

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Appeal from Richland County
In the Court of Common Pleas

S.C. Supreme Court

G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2015-000218

CACH, L.L.C.....Respondent,

v.

Toby Hoffman, Jr., a/k/a
Carl W. Hoffman, Jr.....Petitioner.

MOTION TO SUPPLEMENT BRIEF OF PETITIONER

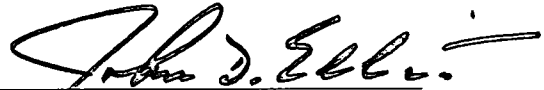
The petitioner moves to supplement his brief with the attached exhibit.

The exhibit is referenced in the petitioner's brief, at page six. It is included in a business journal article describing the transactional relationship between CACH, L.L.C. and Bank of America, N.A., and the questionable quality of the records and asserted statements of debt underlying collections actions such as the civil action at issue here.

Simultaneous with this motion, the petitioner has requested this court take judicial notice of an order entered between Bank of America and the U.S. Office of the Comptroller of the Currency, reflecting findings of shortcomings and misrepresentations of Bank of America in court filings to collect debts. The exhibit is a graphic illustration of the problems associated with these findings. The article, entitled "Bank of America Sold Card Debts to Collectors Despite

Faulty Records,” is cited in the petitioner’s brief at footnote 4, page six, and is accessible online. The inclusion of the graphic is in the nature of a demonstrative exhibit, and its inclusion would save the court inconvenience in referencg the journal article online.

Respectfully submitted,



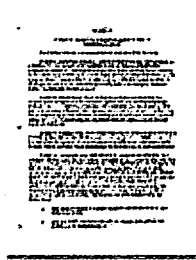
JOHN D. ELLIOTT
Attorney for Petitioner
P.O. Box 607
1122 Lady Street-Suite 710
Columbia, SC 29202
Phone: 803.252.9236
Fax: 803.799.2079
E-Mail: jayel@mindspring.com

Columbia, South Carolina
November 24th, 2015

Contractual Dispute

Bank of America sold credit card debts even while cautioning that the balances and account records could be wrong. But when the debt buyer sued B of A customers the bank vouched for its files

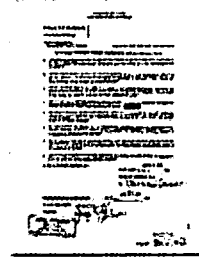
What B of A's contract said:



- "It is possible that the figure provided as the Current Balance for any Loan may not reflect credits for payments"
- "Seller has not made, did not make, and specifically disclaims ... the accuracy of any sums shown as current balance ... " "Current Balance (Approximate)"

- "Seller makes no representations as to the accuracy or completeness of [records] Seller has not undertaken to correct any misinformation or omission of information."
- References the existence of a "Revenue Sharing Plan"
- "Seller has not made, did not make, and specifically disclaims ... the validity, enforceability, or collectibility of the evidence of indebtedness"

What B of A swore to in court filings:



- "There were no uncredited payments."
- "There is due and payable ... the sum of \$12266.83"
- "The statements made in this affidavit are based on the computerized and hard copy records of Bank of America, which are maintained in the ordinary course of business."
- "Bank of America had no further interest in this account for any purpose."
- "CACH LLC [has] full authority to do and perform all acts necessary for collection"

Source: Court filings

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CERTIFICATE OF SERVICE

Counsel certifies he has served the request to take judicial notice and motion to supplement petitioner’s brief on all parties by electronic mail and by depositing a copy of the same in the United States Mail, postage prepaid, on this 24th day of November, 2015:

Edward H. Overcash, Jr., Esquire
Law Offices of Ed Overcash, L.L.C.
37 Villa Road, Suite 507
Greenville SC 29615

Manuel H. Newburger, Esquire
Barron & Newburger P.C.
1212 Guadalupe, Suite 104
Austin TX 78701



JOHN D. ELLIOTT
Attorney for the Appellant