

WHALEY'S REPLY TO BOA'S "RETURN" TO  
WRIT OF CERTIORARI

PART 3  
ATTACHMENTS - 10

Exh. C

Richardson Plowden

November 4, 2013

Columbia  
Direct Dial: (803) 576-3716  
sbias@RichardsonPlowden.com

**VIA Hand Delivery**  
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 and Bank of America**  
CIA No.: 2012-CP-1800539  
Appellate Case # 2012-213208  
Our File No. 7130-36

Dear Ms. Kitchings:

I am in receipt of Mr. Whaley's November 1, 2013 letter regarding "Respondent South Carolina Federal Credit Union/SCFCU's 10/31/2013 LETTER, SHOWS the Appearance of EXPARTE Communication ..."

By way of brief response, Respondent South Carolina Federal Credit Union (SCFCU) did not engage in improper ex parte communications, nor did it request a second extension in which to file its initial brief. Our letter of October 31, 2013 was merely to document our discussion with your office about a purely procedural matter, namely, Rule 240, SCACR, which suspends the perfection of the appeal—including the filing of responsive briefs—until any pending Motion to Dismiss has been decided by this Court. Given Respondent Bank of America's Motion to Dismiss, it is our understanding our client's responsive brief will be due subsequent to this Court's decision on the Motion to Dismiss. We fully intend to comply with that deadline.

Finally, it is our position that any request by Appellant for adjudication of this matter on the merits (prior to this Court's ruling on the pending Motion to Dismiss) and before the parties have briefed this appeal should be denied. As stated in my previous letter, if Respondent SCFCU has misinterpreted this rule, please contact (me) and we will do whatever is required to be in compliance with the South Carolina Appellate Court rules for perfecting this appeal.

By copy of this letter we are serving pro se Appellant and all opposing counsel with this response.

Thank you for taking the time to review this letter and with kind regards, I am

\*SCFCU letter supports - Appellate court officials provided Special favors to opposing licensed Attorneys in this case matter - involving the Appellate Required Court Rules - to be upheld w/ SCFCU's Shows Appellate Court never! Ordered nor Whaley any letter - to cancel SCFCU's given DEADLINE extended DATE Nov 4, 2013 to file SCFCU's Required Initial Brief and Designation

Desist

Extended

Required

Ekh. Co

Sincerely,

Sheila M. Bias

Sheila M. Bias

SC Bar # 100005

SMB

cc: Roger Whaley, Pro se ✓  
Jody Alan Bedenbaugh, Esquire  
Erik Tison Norton, Esquire  
Drew Hamilton Butler, Esquire  
Tara C. Sullivan, Esquire



Copy only!

Exh. C-1

THE SOUTH CAROLINA COURT OF APPEALS

Appellate Case 2012-213208

Lower Court Case no: 2012-CP-18-539

Pages 1 of 4  
Exhibits - 18

Roger L. Whaley, Pro se	)	Appellant/Plaintiff Whaley's
	)	MOTION for Rehearing/or Reconsideration
Appellant/Plaintiff,	)	Pursuant with Rule SCACR 221(a) <sup>1</sup>
v.	)	UPHELD by Appeals Court's ONLY provided Case Law
	)	"Henning v. Keye, 307, S.C. 436,437,415 S.E.2d 794 (1992)"
South Carolina Federal Credit Union	)	Actually Supports Appellant/Whaley's <sup>2</sup>
and Bank of America,	)	Motion for Rehearing, MUST BE GRANTED; DUE also to Appeals
	)	Court's Shown continued! Errors/or Bias
Respondent/Defendants.	)	See Exh. A,AA,AAA; Exhibits 1,2,4, 4-a, 5, 5-a

COMES NOW, pro se Appellant/Plaintiff Roger L. Whaley (Appellant/ Whaley) filing timely the above said Petition/Motion, regarding this Appeals Court's "ORDER" dated "2/27/2014" with its Only! GOVERNING Case Law "Henning v. Keye, 307 S.C. 426,437,415 S.E.2d 794 (1992)", as Appellant/Whaley files pursuant with SCACR Rule 221(a),(b)&(c), to show this said Appeals Court's continued Overlooked Errors, and/or Misapprehensions/or Intentional/research found Bias Interest (pursuant under the Rules of Canon-for possible Misconduct) -which involves BOTH! said RESPONDENTS/BOA and SCFCU's own! Documented alleged Evidence (provided within the said Lower Trial Court and within this said Appeal Court) involving this said Appeals (and Supreme) Court(s) Board Member/Mr. Beattie B. Ashmore/as being governed by an alleged FEDERAL!!!! Court appointed Receiver Law - so to interfere with a STATE!!! Court appointed Receiver-Law, which said interference has caused GREAT CONFUSIONS with this said STATE!! Court(s)! case matter involving this Appellant/Whaley's ONLY! filed Claims, that were filed first! ONLY within the said Supreme Court pursuant with SCACR Rule 203(d)(1)(A)(i). \*(See Apl Ct's LT 5-21-13/Exh. 4-a).

<sup>1</sup> SCACR 221(a) - "... (a) Rehearing. Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court. A petition for rehearing shall be in accordance with Rule 240, and shall state with particularity the points supposed to have been overlooked or misapprehended by the court. "

<sup>2</sup> Edward L. HENNING v. Herbert KAYE. Appeals ruled states: "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...";

At Whereas, the attached UNDISPUTED Appeals Court's OWN! signed documented EVIDENCE, as well as RESPONDENT's, as well as the said LOWER TRIAL COURT'S REPORTER, own! showed WRITTEN signed! ADMITTANCES!! (See Exhibits A, AA & AAA; Exh. 2,4, 4-a, 5, 5-a, 5-aa, 5-b, 5-b-1, 5-b-2) shows Appellant/Whaley's always!! COMPLIED (and CORRECTED!!) this Appeals Court's ORDERED/or Requested DEFICIENCIES- which IS! DISCOMPLIANCE with this Appeals Court's REGENT!! for attached FINAL!! ORDER -Date 2-27-2014) -which shows and DEFEATS this said Appeals Court's CONFUSION! and/or when this Appeals Court "OVERLOOKED or Misapprehensions" its OWN!! ADMITTANCES!! in the attached APPEALS Court's LETTER dated "MAY 21, 2013" - SHOWING this said S.C. STATE SUPREME!! COURT!! (FOR OVER!! about a YEAR!!) had within the S.C. APPEALS COURT'S PERSONAL!! Best! POSSESSION!! Appellant/Whaley's actual FILED NOTICE OF APPEAL and AMENDMENT of his -Ordered/or Requested Amended NOTICE OF APPEAL - Held ONLY!! in the SUPREME COURT for the COMPLETE!! YEAR 2012!! - UP until this said APPEALS COURT'S attach LETTER (Exh. - DATE: "MAY 21, 2013!!") - which this APPEALS COURT - in Error or/duo to BIAS said PERSONAL!! INTEREST, of this Appeals & SUPREME Courts' OWN!! BOARD MEMBERS!!/as being an alleged FEDERAL!!! RECEIVER - Mr. BEATTIE B. ASHMORE, whom!! this APPEALS COURT accepted!! - ONLY!! BOTH!! said named RESPONDENTS!! BOA, and SCFCU - provided DOCUMENTED!! EVIDENCE!! - that Joined!! - FEDERAL!!! COURT LAW(s)/or QUESTION(s) that INTERFERED!! with an ONGOING!!/and/or completed STATE!! Court's ALREADY!! filed ORDERED Decisions - in which BOTH!! said RESPONDENTS!! and! this said APPEALS COURT - all together ADMITS!! involves the SAME!! identical CLAIMS - involving this Appellant/Whaley's FILED!! STATE!! COURT!! CLAIMS. Therefore, shows and supports WHY! Appellant/Whaley ONLY FILED his said NOTICE of APPEAL and AMENDMENT NOTICE OF APPEAL within the said SUPREME COURT - pursuant with SCACR - Rule 203(d)(1)(A)(i) (See Exh. 1,2.) shows Appellant/Whaley ALWAYS CORRECTED any! requested/or ORDERED Deficiencies, as Ordered said COURT(s). Which Defendant shows this said Appeals Court's continued OVERLOOKED ERRORS, and/or Misapprehensions, pursuant with SCACR 221(a),(b)&(c).

As the following is further numbered stated:

1. This Appeals Court's attached Final Order dated "2/27/2014" was written in ERROR/ordue to Bias interest fraudulently/or in error wrote that this Appeals Court's said Final Order of 2/27/2014 was governed/or ruled that its final decision was pursuant only with the State case law "Hanning v. Kaye, 307 S.C. 436,437,415 S.E.2d 794(1992)", which in Error!/or otherwise wrote! that - "...Appellate Court is JUSTIFIED in DISMISSING an Appeal based on an Appellant's FAILURE to COMPLY with the South Carolina Appellate Court Rules...", which is an Erred!! Overlooked/or Misapprehended NON-COMplete written above said QUOTED STATEMENT made (appeared intentionally) by this said Appeals Court's said signed Officials , which the said ordered Ruling in that said matter involves the lower trial court's ORDERED TRANSCRIPT, by that said Appellant, pursuant with Rule 207(b)(4), which this Appeals Court did not COMPLETE its above said case law STATEMENT (See Exh. 6,6a,6b,) that's written -

"...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 Harnings. Instead, APPELLANT SHALL within (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 in Rule 207(b)(4)." <sup>3</sup>

2. Therefore the above said complete quotation in no. 1, shows this Appellate Court's said Final Order dated "2/27/2014" Overlooked/or/Misapprehended this Appeals Court's OWN! FILED! attached signed LETTERS dated "September 25, 2013" Exh. AA; "MAY 21, 2013", and "AUGUST 23, 2013", along with the attached Lower Trial Court's signed LETTER dated "November 10, 2012" (Exh. 4) from the said lower CIRCUIT COURT REPORTER, Ms. Brenda J. Sigwald, whom this said Appeals Court's officials were also in personal contacts, shows the Lower Trial Court's COURT REPORTER who wrote that the Appellant - "...Mr. Whaley...This is to acknowledge that on NOVEMBER 9, 2012!! . I RECEIVED YOUR LETTER and PAYMENT for the TRANSCRIPT of Record in the above matter." - although! the SECOND! Different Court Reporter, did not type and delivered its requested Transcript until in the YEAR 2013, as to WHY this said Appeals Court allowed this Appellant/Whaley to filed its INITIAL BRIEF/and DESIGNATION of MATTER in the YEAR 2013.

(See attached Exh. 5-a, & Exh. AA from Aqi Ct); supports Appellant/Whaley's motion for rehearing/or reconsideration must be Granted, pursuant with Rule 221(a),(b),(c), which is upheld by this Appeals Court OWN Case LAW "Hanning v. Kaye, 307 S.C. 426,437,415 S.E.2d 794 (1992)".

2a): This Appeals Court's Final Order 2/27/2014 in Error/or otherwise, OVERLOOKED the FACT that Appellant/Whaley requested TWO! DIFFERENT Transcripts!! from two different!! Lower Trial Court Reporters, which the last Transcript was not Delivered until in the YEAR 2013, which Appellant/Whaley immediately! provided to this Appeals Court, along with many other filed Lower Trial Court's pleadings attached with his Initial Brief & Designation of matter - but ALL said attachments were RETURNED!! by said Appeals Court to this Appellant/Whaley (See Exh. AA dated "September 25, 2013"), but SHOWS! this Appeals Court accepted!! Appellant/Whaley's INITIAL BRIEF, although it showed Deficiencies to be CORRECTED, which ONLY! ordered Appellant/Whaley to file as his CORRECTION. Appellant/Whaley's said DESIGNATION of MATTER, in which this said Appeals Court indeed ACCEPTED (See Exh. AA), although! this said Appeals Court admits!! it RETURNED all! of Appellant/Whaley's ATTACHED DOCUMENTED EVIDENCE, which included Appellant/Whaley's

<sup>3</sup> SCACR Rule 207(b)(4) - states "... Failure to Receive Transcript. If appellant has not received the transcript within the allotted time nor received notification of an extension within ten (10) days after the allotted time, appellant shall notify the clerk of the appellate court, and the administrative tribunal in writing."

Transcript(s)), therefore made this said Appeals Court's RETURNING of Appellant/Whaley's said Documented EVIDENCE - when against SCACR Rule 216(a)(6)(c). <sup>4</sup> And is pursuant with Case Law "Hanning v. Keys, 307 S.C. 436,437,415 S.E.2d 794(1992)" - which NEVER!! SUPPORTED for this said Appeals Court to "DISMISSED" Appellant/Whaley's Appeals Case matter. (See above QUOTE, in number 1)

3. WHEREAS, this Appeals Court's own! filed attached said above signed documents, along with the signed written admittance! also by the Respondent/SCFCU, in its document(s) dated "October 22, 2013", "September 10, 2013", shows and supports this Appeals Court's Overlooked the FACT, as to this Appeals Court's known and UNDISPUTED possible shown BIAS Personal INTEREST - actually!! Overlooked!! with BOTH said named Respondents BOA and SCFCU, Never! filed neither of their Appeals ORDERED! Initial Briefs and Designations (See Exhibits AA, AAA; & Exh. 5), when SCFCU's hired Attorney(s)' indeed ADMITS! for shows that this said Appeal Court's 2/27/2014 FINAL ORDER/as well as this said Appeals Court's prior filed Order(s) - provided SPECIAL FAVORS to the RESPONDENT/BOA - since! Respondent/SCFCU ADMITS that SCFCU's hired Attorneys ONLY requested for this said Appeals Court to Grant an EXTENSION to file its Initial Brief and Designation (of OCTOBER 4, 2013 ) so to filed on the DATE "November 4, 2013", but! SCFCU also! never! filed on the date November 4, 2013, and this said Appeals Court NEVER! Cancelled SCFCU the date November 4, 2013 for SCFCU so to have properly and legally filed its required/and ORDERED Initial Brief and Designation of matter by!! the date November 4, 2013. "(See Exh. 5-a and Exh. AA) supports Appellant/Whaley's MOTION for Rehearing must be Granted;

3a): This Appeals Court in error/or otherwise, OVERLOOKED its own! recorded records which shows the RESPONDENT/BOA - NEVER! filed for ANY KIND of EXTENSION from this Appeals Court's ORDER and/or LETTER dated SEPTEMBER 25, 2013" and "SEPTEMBER 27, 2013" which wrote that "...OUR RECORDS REFLECT the RESPONDENTS'!!!! Initial Brief and Designation of matter ARE DUE!! on! OCTOBER 4, 2013..." - which RESPONDENT/BOA MUST have filed BOA's UNTIMELY FILED Motion to Dismiss before! or on the Date!! of OCTOBER 4, 2013, although this said Appeals Court's officials IN ERROR/or due to known BIAS PERSONAL said INTEREST accepted RESPONDENT/BOA's untimely/and FRAUDULENT Claims in BOA's Untimely filed MOTION TO DISMISS that was filed on the date "OCTOBER 22, 2013", in which this Appeals Court's own! filed 2/27/2013 CASE LAW "Hanning v. Keys, 307 S.C. 436,437,415 S.E.2d 794(1992" shows that said APPEALS COURT "...DECLINED TO...DISMISS...as to Hennings." and to "...SETS FORTH with!! SPECIFICITY the EXHIBITS!!!! and OTHER!!! MATTER he Wishest to INCLUDE! in the RECORD on APPEAL";

<sup>4</sup> Rule 216(c) - states "...Matter contained in the Record on Appeal shall be arranged in the following order: the title page, index, orders, judgments, decrees, decisions, allegings, transcripts, charges, EXHIBITS and other materials or DOCUMENTS, and a certificate by appellant." - WHICH indeed! this said Appeals Court OVERLOOKED the ACTUAL FACTS that this said Appeals Court ACCEPTED! Appellant/Whaley's filed INITIAL BRIEF!! and FILED DESIGNATION!! as being CORRECTED Ordered Deficiencies. "(See Exh. AA - when this Appeals Court ORDERED! BOTH!! named RESPONDENTS!! to file WITHIN (30) days, OR by the date "OCTOBER 4, 2013" Each of said Respondents! REQUIRED "Initial Briefs" and "Designation of Matters" - which this said Appeals Court officials in ERROR/or due to BIAS known personal INTEREST - NEVER! Enforced! NEITHER! said named RESPONDENTS to have COMPLIED! with the said South Carolina Appellate Rules and Procedures - to file NEITHER of their INITIAL BRIEFS and DESIGNATIONS. Due to RESPONDENTS! ONLY! Volunteered! JOINT APPEARANCE of a (Legal/and Unethical) FEDERAL!! Appointed (alleged) Receiver/RE. BEATTIE B. ASHMORE (whom both said RESPONDENTS/BOA and SCFCU alleges has a SPECIAL INTEREST, and who is also located/as being ONE of this said S.C. Appeals and Supreme Courts' BOARD MEMBERS, who is allegedly involved with this Appellant/Whaley's STATE!! COURT!! filed LAWS, which governs Appellant/Whaley's Complaint/Cashiers CHECKS, STATE!! Court appointed RECEIVER- (appointed BY STATE!! Court LAWS! to Represent ONLY! the alleged VICTIMS' some! MONEY and/or PROPERTY INTEREST, in which the said RESPONDENT/BOA - ADMITS!! it indeed has within its POSSESSION...), which included this Appellant/Whaley's said MONEY/or Personal PROPERTY) which provided DOCUMENTED RECORDS/and Court filed LOWER TRIAL COURT'S TRANSCRIPTS) supports/and or shows, the SAME said LAW FIRM, NELSON, MULLINS are (legally/and UNETHICALLY) also! REPRESENTING the RESPONDENT/BOA's said Interest, although! the said LAW FIRM, NELSON, MULLINS...was STATE!! APPOINTED!! to Represent! this said Appellant/Whaley's said STOLEN! MONEY and PROPERTY Interest.

Which this said Appeals Court's ORDER dated 2/27/2014 OVERLOOKED that Appellant/Whaley's filed DESIGNATION and/or Initial Brief - timely, correctly, filed those said claims along with UNDISPUTED DOCUMENTED EVIDENCE...in which this said Appeals court - IN ERRED RETURNED - "(See Exh. AA) from this said Appeals Court letter dated "September 25, 2014"

Exh. C-4

3b): This said Appeals Court OVERLOOKED and or due to Bias known said Interest, did not Consider/or must Grant this Appellant/Whaley's said Motion for Rehearing – when this said Appeals Court's in error/or otherwise Overlooked its own!! ORDER/or LETTER dated "OCTOBER 10, 2013" which admits!! that Appellant/Whaley filed ALSO its MOTION FOR JUDGMENTS, and also! later! filed Appellant/Whaley's filed MOTION TO DISMISS, (which showed and AGAIN!! PROVIDED Appellant/Whaley's Lower Trial Court's filed documented pleadings/and already filed EXHIBITS) which always!! involved Respondent/BOA & SCFCU's UNTIMELY filed alleged MOTION(s) TO DISMISS, when, both! said RESPONDENTS filed MOTIONS to DISMISS were filed AFTER! the dates "OCTOBER 22, 2013", and "NOVEMBER 4, 2013" – which was AFTER!! the DATES! in which this said Appeals Court ORDERED!! the said Respondents to have filed EACH of their file INITIAL BRIEF/and Designation – by each of their given DEADLINE DATE, which was NEVER!! COMPLIED by Neither! named RESPONDENTS, although! this said Appeals Court DUE TO – BIAS known INTEREST – Overlooked those said above UNDISPUTED FACTS, and Granted the said RESPONDENTS Untimely filed MOTION TO DISMISS, and in ERROR/or said OTHERWISE DENIED Appellant/Whaley's MOTION T DISMISS - which INDEED PROVIDED the Documented EVIDENCE attached with said EXHIBITS – which showed Appellant/Whaley's INITIAL BRIEF and DESIGNATION of MATTERS indeed "...CONTAIN...MATTER(s)...PRESENTED TO! THE TRIAL!! COURT." - Which this said Appeals Court indeed! FIRST! ACCEPTED, than!! later!! (admitted! to have) RETURNED Appellant/Whaley's DOCUMENTED EVIDENCE/and/or EXHIBITS/and Lower Trial Court's TRANSCRIPT(s) – which supported that ALL Appellant/Whaley's CLAIMS in his initial Brief and DESIGNATION indeed were first "...PRESENTED TO THE TRIAL COURT..." Pursuant with Rule 209, 210, 207(b)(4).

4. Therefore this said Appeals Court 2/27/2014 FINAL ORDER in Error Overlooked/and due to said Bias known personal interest, did not Consider, and or must Grant Appellant/Whaley's MOTION for REHEARING, when!! this Appeals Court's OWN! written signed! LETTER dated "SEPTEMBER 25, 2013" – admits!!! that indeed Appellant/Whaley's TIMELY and PROPERLY filed INITIAL BRIEF and DESIGNATION of MATTER's attached EXHIBITS and filed Documented Pleadings/which INCLUDED Appellant/Whaley's PAID LOWER TRIAL COURT'S TRANSCRIPT, showed and supported ALL Appellant/Whaley's claims were Claims ALWAYS Discussed also within the said LOWER TRIAL COURT, whereas is in compliance with this said Appeals Court's ONLY provided Case Law "Henning v. Kaya, 307 S.C. 436,437,415 S.E.2d 794(1992)" – which RULED/and ORDERED and/or shows that/or this said APPEALS FINAL ORDER, dated 2/27/2014 – MUST!!! BE DENIED.

WHEREFORE, attached is Appellant/Whaley's (6) copies, and known payment, so to file this timely and proper request to Granted this said Motion for Rehearing/and/or Reconsideration, pursuant with the above said S.C. Appellate Court Rules and Procedures. \*(if the said amount of payment is not correct, please contact, and any other immediate payment will be made)

Dated: MARCH 11, 2014

Respectfully Submitted,

Roger L. Whaley  
Roger L. Whaley, Pro Se  
3673 Laurel Grove Lane  
North Charleston, South Carolina 29420

CERTIFICATE OF SERVICE

I, declare that all the proper parties has been timely and properly served by CERTIFIED/or OVERNIGHT MAIL, and/or FAXED. As Appellant's declare that ALL final is stated is true and believable and is attached with the documented evidence/and/or EXHIBITS which supports ANY and ALL his Claims, as he has always provided to this said Appeals Court and to the said Lower Trial Court.

cc: Jody A. Bredenbaugh, Esquire, Erik Tison Norton, Esquire, Drew Hamilton Butler, Esquire, Sheila M. Bias,  
1320 Main Street, 17<sup>th</sup> Floor – Columbia, SC 29201 1900 Barnwell St – Columbia, S.C. 29202

Exh. D

*Appellants/Whaley's Proof of Service to BOA - 10-28-2014  
in Appeals Court - in violation of judgment - made known as Del. very  
shows Petitioner/Whaley always - would for was Del. served*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
Appellate Case No: 2012-213208

Pages 1 of 2  
Attachments-2

*FAX  
and  
Honor!  
any  
Objections  
marked  
FAX -  
del. very  
"perfected"  
Bo. Cardin  
Kule 10(c)*

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas  
Maite Murphy, Master of Equity/acting as Special Circuit Court Judge  
Case No. 2012-CP-18-05-39

Roger L. Whaley, Pro Se

Appellant/Plaintiff,

South Carolina Federal Credit Union and  
BANK of AMERICA

Respondents/Defendants.

**APPELLANT WHALEY'S RESPONSE TO Respondent/BANK of AMERICA'S  
Conspired Frivolous UNTIMELY FILED  
"ALTERNATIVELY, MOTION TO STRIKE PART OF APPELLANT'S  
DESIGNATION OF MATTER" and  
"MOTION TO DISMISS APPEAL and OPPOSITION TO APPELLANT'S  
LETTER TO CLERK A/K/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 APPELLANT ROGER WHALEY" DATED  
September 30, 2013  
"PURSUANT with SCRAP 208(a)(2)(4) & (b)(7)"**

*AS  
BOA  
Never!  
Produced  
any  
Documental  
Evidence  
Never!  
any!  
Supported  
Law!  
that  
could  
support  
BOA's  
Return  
Claims  
Dated  
7/22/2014  
7/24/2014*

**Pursuant with SCRAP 208(a)(2)(4)&(b)(7), and Respondent South Carolina Federal Credit Union/or/  
SCFCU's attached LETTER addressed to this court CLERK, dated "September 10, 2013",<sup>1</sup> shows SCFCU's ALSO!  
NEW!! appeared ATTORNEY "Shelia M. Bias"<sup>2</sup> ONLY requested for an Extension for Respondent SCFCU, and  
had NO!! LEGAL! AUTHORITY!! so to have REQUESTED any type Extension for the Respondent BANK of  
AMERICA/or/BOA, pursuant with SC Rules of Professional Conduct/or Rule 1.7.<sup>3</sup> Therefore Appellant Whaley  
DENIES any and ALL Respondent/BANK of AMERICA/or/BOA's INTENTIONAL UNTIMELY and False allegations  
written in its (5) five page above said Motion/and/or Alternative filed only to delay and attempt to confuse said court.**

<sup>1</sup> Wrote "Kitchings" stating - "AS COUNSEL for RESPONDENT SC Federal Credit Union, in the above-reference 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. We find it necessary to request THIS EXTENSION DUE TO OUR CURRENT HEAVY WORKLOAD...I am enclosing the \$25.00 filing fee...for your reconsideration." - Supports that SCFCU only PAID!! for (1) ONE RESPONDENT! to have an Extension...since NO! RECORDS shows that the said Respondent BOA/and SCFCU - NEVER!! was CONSOLIDATED!!/nor JOINT!! as being RESPONDENTS! in which ONLY!! (1) ONE said LAW FIRM could file for the other named above Respondent.  
<sup>2</sup> SCFCU's NEW ATTORNEY Shelia M. Bias, also! NEVER! Properly, nor Legally placed her APPEARANCE within this said appeals Court, as to show whom she was REPLACING with the LAW FIRM "Richardson Plowden". As is required under the Rules of Professional Conduct  
<sup>3</sup> Pursuant also with this said SC Court of Appeals "ORDER" allegedly FILED 9/27/2013, shows as well, that this said Appeals Court ONLY ORDERED (1) ONE! "RESPONDENT's" Initial Brief and Designation...hereby extended until November 4, 2013."

*And Appeal Order - 2-27-2014  
provided CASE LAW Henning v. Kaye  
Supports petitioner's Pet.  
writ certiorari - WAS Del.  
Final Order 5/22/2014 - Never  
DR needed NO! CASE LAW - 7-0 support  
1 & 2 Dated 5-22-14*

Exh. D-8

Pro se Appellant/Whaley further states that:

1. The Respondent/BOA NEVER filed any type (timely/or otherwise) required correspondence in reply to Appellant/Whaley's filed Initial Brief and Designation, pursuant with SCRAP Rules 208(a)(2)(4), that was filed by the Respondent BOA \*(and its yet!! another!!!! NEW!! alleged Legal Counselor now! "TARA C. SULLIVAN" who has NEVER!! properly/or legally/placed her APPEARANCE in this said Appeals case matter so to acknowledge to this said Appeals Court, nor! to this said Appellant/Whaley, regarding WHAT ATTORNEY did she REPLACE at the Law Firm "NELSON, MULLINS" in order for any! of the Law Firm of NELSON, MULLINS to have had any merit claims in this said Appeals Court, regarding the said LOWER TRIAL COURT, where Attorney "Tara C. Sullivan" also! NEVER!! legally placed her said APPEARANCE/nor never! APPEARED in the said Lower lower trial court, (which is required pursuant with the S.C. Rules of Professional Conduct, and a the proper authority/Clerk-pursuant with Rule 208 and/or Judge should and/or must discipline, or UPHOLD the required Rules and Procedures Equally and Fairly, pursuant with the Rule under Canon 2, & 3, as the said Lower Trial Court Judge in error/or due to bias Ordered Appellant to participate only with a Federal! Receiver, 4

BOA Admits  
 Jurisdiction Rules  
 Completed  
 40  
 S.C.  
 Appellate  
 Court  
 Rule  
 208(a)  
 (2)(4)

2. Appellant/ Whaley already provided DOCUMENTED EVIDENCE to the LOWER Trial COURT, and to this said Appeals Court, (See Ct Transcripts 8-29-2012) VERIFIED also in BOA's own "Procedural Background" paragraphs 2 & 3, dated "OCTOBER 24, 2013", which confirmed the LOWER TRIAL COURT scheduled HEARINGS dated "MAY 8, 2012" and "AUGUST 29, 2012", confirmed Appellant/Whaley provided to ALL PROPER AUTHORITIES parties regarding the said Lower Trial Court's TRANSCRIPTS, that were ORDERED and produced by the Appellant Whaley which shows the LAW FIRM NELSON, MULLIN to be doing an INTENTIONAL CONFLICT OF INTEREST involving the Appellant Whaley's Cashiers Checks named PAYEE/CCG, which RICHLAND COUNTY Circuit Court of Common Pleas APPOINTED the LAW FIRM, NELSON, MULLINS... (since!! the year 2007!!) as being the STATE!!! Court RECEIVER!! Appointed to REPRESENT! Appellant/Whaley's alleged LEGAL RIGHTS as being an alleged "VICTIM" regarding the SAME IDENTICAL Cashiers Checks named PAYEE/CCG- so to RETURN Appellant Whaley's said MONIES in which Respondent BOA/ADMITS!! that it has within its possession. Pursuant with SC Rules of Professional Conduct - Rule 1.7.

But Attorney  
 in town  
 conflict in  
 undisputed  
 BOA  
 that  
 Nelson  
 Mullin  
 Law  
 firm  
 Appointed  
 State  
 Receiver  
 so to  
 Return  
 stolen  
 Money's  
 same  
 cashiers  
 checks  
 with  
 BOA.

WHEREFORE, Respondent/BOA's said filed motion and/or alternative 5 was filed frivolously, and must be denied.

Dated: October 28, 2013

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

CERTIFICATE OF SERVICE

I declare that all proper parties has been faxed, mailed and/or hand-delivered this said Response to BOA filed Motion and/or Alternative. cc: Andrew H. Butler, Esq. Richard Plowden & Robinson, P.A. 1900 Barnwell St., Columbia, SC 29201; and Jody A. Bedenbaugh, c/o Tara C. Sullivan, 1320 Main Street/17th Floor, P.O. Box 11070 (29211-1070), Columbia, SC 29201

State Laws

SCRCP 203(d)(1)(A)(ii) - states "Any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is one of the constitutionality of the law or ordinance; provided, however, in any case where the Supreme Court finds that the constitutional issue raised is not a significant one, the Supreme Court may transfer the case to the Court of Appeals."

Respondent BOA "Procedural Background" continued on page 3, wrote that "Appellant's INITIAL BRIEF was SUBMITTED August 10, 2013, and by ORDER of SEPTEMBER 27, 2013, this COURT GRANTED an EXTENSION for RESPONDENTS!!! to RESPOND to the INITIAL BRIEF until NOVEMBER 4, 2013."

and the U.S. Supreme Court - pursuant w/ rule 242(b)(4) & (5)

\* Shows BOA Attorney's  
 Put one BOA Attorney's  
 in for App Whaley's  
 cashiers checks  
 named  
 payee

\* Shows Conflicts  
 of State  
 Laws  
 with  
 federal laws  
 and the  
 Supreme Court

Plt. i. m. Whaley's  
 stolen  
 Money's  
 same  
 cashiers  
 checks  
 with  
 BOA.

Exh. D-1

*Petitioner Whaley's Letter to Appeals Court in RESPONSE to SCFCU's Attempt (copy BOA) Request the Dismissal of Petitioner's Motion for Judgment Against Respondent*

THE SOUTH CAROLINA COURT OF APPEALS

Roger L. Whaley, Appellant, Pro Se

v.

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

*Attachments - 2 BOA*

*but again! Appeals.*

Appellate Case No. 2012-213208  
Presiding Lower Court Judge Maite D. Murphy  
Dorchester County  
Trial Court Case No. 2012-CP-1800539

*Ignore d... interest Petitioner Whaley's Clarification that*

RE: Appellant/Whaley's OBJECTION and DENYS ALL of South Carolina Federal Credit Union's Frivolous claims and request to this said Appeals Court in its LETTER date "October 22, 2013" addressed to S.C. Court of Appeals CLERK, "Jenny A. Kitchings" stating "...Mr. Whaley's 'Letter to Clerk a/k/a MOTION for JUDGMENT Against Respondent BANK OF AMERICA... Pursuant with SCRAP [sic] 208(a)(2), (4)&(b)(7)... It Appears!! this Motion is DIRECTED AT ANOTHER PARTY...' - is filed FRIVOLOUSLY by Respondent SCFCU, Especially! when SCFCU's own! above LETTER! dated "October 23, 2013" QUOTED!!/or Clearly! WROTE! that Appellant Whaley's MOTION is! - "...Against Respondent BANK OF AMERICA";

*his Mot for judgment WAS*

*only! filed against Respondent BOA*

Dear Clerk:

Accordingly, Plaintiff/Appellant Whaley writes this said response letter, OBJECTING and in Denial to ALL relevant claims in Respondent, South Carolina Federal Credit Union /a/k/a/ SCFCU's Frivolous claims written in its attached letter dated "October 22, 2013" REQUESTING for this said Appeals Court - "...to accept this letter as OUR BRIEF RETURN to the MOTION..." when SCFCU's said Letter - does not state, nor did not even quote! as to what alleged PART of Plaintiff/Appellant Whaley's filed "LETTER to Clerk/a/k/a MOTION ...Against RESPONDENT BANK of AMERICA...", could have possibly!! allegedly appeared!! to also included SCFCU in that! said Motion filed against Respondent Bank of America/a/k/a/BOA. Which makes Respondent SCFCU/or its said lawyer's request - "...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..." - which is moot!!/or is a frivolous request by SCFCU, when, Respondent South Carolina Federal Credit Union ADMITS!! in its LETTER that SCFCU!! already!! - "...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."

WHEREFORE, Respondent SCFCU can be assured, Appellant Whaley's said Motion is clearly written involving the Respondent Party/BOA, since Respondent SCFCU, did! not! quote! what part of Appellant's said Letter/a/k/a MOTION could have possibly targeted South Carolina Federal Credit Union, in that! said Motion.

"By copy of this letter is being served.." on ALL proper above named Respondents BOA and SCFCU.

Date: October 24, 2013

Respectfully,

To: Honorable Jenny A. Kitchings  
Clerk, S.C. Court of Appeals, 1015 Sumter St, Columbia S.C. 29201

*Roger L. Whaley*  
Roger L. Whaley, Pro Se