

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY  
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

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

**RECEIVED**  
JUL 27 2015  
SC Court of Appeals

Wells Fargo Bank, N.A., ..... Respondent,

v.

Dorothy Sistrunk, ..... Appellant.

**Return to Appellant's Motion for an Extension of Time**

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 for an extension of time to serve the record on appeal.<sup>1</sup> This Court should reject this filing and dismiss the appeal.

On July 1, 2015, this Court issued an order denying Appellant's motion to remand this matter. As part of that order this Court stated that "Appellant shall serve the record on appeal within twenty days of the date of this order." The deadline expired on July 21, 2015. Appellant did not serve the record on appeal or request this extension prior to the expiration of that deadline. Thus, this motion for an extension is untimely and should be denied.

<sup>1</sup> Appellant requests an extension to print the record on appeal. The applicable deadline is the deadline to serve the record on appeal.

In fact, this Court should dismiss the appeal for Appellant's failure to timely serve the record on appeal. See Wise v. S.C. Dept. of Corrections, 372 S.C. 173, 173, 642 S.E.2d 551, 551 (2007) (stating that "[w]henver it appears that an appellant has failed to comply with the requirements of the SCACR, an order of dismissal **shall** be issued") (emphasis added). Appellant's status as a pro se litigant does not alter that result. See, e.g., State v. Burton, 356 S.C. 259, 265 n. 5, 589 S.E.2d 6, 9 n. 5 (2003) ("A pro se litigant who knowingly elects to represent h[er]self assumes full responsibility for complying with substantive and procedural requirements of the law."). The parties completed initial briefing of this appeal on February 6, 2015, making the record on appeal due to be served by March 8, 2015. The record on appeal is, as of the date of this return, **142 days past due**. Appellant should not be afforded any additional time to serve the record on appeal.


Moreover, Appellant's claims of difficulty in printing the record due to the size of the record are unfounded.<sup>2</sup> The record on appeal for this matter should be straightforward. This appeal involves the grant of a summary judgment motion by the trial court. The record need only contain those filings relevant to that motion as designated by the parties. See Rule 209(b), SCACR ("A party shall not include any matters in his Designation which is not relevant to the appeal."). Appellant's apparent desire to include a significant number of superfluous and unnecessary documents should not provide a basis for further delay of this appeal. Appellant filed her notice of appeal on July 30, 2014, yet the record on appeal has yet to be served. This Court should

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<sup>2</sup> Appellant claims the index for the record exceeds 50 pages by itself. See Motion p. 2.

dismiss the appeal because of Appellant's failure to serve the record on appeal by July 21, 2015.

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Appellate Tracking No. 2014-001683

Wells Fargo Bank, N.A., ..... Respondent,

v.

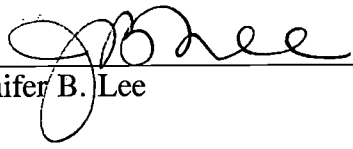
Dorothy Sistrunk, ..... Appellant.

**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 Motion for an Extension of Time**

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

  
\_\_\_\_\_  
Jennifer B. Lee

July 27, 2015

# Nelson Mullins

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July 27, 2015

## Hand Delivered

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

RECEIVED

JUL 27 2015

SC Court of Appeals

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 Appellant's Motion for an Extension of Time 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