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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APR 29 2015

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

SC Court of Appeals

Diane S. Goodstein, Circuit Court Judge

Case No. 2008-CP-38-1024
Appellate Case No. 2014-001683

Wells Fargo Bank, N.A., Respondent,

v.

Dorothy Sistrunk, Appellant.

**Return to Appellant's
"Resubmission of Appendices 1-18 to Support Motion to Remand"**

Pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, Respondent Wells Fargo Bank, N.A. ("Wells Fargo") files this return to Appellant's motion captioned as "Resubmission of Appendices 1-18 to Support Motion to Remand" dated April 24, 2015. This Court should reject this filing and not consider the documents when ruling on Appellant's motion to remand.

Appellant previously filed a motion to remand this action to the trial court. On April 23, 2015, Wells Fargo filed and served a timely return to the motion. Appellant now submits a filing seeking to resubmit 18 Appendices that this Court previously struck from this appeal. Appellant claims such Appendices are in further support of the motion to remand. See Motion at Cover Letter and p. 1, 3. Appellant's filing is improper.

Appellant did not file these Appendices contemporaneously with the motion to remand as required by the appellate court rules. *See* Rule 240(c)(3), SCACR (mandating that each motion “*shall include*” any necessary affidavits in support at the time of the filing and service of the motion). Appellant filed and served the motion to remand on April 14, 2015. Appellant did not include the Appendices with that filing, and instead, waited until after Wells Fargo filed its return to the motion to remand. Thus, Appellant deprived Wells Fargo the opportunity to address these Appendices, as needed, in its return. Therefore, this Court should reject these Appendices and deny the motion to remand.

Moreover, Appellant’s request is nothing more than a refusal to comply with this Court’s April 3rd Order. In that order, this Court struck the Appendices from this appeal and ordered Appellant to remove them from the Court file. *See* Order dated April 3, 2015. Appellant now seeks to present this Court with the same Appendices previously struck. This Court should not allow Appellant to disregard an order from this Court. Thus, this Court should reject this filing and not consider the documents when considering Appellant’s motion to remand.

Further, Appellant has consistently filed improper, frivolous, and voluminous filings with this Court containing documents not presented to the trial court and irrelevant to the disposition of this appeal.¹ Appellant’s abuses of the court rules has caused Wells Fargo to incur unnecessary costs and expend significant time to respond to each of Appellant’s improper filings. As a result, Wells Fargo requests that this

¹ Appellant will have the opportunity to present all documents, affidavits, motions, orders, etc. to this Court for consideration as properly allowed by Rules 209 and 210, SCACR, as part of the Record on Appeal. That Record is due for service by Appellant no later than May 3, 2015.

Court enter an order prohibiting Appellant from filing any motion, petition, or other filing not *expressly allowed* by the South Carolina Appellate Court Rules.² See Rule 269, SCACR (allowing the appellate court to “impose upon offending attorneys or parties such sanctions as the circumstances of the case and discouragement of like conduct in the future may require”). Wells Fargo should not be required to continue to expend money and time to address each of Appellant’s filings in what should be a straightforward and uncomplicated appeal from the trial court’s grant of summary judgment.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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Attorneys for Wells Fargo Bank, N.A.

Columbia, South Carolina

April ~~29~~, 2015

² The next deadline expressly allowed under the rules is service of the Record on Appeal by Appellant no later than May 3, 2015. No other filings should be allowed.

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Appellate Tracking No. 2014-001683

Wells Fargo Bank, N.A., Respondent,

v.

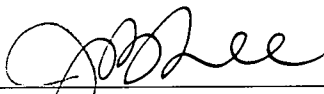
Dorothy Sistrunk, Appellant.

Proof of Service

I, the undersigned administrative assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Plaintiff Wells Fargo Bank, N.A., do hereby certify that I have served all parties in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by certified United States Mail, return receipt requested, postage prepaid, to the following address(es):

Pleadings: **Return to Appellant's Resubmission of Appendices 1-18 to Support Motion to Remand**

Party Served:
pro se Defendant
Ms. Dorothy Sistrunk
423 Bayne Street
Orangeburg, SC 29115



Jennifer B. Lee

April 29, 2015

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Nelson Mullins

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April 29, 2015

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SC Court of Appeals

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

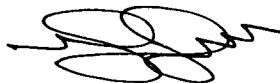
RE: Wells Fargo Bank, N.A. v. Dorothy Sistrunk
Wells Fargo Matter #: 0362522-01
Case No.: 08-CP-38-1024
Appellate Case No.: 2014-001683
NMRS File No.: 10275/01528

Dear Ms. Kitchings:

Enclosed please find an original and seven copies of a Return to Motion to file Appendices in the above-referenced matter. Please file the original and return a clocked-in copy to me via our courier. Should you have any questions, please do not hesitate to contact me.

By copy of this letter I am hereby serving the opposing party.

Very truly yours,



Michael J. Anzelmo

MJA:jlee
Enclosures

cc: Ms. Dorothy Sistrunk