONDENT BANK OF AMERICA/and/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/and/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/I 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.¹

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. Bias; 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 Defendants/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/I requested in its said LETTER for the Extension for 30 days ONLY from the "COUNSEL" for "Respondent SC Federal Credit Union".

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.

CORRECTION NOTICE - in FOOTNOTE 1
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**

COMES NOW, the pro se Petitioner/Whaley, bring to the attention of all parties and to this said Supreme Court, making known, Petitioner's Notice of CORRECTION! involving Footnote 1, which wrote in error that **'...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...'**; should read the said Supreme Court Clerk told Petitioner/Whaley on **JUNE 6, 2014 "...he had UNTIL "JUNE 26, 2014".**

As this said NOTICE of CORRECT is being filed before! any party, nor this said Supreme Court, has actually returned any responses (first Faxed/and/mailed since 7/18/2014) of Petitioner/Whaley's filed "...Response/or Reply 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....", therefore this said NOTICE of CORRECTION will not prejudice any said party or this said Supreme Court.

CERTIFICATE OF SERVICES

I declare that all proper parties, and this Supreme Court has been Faxed this said Notice of CORRECTION, (and the Original Notice of Correction will be certified/mailed/or hand-delivered to said Supreme Court).

Dated: June 19, 2014 (Being FAXED! on a Saturday/or Weekend, to ALL parties & Supreme Court)

cc: Tara C. Sullivan, Esquire
NELSON MULLINS...LLP, LAW FIRM
Post Office Box 11070
Columbia, S.C. 29211

Sheila M. Bias, Esquire
RICHARD PLOWDEN...P.A. Law Firm
1900 Barnwell Street 29201
Columbia, S.C. 29202

Respectfully submitted,

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