

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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DEC 15 2014
SC COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of the Master in Equity

The Honorable Mikell R. Scarborough, Master in Equity
Case No.: 2010-CP-10-6060

APPELLATE CASE No.: 2014-001323

Bank of America, N.A.,.....Respondent,

v.

Johnson D. Koola, First Citizens Bank and Trust Company, Inc.,
f/k/a First Citizens Bank and Trust Company of South Carolina, and
Cambridge Lakes Condominium Homeowners Association, Inc.,
f/k/a Cambridge Lakes Horizontal Property Regime, Defendants,

Of whom Johnson D. Koola is the..... Appellant.

**MOTION TO COMPEL THE RESPONDENT TO SERVE RESPONDENT’S BRIEF ON
THE APPELLANT AND MOTION TO SANCTION THE RESPONDENT**

The appellant moves this Court to enter an Order to Compel the respondent to serve respondent’s brief on the appellant and an Order to Sanction the Respondent for not serving the respondent’s brief on the appellant and filing a false proof of service.

On December 12, 2014, the appellant received a letter dated December 10, 2014 from the Office of the Clerk of the Court advising all the parties to file the final Briefs and the Record on Appeal. The appellant informs this Court that the appellant has not yet received a copy of respondent’s brief.

On October 29, 2014, the appellant informed the Clerk of the Court through a letter of the same date that the respondent has not served the respondent's brief on appellant due on or around October 15, 2014.

On October 30, 2014, the appellant received a letter dated October 27, 2014 from the Office of the Clerk of the Court from which the appellant learnt that the respondent has requested an extension of time to file respondent's brief. Though a letter dated November 5, 2014, the appellant informed the Clerk of the Court that the respondent did not serve a copy of the motion to request an extension of time on the appellant.

This Court, through an Order dated November 7, 2014, extended the time to file respondent's brief and designation of matter until November 15, 2014. Having not received respondent's brief, the appellant made a telephonic inquiry with the Office of the Clerk of the Court on November 26, 2014 whether the respondent has indeed filed the brief. The appellant was told that the Court's computer records did not show that respondent has filed the brief. However, according to this Court's December 10, 2014 letter, the respondent has filed the respondent's brief and proof of service, which the appellant has not yet received.

The Appellant was/is unable to file appellant's reply brief due to non-receipt of respondent's brief. The appellant is also not in a position to file the final Brief and to complete and file the record on appeal because the appellant has not received Respondent's Designation of Matter to be included in the Record on Appeal.

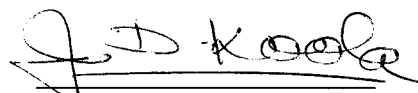
The appellant prays to this Court to order the respondent to serve respondent's brief and Designation of Matter to be included in the Record on Appeal on appellant with

out any further delay. The appellant also prays to the Court to grant sufficient time to file appellant's reply brief and record on appeal and to serve the same on the respondents.

The appellant represents to this Court that respondent's failure to serve the respondent's brief on the appellant and the respondent's false certification in the "proof of service" that the respondent has served the respondent's brief on the appellant constitute perjury. This Court may take appropriate actions including sanctioning the respondent.

December 16, 2014

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. D. Koola", written over a horizontal line.

Johnson D. Koola
1587 Cambridge Lakes Dr
Mt. Pleasant, SC 29464
(843) 849-9241

Appellant pro se

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of the Master in Equity

The Honorable Mikell R. Scarborough, Master in Equity
Case No.: 2010-CP-10-6060

APPELLATE CASE No.: 2014-001323

Bank of America, N.A.,.....Respondent,

v.

Johnson D. Koola, First Citizens Bank and Trust Company, Inc.,
f/k/a First Citizens Bank and Trust Company of South Carolina, and
Cambridge Lakes Condominium Homeowners Association, Inc.,
f/k/a Cambridge Lakes Horizontal Property Regime, Defendants,

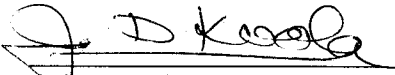
Of whom Johnson D. Koola is the..... Appellant.

PROOF OF SERVICE

I, Johnson D. Koola, Appellant pro se, under penalty of perjury, certify that on December 16, 2014, I served a copy of the Appellant's Motion to Compel the Respondent to Serve Respondent's Brief on the Appellant and Motion to Sanction the Respondent by mailing a true copy of the same through U.S. mail, first class postage affixed, to the following counsels for the respondent:

Dean A. Hayes, Esq.,
Korn Law Firm, P.A.
P.O. Box 11264
Columbia, SC 29211.

Robert Powell Jackman, Esq.
Korn Law Firm, P.A.
P.O. Box 12369
Columbia, SC 29211-2369


Johnson D. Koola
1587 Cambridge Lakes Dr.
Mt. Pleasant, SC 29464

December 16, 2014

JOHNSON D KOOLA
1587 Cambridge Lakes Dr
Mt. Pleasant, SC 29464

December 16, 2014

RECEIVED
DEC 18 2014
SC COURT OF APPEALS
174523

The Hon. Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1015 Sumter Street
Columbia, S.C. 29201

Re: Bank of America v. Johnson D. Koola: **Appellate Case No.: 2014-001323**
Sub: Failure of the Respondent to serve Respondent's Brief on Appellant.

Dear Honorable Ms. Kitchings,

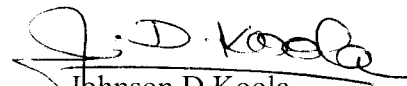
The Respondent in the appeal under reference has not yet served a copy of the respondent's brief with proof of service and Designation of Matter to be included in the Record on Appeal on the appellant, which were due on or around November 15, 2014 after an extension of time. Because of this, appellant is not able to file the appellant's reply brief. Further, the appellant is not able to file the final Brief and the Record on Appeal since he is not in receipt of respondent's Designation of Matter to be included in the Record on Appeal.

Enclosed please find seven copies of a Motion to Compel the Respondent to Serve Respondent's Brief on the Appellant and Motion to Sanction the Respondent for failure to serve the respondent's brief and for filing a false proof of service. The appellant has served copy of this Motion on both the attorneys for the respondent. Proof of service is attached.

The appellant requests that he be granted time to file the appellant's reply brief and final Brief and Record on Appeal.

I thank you in advance for your kind efforts to review the matter.

Yours sincerely,



Johnson D Koola
1587 Cambridge Lakes Dr
Mt. Pleasant, SC 29464
(843) 849-9241

Copy to:
Attorney Dean A. Hayes, Esq.
Attorney Robert Powell Jackman, Esq.
Attorney for Respondent
Korn Law Firm



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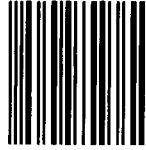
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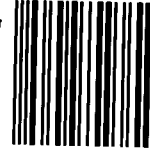
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To
THE CLERK OF THE COURT
SOUTH CAROLINA COURT OF APPEALS
1015, SUMNER ST.
COLUMBIA, SC 29201

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SC Court of Appeals

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