

8

BRADFORD NEAL MARTIN & ASSOCIATES, PA

ATTORNEYS AT LAW

201 West McBee Avenue, Suite 302
Post Office Box 10410 (29603)
Greenville, South Carolina 29601

lteer@bnmlaw.com
Phone: (864) 552-9990
FAX: (864) 552-9992

February 2, 2016

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *William F. Tomz v. Capital Investment Funding, et al*
C/A No.: 2008-CP-23-3665
Tracking No. 2013-002676

RECEIVED
FEB 04 2016
SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for filing are an original (unbound) and 14 bound copies of Appellant's Final Brief, with Attorney Certification, and an original (unbound) and 14 bound copies of the Record on Appeal. Also enclosed for filing is the original Proof of Service. An extra copy of the Brief, Record on Appeal, and Proof of Service are also enclosed, along with a stamped self-addressed envelope, for your use in returning to me a clocked copy of each.

Please note that a previously filed motion regarding Appellant's Final Reply Brief and a proposed Appendix is pending with the Court.

Also enclosed is a copy of our letter to Respondents' counsel regarding a correction made to the Index of the Record on Appeal, as instructed by our case manager, Elizabeth Carter.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Laura W.H. Teer

/pm
Enclosures

cc: George Brandt, Esq.
Stan Case, Esq.

BRADFORD NEAL MARTIN & ASSOCIATES, PA

ATTORNEYS AT LAW

201 West McBee Avenue, Suite 302
Post Office Box 10410 (29603)
Greenville, South Carolina 29601

lteer@bnmlaw.com
Phone: (864) 552-9990
FAX: (864) 552-9992

February 2, 2016

RECEIVED
FEB 04 2016
SC Court of Appeals

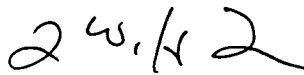
George Brandt, III, Esq.
360 Henry Street
Spartanburg, SC 29302

Stanley T. Case, Esq.
P.O. Drawer 451
Spartanburg, SC 29304

Dear Buck and Stan:

We discovered late last week that the Index to the Record on Appeal, served on you on January 13, 2016, did not list the page numbers for the start of the direct, cross, and redirect testimony of each witness. Gwen Martin of our office discussed this with the Court of Appeals case manager, Elizabeth Carter, for permission to correct the Index prior to filing the Record. She agreed this would be acceptable and instructed us to send a copy of the corrected Index to each of you, which I have enclosed herein, and to include this information in a letter to you, with a copy to the Clerk's office. Adding the testimony page numbers did not change the page number of any item listed in the Index or the page number of any documents contained in the Record, therefore did not impact the citations in your Respondents' Final Brief.

Sincerely



Laura W. H. Teer

LWHT/rr
Enclosure

cc: ✓ The Honorable Jenny Abbott Kitchings
Clerk of Court, Court of Appeals

INDEX

<u>Orders</u>	Page
Mediated Global Settlement Agreement and Order Approving Settlement, dated August 24, 2009 [“MGSA Order” or “Global Settlement Order”].....	1
Status Conference Order dated June 24, 2010.....	20
Order Compelling Production of Documents, Records, Property and Things, dated June 29, 2010 [“Production Order”].....	24
Order dated October 10, 2011 [“Privilege Order”].....	30
Order and Rule to Show Cause, filed June 7, 2012 [no hearing].....	35
Request for Production of Records served on Appellant dated November 28, 2011.....	40
Order and Rule to Show Cause, filed April 3, 2013 [no hearing].....	49
Order and Rule to Show Cause, filed August 19, 2013 [September 17, 2013 hearing].....	53
Affidavit of Jerry Saad, dated August 19, 2013.....	56
Affidavit of Service of Process Server, dated August 23, 2013.....	65
Order of Contempt and denial of Appellant’s Motion to Quash the Rule to Show Cause, dated October 1, 2013.....	66
Order denying Appellant’s Motion to Alter or Amend, dated November 7, 2013.....	77
Order of South Carolina Court of Appeals filed July 18, 2014, remanding to lower court to reconstruct the record.....	79
Order dated February 2, 2015, regarding remand to reconstruct the Record.....	81
 <u>Pleadings and other Matter</u>	
Receiver’s November 12, 2009 Report to Note Holders.....	84
Appellant’s Motion to Recuse, dated June 13, 2012.....	96
Plea Agreement of Arthur Field, executed and filed May 6, 2013, Case No. 2012-GS-47-0008.....	114
Appellant’s Motion for a Continuance, dated September 12, 2013, orally denied at September 17, 2013 hearing.....	119
Appellant’s Motion to Quash the Rule to Show Cause, dated September 12, 2013.....	151
Affidavit of Carl Stanley, dated September 12, 2013.....	176
Affidavit of Arthur Field, dated September 12, 2013.....	177
Appellant’s Return to Order and Rule to Show Cause, dated September 17, 2013.....	179
Email from Curt Stodghill to Arthur Field, dated January 9, 2012.....	204
Service Agreement [Empire] dated May 22, 2009.....	347
Receiver’s January 26, 2011 Report to Note Holders.....	352
Receiver’s January 15, 2012 Report to Note Holders.....	370
Order of Dismissal of Judge Perez Priscia filed February 15, 2013, and Rider to Order, Superior Court of New Jersey.....	470
Appellant’s Response to Judge’s Oral Order of September 17, 2013, dated September 20, 2013.....	489
Affidavit of Timothy Kelley dated September 20, 2013.....	497
Receipt for Court Ordered Documents dated 9/20/13.....	499
Receipt for Documents dated 11/19/13.....	500
Appellant’s Motion to Alter or Amend, dated October 14, 2013.....	501