

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge
Mikell R. Scarborough, Master In Equity, Charleston County

Appellate Case No. 2017-000613

Nationstar Mortgage LLC

Respondent,

RECEIVED

v.

JUL 27 2017

Robert E. Hammond,

Appellant.

SC Court of Appeals

OBJECTION TO RESPONDENT'S MOTION TO DISMISS

Appellant hereby objects to Respondent's Motion to Dismiss ("Motion") the pending appeal, which Motion was served on July 13, 2017. Appellant's counsel has attempted to confer with opposing counsel prior to filing this Objection, but Respondent's counsel has failed to respond to the undersigned's attempts to resolve Respondent's Motion.

Although the Motion consists of only one sentence, it contains multiple errors, and is not well-grounded in fact or law.

First, the Motion claims that Quicken Loans, Inc. is the Respondent. However, this is false. To the best of Appellant's knowledge, this entity has never been involved in this case. Reference to the case caption and documents filed in this

appeal will show that Quicken Loans, Inc. is not the Respondent in this case.

Appellant therefore believes that Respondent's allegation that Quicken Loans, Inc. is the Respondent is not well-grounded in fact.

Second, the Motion is unnecessarily duplicative. The Motion seeks to have the pending appeal dismissed based on the grounds that the lower court orders appealed from are interlocutory and not immediately appealable. However, by order of this Court filed May 11, 2017, the pending appeal has already been dismissed on those same grounds. Appellant was unable to confer with Respondent regarding Respondent's reasons for filing this duplicative Motion, but it would appear that Respondent is attempting to prevent this Court from hearing Appellant's pending Petition for Rehearing. In any event, Appellant's Motion is duplicative and is an improper attempt to avoid proper appellate procedure. Appellant therefore believes that the Motion is not well-grounded in law.

Third, in support of its Motion, Respondent alleges that the pending appeal should be dismissed based on Rule 260, SCACR. That rule allows the Clerk of this Court to involuntarily dismiss a pending appeal due to failure of an appellant to comply with the procedural requirements of the appellate rules. However, no such failure is alleged in the Motion, and the Clerk of this Court has never dismissed the pending appeal due to any such failure of the Appellant to follow the appellate rules. Indeed, in the absence of such a failure to comply with the rules, it seems odd that Respondent believes that the Clerk of this Court has the authority to dismiss a pending appeal that is properly before this Court on a Petition for Rehearing, since in that event the Clerk's authority would trump even the authority granted the

justices of this Court by the appellate rules. Such a result would be absurd, yet Respondent alleges that Rule 260, SCACR can be used in this manner. However, this contention is without support in the applicable rules and is not well-grounded in law.

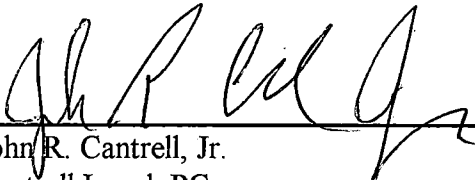
Fourth, in support of its Motion, Respondent alleges that S.C. Code Sec. 14-3-330 applies to allow this Court to dismiss the pending appeal. However, that Code section is inapplicable, since it applies to the appellate jurisdiction of our state Supreme Court in law cases. The pending case is a foreclosure case, which is an action in equity, not an action at law. Also, the appeal at this stage is pending in the Court of Appeals, not the state Supreme Court, which is another reason why this Code section is inapplicable. Appellant therefore believes that Respondent's reliance upon this Code section is not well-grounded in law.

SANCTIONS

Pursuant to Rule 11, SCRCF or Rule 269, SCACR, this Court may, when appropriate, impose sanctions against a party for filing frivolous motions that are not well-grounded in fact or law. In this case, as is detailed more specifically above, Respondent has presented no good faith support for its Motion, which this Court should find to be frivolous and in violation of the applicable rules. In the event that this Court does so find, it is unjust that Appellant be required to bear the cost of Respondent's improper Motion. Appellant therefore respectfully requests that this Court allow Appellant to submit an affidavit of fees that have been incurred as a result of having to defend against this improper Motion, and that this Court award such sanctions as may be appropriate to remedy this conduct.

WHEREFORE, Appellant respectfully requests that the court deny Respondent's Motion to Dismiss. In addition, Appellant requests that this Court find that the Motion was filed in violation of Rule 11, SCRPC and/or Rule 269, SCACR and that an appropriate sanction be imposed upon Respondent for the filing of this frivolous Motion, including awarding Appellant his reasonable attorney fees and costs that were incurred while defending this improper Motion, and for such other sanctions as the Court may find to be appropriate.

Dated this July 24, 2017.



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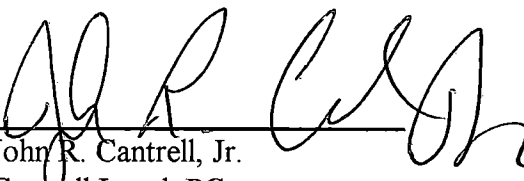
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PROOF OF SERVICE

I certify that I have served the Objection to Respondent's Motion to Dismiss on Nationstar Mortgage LLC by depositing a copy of it in the United States mail, postage prepaid, on July 24, 2017, addressed to its attorney of record, William P. Stork, at his address indicated below.



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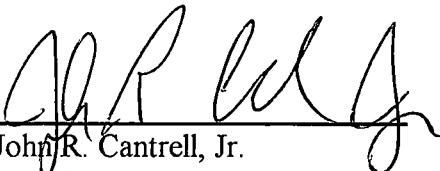
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Nationstar Mortgage LLC v. Robert E. Hammond, Appellant
Appellate Case No. 2017-000613

Dear Miss Kitchings:

Enclosed are the following:

The original Appellant's Objection to Respondent's Motion to Dismiss with
6 copies.



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cc : William P. Stork

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SHIP TO: The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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