

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED
FEB 20 2015
SC Court of Appeals

APPEAL FROM ORANGEBURG COUNTY

Court of Common Pleas

Diane Shafer Goodstein, Circuit Court Judge

Case No. 2014-001683

Wells Fargo Bank, N.A.,

Respondent,

v.

Dorothy Sistrunk,

Appellant.

APPELLANT OBJECTS TO WELLS FARGO'S MOTION TO STRIKE

February 24, 2015

Dorothy Sistrunk
423 Bayne Street
Orangeburg, South Carolina 29115
(803) 268-0716

Nelson Mullins Riley & Scarborough, LLP

Michael Anzelmo
SC Bar No. 72933
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Elizabeth Scott Moise
SC Bar No. 012945
151 Meeting Street / Sixth Floor
Post Office Box 1806 (29402-1806)
Charleston, SC 29401 -2239
(803) 853-5200

Comes now the Appellant, Dorothy Sistrunk, to file her reasons for objecting to Wells Fargo's Motion to Strike, i.e., Wells Fargo Bank, N. A., Respondent v. Dorothy Sistrunk, Appellant - Case 2014-001683. The Motion should be denied for the following reasons.

I. JUDICIAL NOTICE REQUESTED OF THE APPELLATE COURT

1. The Appellant requests Judicial Notice by the Appellate Court. The Appellant desires that the Appellate Court take Judicial Notice of the manner and style of the Appellant's Pleadings and Briefs. **The Appellant Does Not Argue Law.** The reason why is because the Appellant does not want to be accused of the Unauthorized Practice of Law. This is why the Appellant enters **Statements of Fact** into the Record and then numbers the supporting precedents, statutes, laws and/or codes upon which she currently relies or has relied in the past. When a precedent, statute, law or code is included as a paragraph, it is written word-for-word as it appears in the ruling. The same is true for judicial statements from Court decisions and quotations from authoritative sources.

Black's Law Dictionary (Revised 4th ed. 1968 on pgs 706 & 1579) defines Statement and Fact as the following in pertinent parts; **STATEMENT**: "[a] declaration of matters of fact." **FACT**: "[a]n actual happening in time or space." **Hence, the Appellant's Statements of Fact are an actual happening and not conjectures as to what might or did not happen.**

II. HISTORICAL BACKGROUND RELATIVE TO THIS ISSUE OF AN UNTIMELY APPEAL AND WELLS FARGO'S MOTION TO STRIKE

2. **Reason for Denial #1**: If attorney Anzelmo will recall, on or about November 25, 2014, Wells Fargo filed a "Request to Extend Time" to January 2, 2015. Since no motion was filed, the Appellant misconstrued the request as preferential treatment. *{See Exhibit 382}* Time was extended by Order of the Appellate Court. *{Review Exhibit 373}*

3. On or about December 29, 2014, attorney Anzelmo filed a "Motion to Extend Time" again until February 2, 2015, that was unopposed by the Appellant. *{See Exhibit 375}* Again, time was extended by Order of the Appellate Court. Therefore, attorney Anzelmo's argument on pg 1 of his motion is spurious at best. *{Review Exhibit 381}*

4. **Reason #2 for Denial:** Neither, the Motions nor Orders are conditioned based; as to, what to do in the event the "Respondent's Initial Brief" was filed before January 2, 2015 or February 2, 2015. Nor is there an Appellate Court Rule relative to the matter and the new issue that is now before the Appellate Court. *{Review Rules 101-270}*

5. **Reason #3 for Denial:** A simple notice would have sufficed to inform the Appellant to ignore the Appellate Court's Order extending time to February 2, 2015. *{Review Exhibit 382}* Since no condition was stated as to an earlier file date, the Appellate was once again placed in the unenviable position of deciphering an Appellate Court Rule. **What was the Appellant to do, ignore the Appellate Court's Order Extending Time to February 2, 2015 or blindly follow the Rule?**

6. The Appellant decided to do both. Blindly follow Rule 208(a)(3), SCACR, and honor the Order. The Appellant's "Reply Brief" was completed on February 6, 2015 to honor the Rule, but not delivered for 10 days after the extension of time to February 2, 2015; thus, honoring the Order. Hence, February 12, 2015. This is why the Appellant placed "**Notifications**" relative to "**Proof of Service**" and "**Notary Certification**" in the "Reply Brief"....on the "Proof of Service"....and...in her Letter to the Clerk of Court. *{See "Reply Brief" Table of Contents on pg 2 & attorney Anzelmo's Exhibits B & C to verify}*

7. To honor both, the Appellant relied on Rules 208(a)(3), 240(b) & 240(j), SCACR.

(1) 208(a)(3), SCACR, clearly states in pertinent parts; "[A]n appellant may file and serve a brief in reply to the brief of respondent. If a reply brief is prepared, appellant shall, within ten (10) days after service of respondent's brief, serve one copy of the reply brief on all parties to the appeal and file with the clerk of the appellate court one copy of the reply brief with proof of service."

(2) 240(b), SCACR states the following in pertinent parts; "[U]nless 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." **{Boldness and Underlining added for emphasis}**

(3) 240(j), SCACR clearly states in pertinent parts; "[E]xcept where these rules require the concurrence of two or more members of an appellate court, **an individual judge or justice may grant or deny any motion or petition on behalf of the court.** Any review of an order issued by an individual judge or justice shall be by petition for rehearing." {**Boldness and Underlining** added for emphasis}

8. **Reason #4 for Denial:** An Order of the Appellate Court extended the time and there is no Order from the Appellate Court rescinding or repealing the extension or to ignore the Order. Therefore, the Appellant honored the (10) day Rule and the authority of the Appellate Court to grant or deny a motion to extend time.

9. The Appellate Court extended the time to February 2, 2015, pursuant to attorney Anzelmo's request. {*Review Exhibits 373, 375, 381 & 382*} A Motion to Strike the Appellant's "Reply Brief" as untimely is inappropriate and frivolous and should be construed as a violation of Rule 269, SCACR. The Appellant's timetable is consistent with the Appellate Court's January 8, 2015 Order. {*See Exhibit 381*}

III. **BACKGROUND RELATIVE TO THE 18 VOLUMES OF NOTARIZED AND VERIFIED AFFIDAVITS TO THE APPELLANT'S "REPLY BRIEF"**

10. Rule 208(b)(5), SCACR clearly states the following in pertinent parts;

"[E]xcept in cases in which a sentence of death has been imposed, principal briefs shall not exceed fifty (50) pages, and reply briefs shall not exceed twenty-five (25) pages" **The Appellant's "Reply Brief", including the Notary's Certification does not exceed 25 pages and complies with this Rule.**

A. **Attorney Anzelmo's Respondent's "Initial Brief" created the need for a Notarized and Verified "Reply" to the "Initial Brief" complete with the documented evidence to verify the Appellant's Statements of Fact. The 18 Appendices are Affidavits in the form of Pleadings.**

11. **Reason #5 for Denial:** Attorney Anzelmo's "Respondent's Initial Brief" created the need for a Notarized & Verified "Reply" for the following additional reasons.

(a) **Reason #6 for Denial:** The Appellant has no evidence tying attorney Anzelmo to the misrepresentations, misstatements, mischaracterizations, distortion of

facts, fabrications and false testimony of attorneys Brian A. Calub, James H. Burns and/or Elizabeth Scott Moise or to the Massive Filing Fraud of attorneys Elizabeth Scott Moise, James H. Burns and Wells Fargo during the TRO/Stay from 2009 to 2011. Therefore, his actions, could not have been included in the Record on Appeal.

(b) **Reason #7 for Denial:** Attorney Anzelmo's actions, misrepresentations, misstatements, mischaracterization of facts and false testimony were filed in the Appellate Court, not the lower court. Therefore, they could have been included in the Record on Appeal or be Supplemental Material to the Record on Appeal. *{See Rule 212, SCACR}*

(c) **Reason #8 for Denial:** Attorney Anzelmo's misrepresentations, misstatements, mischaracterizations, distortion of facts, fabrications and false testimony are the same as attorneys Burns, Moise and Calub. Therefore, a "Reply" with supporting documentation and exhibits was also necessary. *{See App.s 1-18}*

(d) **Reason #9 for Denial:** Attorney Anzelmo's misrepresentations, misstatements, mischaracterizations, distortion of facts, fabrications and false testimony cannot legally be considered Negligent Misrepresentations. The law firm has had this case for over 6 years and received Attested True Copies of every pleading the Appellant has filed in the Court of Common Pleas in Orangeburg, South Carolina, since August of 2008. In addition, the Appellant's filed Pleadings are all Notarized or Verified.

(e) Therefore, attorney Anzelmo's misrepresentations, misstatements, mischaracterizations, distortion of facts, fabrications and false testimony must be construed as being deliberate. Attorney Anzelmo is an Officer of the Court whose Bar No. is 72933.

(f) **Reason #10 for Denial:** All Courts agree on this reality... **Whenever an Officer of the Court purposely distorts, misrepresents, conceals, misstates, and/or**

omits facts and/or lies during the presentation of a case in any Court of Law, that attorney has committed a Fraud upon the Court. Statements in attorney Anzelmo's

"Brief" constitute the physical evidence of the violation. {Initial Brief, pgs 2 & 9-13}

(1) *H.K. Porter Co. v. Goodyear Tire & Rubber*, 536 F.2d 1115, 1119 (6th Cir.1976) ("Since attorneys are officers of the court, their conduct, if dishonest, would constitute fraud on the court."); *Synanon Found., Inc., v. Bernstein*, 503 A.2d 1254 (D.C.1986) (attorney subornation of perjury and false statements to trial court constitute fraud upon the court);

(2) "[W]hile an attorney "should represent his client with singular loyalty that loyalty obviously does not demand that he act dishonestly or fraudulently; on the contrary his loyalty to the court, as an officer thereof, demands integrity and honest dealing with the court. And when he departs from that standard in the conduct of a case he perpetrates a fraud upon the court." 7 Moore, *Federal Practice* ¶ 60.33 (1971 ed.)

(3) The 6th Circuit Court in *Demjanjuk v. Petrovsky*, 10 F. 3d 338 (6th Cir. 1993) held the following; "[n]o court system can function without safeguards against actions that interfere with its administration of justice." The court also held..... "[a]s an officer of the court, every attorney has a duty to be completely honest in conducting litigation." *Id.* at 352., and "[r]eckless disregard for the truth is sufficient" to constitute fraud on the court. *Id.* at 353.

B. The Appellant's Verified and Notarized Appendices are Affidavits collectively and individually.

12. **Reason #11 for Denial:** The Appellant's 18 Affidavits in Pleading and Appendix form are based on personal knowledge. The Appellant's **Verification** covers the Appendices and the "Reply Brief". The Appellate Court will also notice, the 18 Affidavits are based on Matters Designated for the Record on Appeal and consist entirely of documents already filed in the lower court. Attorney Anzelmo's misrepresentations are dealt with separately because they are occurring in the Appellate Court.

13. **Reason #12 for Denial:** The 18 Affidavit Volumes are limited to attorney Anzelmo's misrepresentations, misstatements, mischaracterizations, distortion of facts,

fabrications and false testimony in his Respondent's "Initial Brief"; and at the same time, present more than enough evidence to clearly and convincingly prove a consistent pattern of **Dishonesty** by attorneys from this law firm relative to C. A. #2008-CP-38-1024 and now Case No. 001683. Based on case file history, South Carolina's Appellate Court is not overly strict or lenient in its interpretation of "**Fraud upon the Court**" by **Officers of the Court** and its decisions closely parallel Federal Court interpretations.

(1) Raby v. Orr, 358 S.C. 10, 594 S.E.2d 478 (2004) (Intrinsic fraud was misrepresentation about accounting practices), Bowman v Bowman, 375 S.C. 146, 591 S.E.2d 654 (Ct. App. 2004)(Intrinsic fraud was failure to disclose information about retirement account), Chewning v. Ford Motor Co., 354 S.C. 72, 79 S.E.2d 605 (2003)(Fraud upon the court by an attorney, whether or not intrinsic or extrinsic, can be used to set aside a prior judgment), Chewning v. Ford Motor Co., 345 S.C. 28, 550 S.E.2d 584 (Ct. App. 2001)(Fraud upon the court by an attorney, whether or not intrinsic or extrinsic, can be used to set aside a prior judgment and court declined to follow reasoning of Bankers Trust v. Braten, 317 S.C. 547, 455 S.E. 2d 199 (Ct. App. 1995)),

(2) Hagy v Pruitt, 339 S.C. 425, 529 S.E.2d 714 (2000) (Misrepresentation to obtain consent for adoption is extrinsic fraud but party failed to prove extrinsic fraud here by clear and convincing evidence), Mr. G. v. Mrs. G, 320 S.C. 305, 465 S.E.2d 101 (Ct. App. 1995)(Misrepresentation about parentage is intrinsic fraud), Evans v Gunter, 294 S.C. 525, 366 S.E.2d 44 (Ct. App. 1988)(Perjury was intrinsic fraud but court also found extrinsic fraud where a party was induced to sign a waiver form which denied his opportunity to be heard), Raby Const. LLP v Orr; 358 S.C. 10, 594 S.E.2d 478 (2004)(citing Chewning, 354 S.C. at 82, 579 S.E.2d at 610-11). See, e.g., Bryan v. Bryan, 220 S.C. at 169, 66 S.E.2d at 611, James F. Flanagan, South Carolina Civil Procedure at 485 (2d ed. 1996).

(3) Buckley v. Shealy, 370 S.C. 317, 323, 635 S.E.2d 76, 79 (2006) (“..all courts have the inherent power to all things reasonable necessary to ensure that just results are reached to the fullest extent possible.”)

(4) “[F]ederal Rule 60(b)(3), by its express terms, permits judgments to be set aside for fraud, whether the fraud is intrinsic or extrinsic.” Mr. G. v. Mrs. G, 320 S.C. 305, 465 S.E.2d 101 (Ct. App. 1995)

(5) “Fraud upon the court is committed when a representative of the court – mediators, evaluators, administrators, special appointees, lawyers,

judges, referees or guardian ad litem, fraudulently present facts to the court that interfere with a just and equitable decision making process. This is an extremely serious crime, and so in dire opposition to the definition of justice that this crime is not subject to any statute of limitations." {*SEO Law Firm, Tampa, Fl*}

(6) "[B]ecause fraud upon the court is an affront to the administration of justice, a litigant who has been defrauded need not establish prejudice." *Hazel-Atlas Glass Co. v Hartford-Empire Co.*, 322 US 238 (1944); *Dixon v. Comm'n of Internal Revenue*, 2003 WL 1216290 (9th Cir. 2003) (" . . . the perpetrator of the fraud [upon the court] should not be allowed to dispute the effectiveness of the fraud after the fact.").

14. **Reason #13 for Denial:** The Appellant did not know how to expose Attorney Anzelmo's misrepresentations, misstatements, mischaracterizations, distortion of facts, fabrications and false testimony. *Rule 267(c) & 267(d), SCACR*, provided the means and method; along with *Rule 11(c), SCRCF*. Consequently, the Appellant asked her husband to research it. The Appellant husband's research revealed the following:

(1) *Black's Law Dictionary (Revised 4th ed., 1968)* defines an **Appendix** as the following in pertinent parts; "[A]PPENDIX. A printed volume, used on an appeal to the English house of lords or privy council, **containing the documents and other evidence presented in the inferior court and referred to in the cases made by the parties for the appeal.** Answering in some respects to the "paper-book" or "case" in American practice." {**Boldness** and Underlining added for emphasis}

(2) This is supported by *§ 14-1-50 - SC Code of Laws*, that clearly states in pertinent parts; "[A]ll, and every part, of the common law of England, where it is not altered by the Code or inconsistent with the Constitution or laws of this State, is hereby continued in full force and effect in the same manner as before the adoption of this section."

(3) *Federal Rules of Appellate Procedure - Rule 30* states the following in pertinent parts relative to an **Appendix** "[T]he appellant must prepare and file an appendix to the briefs containing: (A) the relevant docket entries in the proceeding below; (B) **the relevant portions of the pleadings, charge, findings, or opinion;** (C) **the judgment, order, or decision in question;** and (D) **other parts of the record to which the parties wish to direct the court's attention.**" {**Boldness** and Underlining added for emphasis}

(4) *From UniLearning.com* in pertinent parts; "[I]nformation that is

not essential to explain your findings, but that supports your analysis (especially repetitive or lengthy information), validates your conclusions or pursues a related point should be placed in an appendix (plural appendices)."

(5) Rule 267(c), SCACR states the following in pertinent parts; "[A]ll papers or documents filed with the appellate court shall be typewritten or machine duplicated. ----- if the Record on Appeal or Appendix exceeds 100 pages, copy must be typed or reproduced on both sides of the paper. All copies must be clean, neat and clearly legible." **The Appellant's 18 Affidavits in Pleading and Appendix form comply with this Rule.**

(6) Rule 267(d), SCACR states the following in pertinent parts; "[A]ppendices in post-conviction relief matters and briefs must be bound in volumes not exceeding 250 sheets each. One copy of every Final Brief, Record on Appeal, Supplemental Record, or Appendix filed with the appellate court shall be filed unbound." **The Appellant complied with this Rule also.**

(7) Rule 11(c), SCRCF, clearly states in pertinent parts; "[A]ffidavits or verifications authorized or permitted under these Rules shall be written statements or declarations by a party or his attorney of record or of a witness, sworn to or affirmed before an officer authorized to administer oaths, that the affiant knows the facts stated to be true of his own knowledge, except as to those matters stated on information and belief and as to those matters that he believes them to be true." {Review Appellant's Affidavit to the Reply Brief & 18 Affidavits in pleading & appendix form }

(8) Black's Law Dictionary (Revised 4th ed., 1968) on pg 80, clearly states in pertinent parts that "[A]ffidavits" are of two kinds; those which serve as evidence to advise the court in the decision of some preliminary issue or determination of some substantial right, and those which merely serve to invoke the judicial power." **The Appellant's Affidavit/s in Pleading and Appendix form serve as evidence to advise the Court.**

C. **The Appellant's Affidavits in Pleading form and attached as Appendices verify the false testimony and misrepresented facts of Attorney Anzelmo; as well as, attorneys Burns, Calub and Scott Moise.**

15. **Reason #14 for Denial:** Rule 212, SCACR only addresses Supplemental Material to the Record on Appeal, it does not address Affidavits in the form of **Verified** or **Notarized** Pleadings, it does not address an attorney's misrepresented facts, false testimony and/or Dishonesty to the Appellate Court and it does not refer to pro se litigants.

(1) Rule 212(b), SCACR, clearly states the following in pertinent parts;

"[W]ith the written consent of all attorneys of record, a party may supplement the Record on Appeal at any time before argument commences. Without such consent or after argument commences, a party desiring to supplement the Record on Appeal must move the appellate court for leave to do so. In response to that motion, the other party(s) shall designate any supplemental materials which that party desires to add if the Court grants the motion."

(2) Rule 212(c), SCACR, clearly states in pertinent parts; "[S]upplemental materials filed under Rule 212(b) shall be included in an Appendix to the Record on Appeal. Unless otherwise agreed by the parties or ordered by the Court, the Appendix shall be compiled, served and filed by the party initially proposing it."

16. **Reason #15 for Denial:** The Appellant is not Supplementing the Record on Appeal. Based on the language of Rule 212, Affidavits in the form of **Verified** Pleadings, with supporting exhibits that can prove clearly and convincingly that Attorney Anzelmo has misrepresented, misstated, mischaracterized, distorted and fabricated facts and this false testimony has been filed in the Appellate Court; such Affidavits in whatever form, are not addressed or covered in...or...by Rule 212. In addition;

(1) "[I]n interpreting the meaning of the South Carolina Rules of Civil Procedure, the Court applies the same rules of construction used to interpret statutes" Maxwell v. Genez, 356 S.C. 617, 591 S.E.2d 26 (2003); Green v. Lewis Truck Lines, Inc., 314 S.C. 303, 443 S.E.2d 906 (1994) "[I]f a rule's language is plain, unambiguous, and conveys a clear meaning, interpretation is unnecessary and the stated meaning should be enforced." See Maxwell, 356 S.C. at 617, 591 S.E.2d at 26, Knotts v. S.C. Dep't of Natural Resources, 348 S.C. 1, 10, 558 S.E.2d 511, 516 (2002).

(2) Rule 11(a), SCRCF clearly states in pertinent parts; "----"[T]here is no duty of consultation on motions to dismiss, for summary judgment, for new trial, or judgment NOV, or on motions in Family Court for temporary relief pursuant to Family Court Rule 21, or in real estate foreclosure cases, or with pro se litigants."

17. **Reason #16 for Denial:** The use of the conjunction [**or**], in Rule 267(c), SCACR means the Record on Appeal, Supplemental Material to the Record on Appeal, and an Appendix are not the same. The Appellate Court can plainly see, the Appellant is not

Supplementing the Record on Appeal. The Appellant is addressing factual issues of misrepresentation and false statements in attorney Anzelmo's "Initial Brief"; and the **18 Verified and Notarized Affidavits**; in Pleading form, provide the clear and convincing evidence of concealed, omitted, misstated, misrepresented and distorted facts and/or material facts that deceived the lower court and are clearly written on **Attorney Drafted Court Orders** by attorneys Burns, Scott Moise and/or Calub.

18. The 18 Volumes of Affidavits in **Verified** Pleading form and attached as Appendices, also identify the **Attorney Drafted Court Orders** upon which misrepresented facts and false testimony are written that Judge Goodstein actually signed. These volumes also verify the lower court's "Abuse of Discretion". Finally, to conclude these points...

19. § 14-8-280 SC Code of laws clearly states the following in pertinent parts;

"[W]henever in the course of any action or proceeding in the Court arising in the exercise of the original jurisdiction conferred by law upon the court, an issue of fact shall arise upon the pleadings or when an issue of fact shall arise upon a traverse to return in mandamus, prohibition or certiorari, or whenever the determination of any question of fact shall be necessary to the exercise of the jurisdiction conferred upon the Court of Appeals, the court may frame an issue therein and certify such issue to the circuit court for the county in which the cause originated or in case of original jurisdiction to the circuit court of the county in which the cause of action has arisen. The Court shall also have the same powers as are now possessed by the circuit courts of the State for the appointment of referees to take testimony and report thereon, under such instructions as may be prescribed by the court, in any cases arising in the Court where issues of fact shall arise."

D. These same attorneys have committed ethical violations relative to the Rules of Professional Conduct, i.e., Burns, Moise, Calub & Anzelmo.

20. **Reason #17 for Denial:** In addition to committing a "Fraud upon the Court" by misstating, concealing, misrepresenting, mischaracterizing, distorting, omitting, fabricating and falsely testifying; **Dishonest Conduct** by these same attorneys also violates the **Rules of Professional Conduct**. Rule 1.6, RPC, Rule 407, SCACR clearly states in per-

inent parts;

"[(b)] A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:

- (1) to prevent the client from committing a criminal act;
- (2) to prevent reasonably certain death or substantial bodily harm;
- (3) to prevent the client from committing a crime **or fraud** that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services; {**Boldness** for emphasis}
- (4) to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime **or fraud** in furtherance of which the client has used the lawyer's services;..."
This lawsuit is a financial hardship on the Appellant and her family

21. Rule 3 3, RPC, Rule 407, SCACR states in pertinent parts;

"[(a)] A lawyer shall not knowingly:

- (1) **make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;**
 - (2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or
 - (3) **offer evidence that the lawyer knows to be false.** If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.
- (b) **A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.**
- (c) The duties stated in paragraphs (a) and (b) apply when the lawyer is representing a client before a tribunal as well as in an ancillary proceeding conducted pursuant to the tribunal's adjudicative authority, **such as a deposition.** These duties continue to the conclusion of the proceeding, and apply even if

compliance requires disclosure of information otherwise protected by Rule 1.6.
{**Boldness** for emphasis}

(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse."

22. Rule 3.4, RPC, Rule 407, SCACR states in pertinent parts; "[A] lawyer shall not:

(a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;

(b) **falsify evidence**, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;

(c) knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists;

(d) **in pretrial procedure, make a frivolous discovery request or fail to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party;** {attorneys Calub, Burns & Scott Moise }

(e) **in trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, assert personal knowledge of facts in issue** except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused;..." {**Boldness** for emphasis}

23. Rule 4.1, RPC, Rule 407, SCACR clearly states in pertinent parts; "[I]n the course of representing a client a lawyer shall not knowingly:

(a) **make a false statement of material fact or law to a third person;** or

(b) **fail to disclose a material fact when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client,** unless disclosure is prohibited by Rule 1.6 " {**Boldness** for emphasis}

24. Rule 8.4, RPC, Rule 407, SCACR clearly state in pertinent parts; "[I]t is professional misconduct for a lawyer to:

(a) **violate or attempt to violate the Rules of Professional Conduct,** knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) commit a criminal act involving moral turpitude;

- (d) **engage in conduct involving dishonesty, fraud, deceit or misrepresentation;**
- (e) **engage in conduct that is prejudicial to the administration of justice;**
- (f) **state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or**
- (g) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law. {**Boldness** for emphasis}

25. These are matters for a tribunal to decide, not the Appellant. The Appellant is merely directing the Court's attention to the behavior and deeds of attorneys Burns, Scott Moise and Calub over the past 6 years in the lower court; and now....attorney Anzelmo in the Appellate Court as of January 26, 2015. The Appellate Court must also determine whether or not the Appellant's evidence meets the standard of clear and convincing.

IV. **ADDITIONAL REASONS FOR DENYING THE MOTION TO STRIKE**

26. **Reason #18 for Denial:** In ¶ 1, on pg 2 in attorney Anzelmo's Motion to Strike is another misstated fact. Rule 208(b)(5), SCACR does not reference Affidavits, **Verified Pleadings** or an Appendix. Since Rule 208(b)(5), SCACR does not reference the aforementioned, there is no violation of the Rule. In addition, both the Federal Rules of Appellate Procedure, South Carolina's Rules of Appellate Procedure and the definition of an Appendix identify an Appendix as a separate document. {Review pgs 7-8}

27. **Reason #19 for Denial:** Every decision that the Appellant's husband has read, makes it emphatically clear that proving fraud in any form requires **Clear and Convincing Evidence**. However, no decision to date from any Court has clearly defined what is meant by clear and convincing evidence. Based on the rulings and the definitions the Appellant's husband has read, clear and convincing evidence is more subjective than objective and is entirely based on what a Trier of Fact or a Jury believes; and this belief

will not be disturbed on Appeal, unless an Abuse of Discretion, an Error of Law, Violation of a Substantial Right or Fraud upon the Court has occurred. Case No. 001683 has all the aforementioned.

(1) From Lectlaw.com @ <http://www.lectlaw.com/def/e045.htm>; defines clear and convincing evidence as follows; "[T]he level of proof sometimes required in a civil case for the plaintiff to prevail. It means the trier of fact must be persuaded by the evidence that it is highly probable that the claim or affirmative defense is true. The clear and convincing evidence standard is a heavier burden than the preponderance of the evidence standard but less than beyond a reasonable doubt."

(2) From USLegal.com @ <http://definitions.uslegal.com/c/clear-and-convincing-evidence/> that clearly states in pertinent parts; "[C]lear and convincing evidence refers to the standard of proof commonly used in civil lawsuits and in regulatory agency cases. It governs the amount of proof that must be offered in order for the plaintiff to win the case. It is also defined as the evidence that proves a matter by preponderance of the evidence that is required in civil cases and beyond the reasonable doubt needed to convict in a criminal case."

(3) Rozier v. Ford Motor Co., 573 F. 2d 1332 (5th Cir 1978), "[O]ne who asserts that an adverse party has obtained a verdict through fraud, misrepresentation or other misconduct has the burden of proving the assertion by clear and convincing evidence." Saenz v Kennedy, 178 F 2d 417, 419 (5th Cir. 1949); Gilmore v. Strescon Industries, Inc., 66 F.R D 146, 153 (E.D.Pa 1975), *aff'd without opinion*, Bucks County Const Co v P Agnes, Inc., 521 F.2d 1398 (3d Cir.).

(4) Taylor v. Medenica, 324 S C 200, 479 S.E.2d 35 (1996) "[O]ur Court has previously held that when the trial judge first charges preponderance of the evidence, the jury can only be given the impression that "clear and convincing" means a higher degree of proof. A trial judge's failure to elaborate on "clear and convincing" is not error." Deloach v. Beaufort Gazette, 281 S C 474, 316 S.E 2d 139 (1984) *cert denied*, 469 U.S. 981, 105, S.Ct. 384, 83 L.Ed.2d 319 (1984).

(5) "[A]ccordingly, cases require a party seeking to show fraud on the court to present clear and convincing evidence of the following elements: "1) [conduct] on the part of an officer of the court; that 2) is directed to the judicial machinery itself; 3) is intentionally false, willfully blind to the truth, or is in reckless disregard of the truth; 4) is a positive averment or a concealment when one is under a duty to disclose; and 5) deceives the court." Johnson v. Bell, 605 F.3d 333, 339 (6th Cir. 2010); (quoting Carter v Anderson, 585 F 3d 1007, 1011–12 (6th Cir. 2009)).

28. Even though the standard for clear and convincing evidence varies from court to

court, there is one aspect of clear and convincing evidence in which all courts are in agreement. The evidence, be it circumstantial, preponderate, credible, beyond a reasonable doubt or clear and convincing must come from the exhibits, testimony, admissions on file, depositions, pleadings, answers to interrogatories, and the affidavits, if any; in short.....the evidence filed in Court that is relied upon by the Trier of Facts.

Duncan v. Ford Motor Co., 385 S.C. 119, 138, 682 S.E.2d 877, 886 (Ct. App. 2009) ("Clear and convincing evidence is: 'that degree of proof which will produce in the mind of the trier of facts a firm belief as to the allegations sought to be established.'" (quoting *Anderson v. Augusta Chronicle*, 355 S.C. 461, 473, 585 S.E.2d 506, 512 (Ct. App. 2003))

29. **Reason #20 for Denial:** As stated, the Appellant's 18 Appendices are Affidavits in the form of pleadings with supporting exhibits. The comments attorney Anzelmo refers to in ¶ 3, on pg 2, are Statements of Fact based on personal knowledge that is true, correct and verifiable by the evidence and the facts. In addition, when it comes to an Affidavit, there are 5 mandatory requirements. "[1] Shall be made on personal knowledge, [2] shall set forth such facts as would be admissible in evidence, [3] shall show affirmatively that the affiant is competent to testify to the matters stated therein" (*Dawkins v. Fields*, 354 S.C. 58, 580 S.E.2d 433 (2003)); [4] Must be written, and...[5] sworn to or affirmed before an officer authorized to administer oaths. {*Rule 11(c), SCRPC*}

30. The statement, "except as to those matters stated on information and belief and as to those matters that he believes them to be true" is an inclusion requirement of Rule 11(c), SCRPC that clearly states in pertinent parts;

"[A]ffidavits or verifications authorized or permitted under these Rules shall be written statements or declarations by a party or his attorney of record or of a witness, , that the affiant knows the facts stated to be true of his own knowledge, except as to those matters stated on information and belief and as to those matters that he believes them to be true."

31. **Reason #21 for Denial:** Pursuant to Rule 11(c), the Appellant's 18 Affidavits in

the form of **Verified** and **Notarized** Pleadings and attached as Appendices are written statements that were sworn to before a Notary Public. This is why the "Reply Brief" and the attachments could not be "Notarized" until after they were received from the printer. The Notary had to see them and examine them before certifying them. The remaining Pleadings were already **Notarized** and/or **Verified** over a 6 year period:

32. **Reason #22 for Denial:** There is no rule of court or law, federal or state, that limits the number of pages in an Affidavit, or the written and textual manner or style in which an Affidavit must be presented. Consequently, an Affidavit in the form of an Appendix/Appendices...or...a Pleading/s..are not prohibited by law or rule. *{See Appellate Court Rules 101-207 & Civil Procedure Rules 1-86 for verification.}*

"[W]hile it is not drawn in the customary language, the law imposes no set form. The verification clearly declares that the allegations are true "to the best of his [affiant's] knowledge----. We may treat the word "belief" used therein as mere surplusage, and accept the verification as a positive one, not one based on information and belief." *Boner v Drazek (1973), 55 Ill 2d 279, 291, 302 N E 2d 280.*

33. **Reason #23 for Denial:** Attorney Anzelmo failed to mentioned in his Motion to Strike, either deliberately or negligently, that not only is the Appellant's "Reply Brief" **Verified**, the 18 Affidavits in the form of **Verified** Pleadings that are attached as Appendices are all **Verified** within and without. **Verification** and/or **Notarization** was never excused by the lower Court. *{Under Rule 212(a), SCACR, the Appellate Court can review all Court Orders and Transcripts}* This is why everything the Appellant has filed in the Appellate Court is also **Verified** pursuant to Rule 11(c) & 28 U.S. Code § 1746

(1) *\ Pinnacle Corp. v. Village of Lake in the Hills, 258 Ill.App.3rd 205, 209, 196 Ill.Dec. 567, 630 N.E.2d 502 (1994)* "[w]hen a pleading is verified, every subsequent pleading must also be verified unless verification is excused by the court. There is no allegation that verification was excused by the court. When a subsequent pleading is not verified, it is as

if the unverified pleading was never filed; it must be disregarded." (*Charter Bank v. Eckert*, (1992), 223 Ill.App.3d 918, 924, 166 Ill.Dec. 282, 585 N.E.2d 1304; *Florsheim v. Travelers Indemnity Co.* (1979), 75 Ill.App.3d 298, 308, 30 Ill.Dec. 876, 393 N.E.2d 1223.) "[C]onsequently, we must ignore the allegations in Crystal Lake's unverified answer. Moreover, a failure to file an answer results in well-pleaded facts being deemed admitted." (*Florsheim*, 75 Ill.App.3d at 309, 30 Ill.Dec. 876, 393 N.E.2d 1223.) *Estate of Rennick*, 181 Ill.2d 395, 407, 692 N.E.2d 1150, 1156 (1998)

(2) *Fidelity Financial Services, Inc v Hicks*, 214 Ill.App.3d 398, 574 N.E.2d 15, 158 Ill.Dec. 221 (1st Dist. 1991) (admissions in verified pleading that are not product of mistake or inadvertence become binding judicial admissions)

(3) *U.S. Bank National Ass'n v Clark*, 216 Ill.2d 334, 837 N.E.2d 74, 297 Ill.Dec. 294 (2005). *Winnetka Bank v. Mandas*, 202 Ill.App.3d 373, 559 N.E.2d 961, 147 Ill.Dec. 621 (1st Dist. 1990) (provision that verified allegations constitute evidence by way of admission refers to admissions of fact, not legal conclusions or admissions of law). "[I]n addition, when a verified complaint is filed, a prove-up of facts may be avoided in the event of a default. Verified complaints should be used with care because facts contained in a verified complaint are admissible against the plaintiff even if the complaint is subsequently amended." See *Tyler v. Gibbons*, 368 Ill.App.3d 126, 857 N.E.2d 885, 306 Ill.Dec. 486 (3d Dist. 2006); *In re Marriage of Osborn*, 206 Ill.App.3d 588, 564 N.E.2d 1325, 151 Ill.Dec. 663 (5th Dist. 1990); *Robins v. Lasky*, 123 Ill.App.3d 194, 462 N.E.2d 774, 78 Ill.Dec. 655 (1st Dist. 1984).

(4) From *West v Gladney*, 533 S.E.2d 334, 337 (S.C. May 8, 2000) ("[G]ladney produced no evidence to refute West's statements... this court ordinarily will not consider statements of fact presented only in an attorney's argument in determining whether a genuine issue of material fact exists sufficient to preclude summary judgment." *Gilmore v Ivey*, 290 S.C. 53, 348 S.E.2d 180 (Ct.App 1986))

34. From footnote [8], *Dawkins v Fields*, 345 S.C. 23, 27, 545 S.E.2d 515, 517 (Ct App 2001) that states in pertinent parts;

"[P]entecost v. Harward, 699 P.2d 696 (Utah 1985) (holding that a verified pleading that meets the requirements of Rule 56(e) can be considered the equivalent of an affidavit); *cf. Willis v Lauridson*, 118 P. 530 (Cal. 1911) (holding that when seeking an injunction, a verified pleading is equivalent to an affidavit); *Golden Canal Co. v. Bright*, 6 P. 142 (Colo. 1884) (holding that under mandamus statute, a verified petition was equivalent to an affidavit); *Iowa v. One Certain Automobile*, 23 N.W.2d 847 (Iowa 1946) (noting the general rule that a verified pleading may

be held to be an affidavit); Missouri ex rel. Burton v. City of Parsons, 95 P. 391 (Kan 1908) (noting that a verified petition can be used as an affidavit and the allegations contained therein should be treated accordingly), Montana ex rel. Redle v. District Court In and For Missoula County, 59 P.2d 58 (Mont. 1936) (noting that under statutes requiring an affidavit, a verified petition is equivalent to, and can be used as, an affidavit); Rekart v Safeway Stores, 468 P.2d 892, 895 (N.M. Ct. App 1970) ("The verification of the complaint is a statement that the contents of the complaint are true; thus, in effect, an affidavit."); Renville State Bank v. Kinsberg, 166 N.W. 643, 644 (S.D. 1918) ("A written declaration, properly sworn to, may constitute an affidavit, even though in the form of an ordinary pleading."); Washington ex rel Victor Boom Co. v. Peterson, 70 P 71 (Wash. 1902) (holding that a verified pleading can constitute an affidavit)."

35. Statements of Fact in a **Verified** Pleading are deemed admitted when presented to the Court and must be considered as **Judicial Admissions**. When in the form of **Verified** Pleadings the Court must determine whether or not the admissions are Evidentiary Admissions, Judicial Admissions and/or Conclusions of Law and treat the Admissions accordingly.

(1) "[A] judicial admission binds the party who made the admission. If the admission is merely an evidentiary admission (instead of a judicial admission), the party may contradict or explain it." Williams Nationalease, Ltd v. Motter, 271 Ill.App.3d 594, 597, 207 Ill.Dec. 914, 648 N.E.2d 614, 616-17 (1995).

(2) "[U]nder federal law, stipulations and admissions in the pleadings are generally binding on the parties and the Court. Not only are such admissions and stipulations binding before the trial court, but they are binding on appeal as well." Ferguson v. Neighborhood Housing Services, 780 F.2d 549, 551 (6th Cir 1986) (citations omitted). "[J]udicial admissions are formal admissions in the pleadings which have the effect of withdrawing a fact from issue and dispensing wholly with the need for proof of the fact." In re Fordson Engineering Corp., 25 B.R. 506, 509 (Bankr E.D.Mich.1982). "[F]actual assertions in pleadings and pretrial orders, unless amended, are considered judicial admissions conclusively binding on the party who made them." See White v. Arco/Polymers, Inc., 720 F.2d 1391, 1396 (5th Cir.1983); Fordson, 25 B.R. at 509.

(3) Houston First American Sav v Musick, 650 S.W.2d 764 (1983)

"[A]ssertions of fact, not pled in the alternative, in the live pleadings of a party are regarded as formal judicial admissions. Any fact admitted is conclusively established in the case without the introduction of the pleadings or presentation of other evidence." *Kirk v. Head*, 137 Tex 44, 152 S.W.2d 726 (1941), 1A R. Ray, *Texas Law of Evidence*, § 1144 (Texas Practice 3d ed 1980).

(4) *Koserkoff v Chesapeake & Ohio Ry. Co.*, 427 F.2d 1049, 1054 (6th Cir.1970), cert denied, 401 U.S. 947, 91 S.Ct. 924, 28 L.Ed 2d 230 (1971) (holding that "positive statement of fact" is required for a binding admission, not "contradictory statements").

(5) *Glick v. White Motor Co.*, 458 F.2d 1287, 1291 (3d Cir 1972) ("The scope of judicial admissions is restricted to matters of fact which otherwise would require evidentiary proof, and does not include counsel's statement of his conception of the legal theory of a case.").

(6) *Black's Law Dictionary 54 (10th ed. 2014)* (defining a judicial admission as "[a] formal waiver of proof that relieves an opposing party from having to prove the admitted fact and bars the party who made the admission from disputing it")

(7) *Meyer v. Berkshire Life Ins Co.*, 372 F 3d 261, 264-65 (4th Cir 2004) ("Judicial admissions are not . . . limited to affirmative statements that a fact exists. They also include intentional and unambiguous waivers that release the opposing party from its burden to prove the facts necessary to establish the waived conclusion of law.").

36. For over 6 years, the lower court and the attorneys from Nelson Mullins Riley & Scarborough, LLP, refused to accept the fact or did not know they had to factually address the Appellant's **Judicial Admissions** in either **Notarized** or **Verified** Pleadings that are sworn Statements of Fact and not conjecture. This failure is not a Fraud upon the Court. It is best characterized as an "Abuse of Discretion" by the lower court. Only a Judge can decide whether or not Admissions are Judicial, Evidentiary or Conclusions of Law.

"[T]he doctrine of judicial admissions has never been applied to counsel's statement of his conception of the legal theory of the case. When counsel speaks of legal principles, as he conceives them and which he thinks applicable, he makes no judicial admission and sets up no estoppel which would prevent the court from applying to the facts disclosed by the proof, the proper legal principles as the Court understands them." *New Amsterdam Casualty Company v. Waller*, 323 F. 2d 20 (4th Cir 1963)

V. **ATTORNEY ANZELMO'S MISREPRESENTATION & MISSTATEMENT OF FACTS; ON PAGE 3, IN HIS FILED MOTION TO STRIKE**

37. **Response to #1 on Pg 3 & Reason #24 for Denial:** Attorney Anzelmo has misrepresented the facts. The Appellant did not include a portion of the *September 6, 2012 Deposition of Dorothy Sistrunk* in App. 15, @ Index [iv], § R-1, the Appellant included all the pages she received, thus, verifying the **Deposition Scam** of Nelson Mullins Riley & Scarborough, LLP and their violation of **Rule 30(b)(2), SCRCF**. The lower court Abused its Discretion by allowing this violation and participating in it. {See *App. 1, Ex. 326, ¶ 2, pg 2, App 7 @ Index [iv], Opposition to Motion for Summary Judgment, ¶ 28, pg 19 & App. 8, Statement of Uncontested Facts, ¶ 43(g), pgs 60-61*}

(1) **Rule 30(b)(2), SCRCF** clearly states in pertinent parts; "[I]f a party shows that when he was served with notice under this subdivision (b)(2) he was unable through the exercise of diligence to obtain counsel to represent him at the taking of the deposition, the deposition may not be used against him."

(2) **Rule 30(e), SCRCF**, clearly states in pertinent parts; "[W]hen the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed unless on a motion to suppress under Rule 32(d)(4) the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part."

(2) **Rule 32(a)(4), SCRCF**, clearly states in pertinent parts.. "[I]f only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce any other part which ought in fairness to be considered with the part introduced, and any party may introduce any other parts."

(3) Rule 32(a)(5), SCRCP, states the following in pertinent parts; "[A]t least 1 day prior to offering excerpts from a deposition in the case in chief counsel, unless otherwise ordered by the trial judge, shall furnish to the trial judge and, at the same time and by the same means, furnish to all opposing counsel the excerpts from depositions (by page and line number) and a list of deposition exhibits which counsel expects to introduce in the case in chief at trial. When the deposition excerpt is offered at trial counsel for the adverse party shall furnish to the trial judge and, at the same time and by the same means, furnish to all opposing counsel any objections (by page and line number) to opposing counsel's deposition excerpts and any additional excerpts from the depositions (by page and line number) which counsel expects to be read pursuant to SCRCP (a)(4), as well as a list of deposition exhibits to be used. With reasonable notice to the trial judge and all counsel, other excerpts may be read."

38. **Reason #25 for Denial:** All the above stated Rules of Civil Procedure were violated by attorneys Burns, Scott Moise and/or Calub; as well as, Judge Goodstein. The Appellate Court can see the 57 pages that were sent to the Appellant by Nelson Mullins Riley & Scarborough, LLP., in App. 15, @ Index [iv], the *September 6, 2012, Deposition of Dorothy Sistrunk*. The Appellant never saw all 214 pages, never approved it, never signed it and was denied the opportunity to clarify any misunderstanding. The Appellate Court and attorney Anzelmo can verify this fact by consulting attorneys Elizabeth Scott Moise, James H. Burns and/or Brian A. Calub. Therefore, if Wells Fargo has designated the entire deposition, Wells Fargo has verified the violation of Rules 30(b)(2) & 30(e), SCRCP. The Appellant signed to received a copy, however, she only received 57 pages.

39. In addition, to excluding the broker - Goldengate Mortgage/Golden Gate Mortgage/Inc./David Terrell, and tricking answers from the Appellant to questions, to which, she could not have possibly known the answers, attorney Calub, never asked the Appellant about Wells Fargo's evidence. The Appellant never had any **Personal Evidence**. All the evidence the Appellant has....comes from Wells Fargo's WF00001-134, App. 4.

1. **The Appellant never ever said she did not have any evidence.** This statement by Wells Fargo's attorneys Burns, Moise and/or Calub is a

complete fabrication. Judge Goodstein was thoroughly deceived. **The Appellant has always stated she does not have any Personal Evidence.** {See App. 8, Statement of Uncontested Facts, ¶ 2(c), subpart (5), pg 6}

(2) **The Appellant's Counterclaims and Affirmative Defenses were never ever based on the malfeasance of the seller and the appraiser or any conspiracy of the seller and appraiser.** These statements by Wells Fargo's attorneys Burns, Moise and/or Calub in the lower court and now attorney Michael Anzelmo in the Appellate Court are a misrepresentation of fact that is patently false and constitutes false testimony. {Review Respondent's "Initial Brief", ¶ 2, pg 2}

(3) **The Appellant never met the appraiser and did not show him any invoices on September 14, 2007.** This statement is a complete fabrication by Wells Fargo's Executive Coordinator Janet Frotscher. {See App. 4, WF00125, ¶ 4 or the last paragraph}

(4) Practically all the statements Judge Goodstein repeated in App. 1, Ex. 326, in ¶ 2, on pg 2, were the tricked answers attorney Calub elicited from the Appellant in the **Deposition Scam** of September 6, 2012. All of which are misrepresented facts because the Appellant was referring to her **Personal Evidence** and not Wells Fargo's evidence - WF00001-134, App. 4.

40. **Response to #2 on Pg 3 & Reason #26 for Denial:** Attorney Anzelmo has misstated a fact. **There is no Exhibit 322 in Appendix 1.** However in order to give him the benefit of error, he might be referring to Appendix 1, Ex. 332, that identifies the false statements and misrepresented facts in attorney Burns' Motion for Summary Judgment. {See Appendix 1, Ex. 332, ¶¶ 1 & 2 on pg 1} No Exhibits were included because neither attorney Burns nor Judge Goodstein discussed or reviewed any exhibits. Rule 212(a), SCACR gives the Appellate Court the authority to verify the Appellant's Statement of Fact. Attorney Anzelmo can also verify this fact by consulting attorney James H. Burns.

41. **Response to #3 on Pg 3 & Reason #27 for Denial:** The Appellant's Affidavits in the form of **Verified** Pleadings and attached as Appendices are not the Record on Appeal or a Supplement to the Record. Therefore, there is no need to include any material in the Affidavits that do not directly relate to or identify attorney Anzelmo's misrepresentations,

misstatements, mischaracterizations, distortion of facts, fabrications and false testimony; as well as, the false testimony of attorneys Burns, Scott Moise and Calub; in order to demonstrate a consistent pattern of Dishonest Conduct, Ethical Violations and Fraud upon the Court. The referred to exhibits are not needed in any of the Affidavits.

42. **Response to #4 on Pg 3 & Reason #28 for Denial:** Attorney Anzelmo has misstated a fact. Appendix 11, @ Index [vii], § R-4, *Defendant Dorothy Sistrunk Objects to the Order Granting Partial Summary Judgment, Due to the Plaintiff's Misstatement of Facts, Mischaracterization of Facts and in Some Instances Outright Lies* is not a styled Motion. This is a **Verified** Pleading that identifies the Plaintiff's Misstatement of Facts, Mischaracterization of Facts and Outright Lies in the **Attorney Drafted Partial Summary Judgment Order** that Judge Goodstein signed on March 27, 2014 and the pleading reminded Judge Goodstein of attorneys Scott Moise's and Burns' **Massive Filing Fraud** during the Stay/TRO from June of 2009-August of 2011. {*App.s 16-18*}

(a) **Outright Lie #1:** “[W]ells Fargo attempted to contact Defendant Dorothy Sistrunk to speak with her about her eligibility pursuant to HMP requirements. However, Defendant has refused to speak with Wells Fargo, [**Misrepresentation #1:**] ⇨ but Wells Fargo currently is attempting to communicate with her again. Once an eligibility and/or loan modification determination is made, Wells Fargo will notify this Court.” ⇨ {Moise}

(1) **Wells Fargo never attempted to communicate with or contact the Appellant.** The Appellant has two phones, two fax machines and an answering machine on each phone. In addition, the Appellant's husband was home and is still home recovering from a severe groin injury. Wells Fargo and Nelson Mullins Riley & Scarborough, LLP have the Appellant's home phone number that has not changed in 14 years.

(2) The Appellant documented this **Massive Filing Fraud** for over 18 months in her **Verified Pleadings** from July 2009 to 2014.

(b) **Misrepresentation #2:** Wells Fargo was making an eligibility determi-

nation. The Appellant demanded strict proof that a determination was being made, methods, procedures, qualification requirements and the personnel responsible for the decision; to date, no documentation has been provided. **Misrepresentation #1** and/or **Misrepresentation #2** lasted for 2 years during the Stay/TRO. *{App.s 16-18}*

(c) The Outright Lies and Misrepresented Facts that constitute false testimony in the **Attorney Drafted Partial Summary Order** Judge Goodstein signed on March 27, 2014 that was drafted by Elizabeth Scott Moise. The Order is replete with Outright Lies and Misrepresented Facts, like the examples listed below. *{See App, 1, Ex.s 326 & 329}*

(1) **Outright Lie #1:** "[T]he loan closed on December 21, 2007 and the Defendant and her lawyer attended the closing." *{pg 3, #12}* **No lawyer attended the closing with the Appellant on December 21, 2007.**

(2) **Outright Lie #2:** "[T]he Defendant and her family needed new housing because they did not want to be responsible for costs associated with yard work for a home that the Defendant and her family rented at 574 Coburg Lane, Orangeburg, South Carolina of yard work is the reason the Defendant needed new housing." *{pg 2, #1}* **The cost associated with yard work had nothing to do with the Appellant's need for new housing. In addition, the Appellant and her family did not reside at (this maybe a legitimate error) 574 Coburg Lane.**

(3) **Misrepresentation #1:** "[I]n response to an advertisement in a local newspaper, Defendant's husband contacted Thomas Jacobs ("Jacobs" or sometimes "seller") to inquire about various houses he had for sale." *{pg 2, #2}* **The Appellant's husband never contacted Thomas Jacobs about houses he had for sale.**

(4) **Misrepresentation #2:** "[A]fter Defendant's husband looked at several houses with Jacobs, her husband decided to purchase a home located at 423 Bayne Street in Orangeburg, South Carolina ("423 Bayne Street")." *{Pg 2, #3}* **The Appellant's husband never decided to purchase 423 Bayne Street after looking at several houses with Thomas Jacobs.**

(5) **Misrepresentation #3:** "[I]n the month prior to closing, Defendant and her family moved into 423 Bayne Street and started cleaning and making repairs." *{pg 2, #4}* **The Appellant and her family did not move into 423 Bayne Street in the month prior to closing and started cleaning and making repairs. Notice:** Attorney Moise's own statements verifies the **Appraisal Fraud** and **Document Fraud** of Jim H. Austin, III.

43. **Response to #5 on Pg 3 & Reason #29 for Denial:** As stated, the Appellant's Affidavits in the form of **Verified** Pleadings and attached as Appendices are not the Record on Appeal or a Supplement to the Record. Therefore, there is no need to include the Appellant's "Notice of Appeal, dated July 30, 2014" or any other material in the Affidavits that do not directly relate to or identify attorney Anzelmo's misrepresentations, misstatements, mischaracterizations, distortion of facts, fabrications and false testimony; as well as, the false testimony of attorneys Burns, Scott Moise and Calub; in order to demonstrate a consistent pattern of Dishonest Conduct, Ethical Violations and Fraud upon the Court. This includes the **Massive Filing Fraud** of Burns and Moise.

44. **Response to #6 on Pg 3 & Reason #30 for Denial:** As previously stated, the Appellant's Affidavits in the form of **Verified** Pleadings and attached as Appendices are not the Record on Appeal or a Supplement to the Record. Therefore, there is no need to include the "letter from Sistrunk to Court of Appeals dated, September 22, 2014" or any other material in the Affidavits that do not directly relate to or identify attorney Anzelmo's misrepresentations, misstatements, mischaracterizations, distortion of facts, fabrications and false testimony; as well as, the false testimony of attorneys Burns, Scott Moise and Calub; in order to demonstrate a consistent pattern of Dishonest Conduct, Ethical Violations and Fraud upon the Court; that includes the **Massive Filing Fraud**.

45. **Response to ¶¶ 1 & 2 on pgs 3-4 & ¶ 1 on pg 4 & Reason #31 for Denial:** Attorney Anzelmo has misstated a fact. Rule 210, SCACR does not reference Affidavits in whatever form they may be...and does reference an Appendix. Therefore, an Appendix is not the Record on Appeal. In addition, what attorney Anzelmo calls "extraneous comments or arguments" in ¶ 1, sent. #2, on pg 4, are **Judicial Admissions** in a **Verified** Pleading that has been **Verified** pursuant to Rule 11(c), SCRPC, Rule 11(b)(1)-(4), Fed.

R. Civ. P., and 28 U.S. Code § 1746, that clearly states in pertinent parts;

(a) "[W]herever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".

(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)". "

(b) "[T]he doctrine of judicial admissions has never been applied to counsel's statement of his conception of the legal theory of the case. When counsel speaks of legal principles, as he conceives them and which he thinks applicable, he makes no judicial admission and sets up no estoppel which would prevent the court from applying to the facts disclosed by the proof, the proper legal principles as the Court understands them." New Amsterdam Casualty Company v. Waller, 323 F. 2d 20 (4th Cir. 1963)

46. **Reason #32 for Denial:** In addition to Rules 212(c), 267(c) & 267(d), SCACR, additional evidence....that attorney Anzelmo has misstated facts, mischaracterized the Appellant's Affidavits in the form of **Verified** Pleadings and attached as Appendices..and has made a spurious and frivolous Motion to Strike...same...for not being in accordance with the Record on Appeal....can be found in Rule 240(c)(3), SCACR, that clearly states in pertinent parts;

"[W]here 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."

A. The Appellant had no other choice or option under the Rules.

47. **Reason #33 for Denial:** The Appellant had no other choice or option under the Rules. The Appellant did not and could not rely on Rule 240(c)(3), SCACR, because it refers to motions. Under the Rules the Appellant had to attach the **Verified** Pleadings to her "Reply Brief" and identify them as Appendices.

48. As stated, the 18 Affidavits in the form of **Verified** Pleadings and attached as Appendices provide the clear and convincing evidence of Anzelmo's misrepresentations, misstatements, mischaracterizations, distortion of facts, fabrications and false testimony; as well as, the false testimony of attorneys Burns, Scott Moise and Calub. {App. 6}

49. This had to be done in order to demonstrate to the Appellate Court the consistent pattern of Dishonest Conduct, Ethical Violations and Fraud upon the Court, of these attorneys from Nelson Mullins Riley & Scarborough, LLP that includes the **Massive Filing Fraud** of attorneys James H. Burns and Elizabeth Scott Moise; {App s 16-18} as well as, the Abuse of Discretion & Errors of Law by Judge Goodstein in the lower Court.

(1) "[A]ccordingly, cases require a party seeking to show fraud on the court to present clear and convincing evidence of the following elements: "1) [conduct] on the part of an officer of the court; that 2) is directed to the judicial machinery itself; 3) is intentionally false, willfully blind to the truth, or is in reckless disregard of the truth; 4) is a positive averment or a concealment when one is under a duty to disclose; and 5) deceives the court." Johnson v. Bell, 605 F.3d 333, 339 (6th Cir. 2010), (quoting Carter v. Anderson, 585 F.3d 1007, 1011-12 (6th Cir. 2009)). **Judge Goodstein was deceived to the point of repeating the false statements and false accusations of Scott Moise, Burns and/or Calub.** {App 1, Ex 326, pgs 1 & 2 and Ex 329, pgs 2-6}

(2) Fidelity Financial Services, Inc v. Hicks, 214 Ill.App.3d 398, 574 N.E 2d 15, 158 Ill Dec. 221 (1st Dist. 1991) (admissions in verified pleading that are not product of mistake or inadvertence become binding judicial admissions)

(3) Washington ex rel. Victor Boom Co v. Peterson, 70 P. 71 (Wash 1902) (holding that a verified pleading can constitute an affidavit)."

B. Suppression of Truth.

50. **Reason #34 for Denial:** Striking the Affidavits; that are replete with **Judicial Admission**, verifiable facts; and most importantly, the truth; would be analogous to suppressing that truth. Courts do not exist to suppress truth, they exist to determine the truth and rule accordingly after the truth has been factually and accurately determined.

"[E]llison v. Simmons, 238 S.C. 364, 120 S.E. 2d 209 (1961) "[I]n the case of Dickson's Drug Store, Inc. v. Davis, 197 S.C. 294, 15 S.E. (2d) 332, it was held that testimony is relevant which renders it properly applicable in determining the truth and falsity of matters in issue between the parties to the suit. In Francis v. Mauldin et al., 215 S.C. 374, 55 S.E. (2d) 337, it was held that all that is required to render evidence admissible is that fact shown thereby legally tends to prove, or make more or less probable, some matter in issue, and bear directly or indirectly thereon."

51. **Reason #35 for Denial:** At great financial sacrifice to herself and family, {*See Exhibits D & D-1*} the Appellant assembled the Affidavits, so that a Judge or Judges at the Appellate Court in an individual or a collective review can see the Document Fraud, Appraisal Fraud, Mortgage Fraud and/or Bank Fraud, Notary Fraud, Forgeries by Name Substitution, Forgeries by Tracing and/or Cutting and Pasting and/or Signature Duplication, Falsifications and Alterations. The same illegal acts, that attorneys Anzelmo, Burns, Moise and Calub dismiss in their so-called legal arguments. These attorneys and Wells Fargo are quite willing to let the innocent pay the price and suffer the abuses that rightfully should be experienced by the perpetrators of this criminal act.

52. **Reason #36 for Denial:** Attorney Anzelmo misrepresented the facts. He was not in Court, the Appellant was. The evidence in this case, Wells Fargo's documents, WF00001-134 in Appendix 4, has never been reviewed or examined in 6 years. He can verify this fact for himself, by consulting with attorneys Brian A. Calub and James H. Burns. The Appellate Court won't find the word "Evidence" on any signed Court Order.

VI. SUMMATION AND INVOCATION OF RULE 212(a), SCACR AND § 14-8-280 SC CODE OF LAWS

53. The Appellant has presented 36 reasons why Wells Fargo's Motion to Strike should be denied. There is no light for the Appellant. The Appellant must struggle in legal darkness. The Appellant must grope about in ignorance of court procedures and without knowledge of judicial decisions that number into the hundreds of thousands. The only support system she has is her husband that had to give up his online business in order to do the research necessary to continue this suit. No one pays him and no one pays the Appellant.

54. This is why the Appellant invokes Rule 212(a), SCACR and § 14-8-280 SC Code of laws. This case must be sent back to the Circuit Court from which it came for the Jury Trial that has been denied since August of 2008. Any referee appointed by the Appeals Court will report thereon and validate every Statement of Fact, the Appellant has written and spoken for over 6 years.

VII. CONCLUSION

55. For all the reasons stated in the preceding pages; Wells Fargo's Motion to Strike must be denied and this case remanded back to the Circuit Court from which it came, with clear instructions to examine the evidence, the pleadings, the depositions, answers to interrogatories, the exhibits, and the admissions on file; especially the Judicial Admissions in verified pleadings, together with the affidavits, to determine the facts and the truth. Because allegations are stated with specificity and particularity, this "Brief" will be verified.

February 24, 2015

Respectfully submitted,

/s Dorothy Sistrunk
Dorothy Sistrunk
423 Bayne Street
Orangeburg, South Carolina 29115
(803) 268-0716

NOTARY CERTIFICATION

IN WITNESS WHEREOF, The undersigned, being duly *SWORN*, and under the *PENALTY OF PERJURY* declares the facts in her "Appellant Objects to Wells Fargo's Motion to Strike" are true and correct as of her own knowledge. When it comes to matters stated therein that are based upon information and/or belief; as to those matters, she believes them to be true. Accordingly, based on the stated facts; Re: Case No. 2014-001683, has signed and sealed these attestations this 24 day of FEB in the year 2015 in City and County of ORANGEBURG, in the State of South Carolina.

Appellant's Signature: Dorothy Sistrunk

Notary's Signature as Witness (1): Lue Stalle

Signed, sealed and delivered in the presence of:

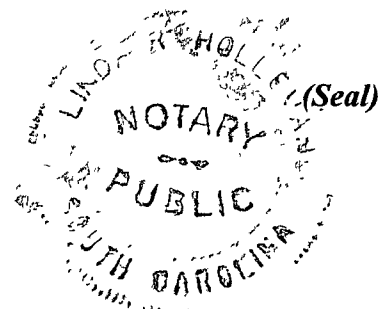
**STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG**

On Feb 24, 2015 before me appeared Dorothy Sistrunk

and proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and by her signature on the " Appellant Objects to Wells Fargo's Motion to Strike " and this Notary Certification presents this document to the Appellate Court. WITNESS my hand and official seal.

Notary's Signature Lue Stalle

Commission Expires MY COMMISSION EXPIRES APRIL 13TH, 2015



3/13/2015



Columbia printing & graphics

1204 Sumter Street | Columbia, SC 29201
Tel: 803.779.1299 | Fax: 803.799.9446
e-mail:columbiaprinting@bellsouth.net

No. 44683

INVOICE

1

SISTRUNK

DATE

2/11/2015

PO NUMBER

QUANTITY	DESCRIPTION	AMOUNT
4	APPENDIX: VOLUME 1-18	662.60
<i>Richard D. Brock</i> My Commission Expires July 24, 2022		
Account Type: COD		
File Originals		SUB 662.60
Ship Via:		TAX 53.01
Wanted:		SHIPPING
APPENDIX: VOLUME 1-18		TOTAL 715.61

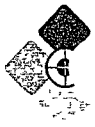
cash ✓ 715.61
215.61

RECEIVED BY

DATE

EXHIBIT D

3/18/2015



Columbia printing & graphics

1204 Sumter Street | Columbia, SC 29201
Tel: 803.779.1299 | Fax: 803.799.9446
e-mail:columbiaprinting@bellsouth.net

No. 44712

INVOICE

1

SISTRUNK

DATE

2/16/2015

PO NUMBER

QUANTITY	DESCRIPTION	AMOUNT
1	APPENDIX: VOLUME 1-18	176.90
Account Type: COD		
File Originals		
Ship Via:		
Wanted:		
APPENDIX: VOLUME 1-18		
	SUB	176.90
	TAX	14.15
	SHIPPING	
	TOTAL	191.05

191.05

RECEIVED BY

**TRUE
COPY**

DATE

Luca Altelli
2-24 2015

Exhibit D-1

MY COMMISSION EXPIRES
APRIL 13TH, 2015



State of South Carolina
The Circuit Court of the First Judicial Circuit

Diane Schafer Goodstein
Judge

Post Office Box 234
St George, SC 29477
Phone (843) 832-0332
Fax (843) 832-0389
dgoodstein@sccourts.org

March 13, 2014

James H Burns
Nelson Mullins Riley & Scarborough LLP
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201

Elizabeth Scott Moise
Nelson Mullins Riley & Scarborough LLP
151 Meeting St / 6th Floor
Post Office Box 1806 (29402-1806)
Charleston, SC 29401-2239

Dorothy Sistrunk
423 Bayne Street
Orangeburg, SC 29115

2014 MAR 13 10 58 AM
ATTEST: TRUE COPY
Winnifred B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

RE Summary Judgment Motion, Wells Fargo Bank, N A v Dorothy Sistrunk,
Case No 2008-CP-38-1024

Dear Counsel and Mrs Sistrunk,

The court has received the results of the mediation in the above-referenced case that took place on January 14, 2014. Based on those results, it is my understanding that the parties were unable to settle the matter. As I explained in my letter dated December 10, 2013, I completed my review of the summary judgment motion but held my decision to allow the parties to mediate.

I have reviewed the record and considered the arguments of both sides. Wells Fargo Bank has moved for summary judgment on its foreclosure complaint and against Defendant on all counterclaims. With regards to the foreclosure complaint, I find that the evidence presented is insufficient to grant the summary judgment motion. In the Administrative Order Re Mortgage Foreclosure Actions dated May 2, 2011, Chief Justice Toal discusses the efforts that homeowners and lender-servicers need to make towards loan modification or other loss mitigation in foreclosure actions in South Carolina. More specifically, Chief Justice Toal identifies the steps that must be taken in order "to insure that the procedures for handling issues relating to such efforts are handled uniformly throughout the State." In Plaintiff Wells Fargo Bank's motion for summary judgment, Plaintiff claims that Plaintiff should be awarded summary

Exhibit 326

judgment for its foreclosure action because Defendant has failed to repay amounts owed under the mortgage loan. However, Plaintiff has failed to present specific evidence—in both the written motion as well as during oral argument—that demonstrates compliance with the required loan modification or other loss mitigation procedures as outlined by Chief Justice Toal in her May 2, 2011 Administrative Order Re Mortgage Foreclosure Actions. To clarify, I am not making a finding of whether or not Plaintiff Wells Fargo Bank has in fact complied with the Mortgage Foreclosure Administrative Order, rather, I find that no evidence was presented demonstrating compliance in the present summary judgment motion before me. Therefore, Plaintiff's motion for summary judgment on the underlying foreclosure complaint is denied. The foreclosure action will proceed, and if summary judgment is appropriate at some time in the future, the rules do not prohibit such motion.

Based on my review of Defendant Sistrunk's numerous counterclaims, I find there are no material issues of fact and that Wells Fargo Bank is entitled to summary judgment on the numerous counterclaims. The law provides that no claim for fraud can be maintained against a party not involved in the fraud. See *Moseley v All Things Possible*, 388 S C 31, 694 S E 2d 43 (Ct App 2010) (reversing trial court's finding that seller of real property was guilty of fraud in sale based on falsified plat when there was no evidence that he personally committed fraud). All of the counterclaims that Defendant Sistrunk has pled are based upon the allegation that the Mortgage Loan is unenforceable because of alleged malfeasance by the seller and appraiser. In her deposition, Defendant admits that she does not know who altered the sales contract, and she does not accuse anyone at Wells Fargo for being responsible for any alterations. Dep of Dorothy Sistrunk at 76 3-77 3. Furthermore, Defendant admits that she has no evidence linking Wells Fargo to the actions of the seller or appraiser, and in fact, Defendant stated that she believes that Wells Fargo was also victimized by the seller and appraiser. *Id* at 101 23-102 11, 103 4-12, 104 10-12, 120 9-11, 105 2-22. Because Defendant has no evidence linking Wells Fargo to this alleged act of fraud, I find no material facts are in contest and the movant is entitled to judgment as a matter of law. Thus, Plaintiff Wells Fargo Bank's motion for summary judgment on all of Defendant's counterclaims is granted.

I am requesting that counsel for Wells Fargo Bank draft a proposed order consistent with my findings in this letter, sending it to Mrs Sistrunk at such time as it is sent to me.

Sincerely,



The Honorable Diane Schafer Goodstem
First Judicial Circuit

Exhibit 326

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY

Court of Common Pleas

Diane Shafer Goodstein, Circuit Court Judge

2014-001683

RECEIVED
FEB 26 2015
SC Court of Appeals

Wells Fargo Bank, N.A., Respondent,

v.

Dorothy Sistrunk, Appellant.

PROOF OF SERVICE

I certify that I served a copy of my "Appellant Objects to Wells Fargo's Motion to Strike" on Wells Fargo Bank, N.A., by depositing a copy of it in United Parcel Service (UPS), prepaid, on February, 24, 2015, addressed to Wells Fargo's attorney/s of record that are listed below.

Today's Date: February 24, 2015

/s *Dorothy Sistrunk*
Dorothy Sistrunk
423 Bayne Street
Orangeburg, South Carolina 29115
(803) 268-0716

Attorney Michael Anzelmo
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Elizabeth Scott Moise
151 Meeting Street / Sixth Floor
Post Office Box 1806 (29402-1806)
Charleston, SC 29401 -2239
(803)853-5200

 **Dorothy Sistrunk**

423 Bayne Street • Orangeburg, SC 29115 • Ph: 803-268-0716 • Fx: 803-534-6727

February 24, 2015

The Honorable Jenny Abbot Kitchings Clerk of Court
& Deputy Clerk of Court V. Claire Allen
South Carolina Court of Appeals
POB 11629
Columbia, SC 29211

RECEIVED
FEB 26 2015
SC Court of Appeals

RE: Wells Fargo Bank, N.A. v. Dorothy Sistrunk
Civil Action Case #2008-CP-38-1024
Appellate Case #2014-001683

Ms. Kitchings and/or Ms. V. Claire Allen

I am new at this so...please advise me of errors and/or any incorrect protocol. I am enclosing my "**Appellant Objects to Wells Fargo's Motion to Strike**". In accordance with *Rule 240(e), SCACR*, I am enclosing an original and six (6) copies of my objection; paper clipped and not stapled, and I have also served a copy on all parties listed below.

Thank you.

/s/ 
Dorothy Sistrunk

CC:

Attorney Michael Anzelmo
SC Bar No. 72933
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Elizabeth Scott Moise
SC Bar No. 012945
151 Meeting Street / Sixth Floor
Post Office Box 1806 (29402-1806)
Charleston, SC 29401-2239
(803) 853-5200