

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEE COUNTY
Court of Common Pleas

Clifton Newman, Circuit Court Judge

Appellate Case No. 2016-001989

Laura Toney,

v.

LaSalle Bank National Association as Trustee for the
Registered Holder of Structured Asset Securities
Corporation, Structured Asset Investment Loan Trust,
Mortgage Pass-Through Certificates, Series 2004-11,
A/K/A Altisource Homes, Wayne Capell, Lee County
Treasurer and Lee County Planning and Zoning,

Appellant,

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AUG 21 2017

SC Court of Appeals

Respondents.

DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL

Sean A. O'Connor (SC Bar 68382)
FINKEL LAW FIRM LLC
4000 Faber Place Drive | Suite 450
North Charleston, South Carolina
29405
Telephone: 843.577.5460
*Attorneys for Respondent LaSalle
Bank*

Laura Toney
P.O. Box 722
Bishopville, SC 29010
Appellant Pro Se

Respondent LaSalle Bank, by and through its undersigned attorney, proposes the following to be included in the Record on Appeal:

1. Complaint in Civil Action No. 2005-CP-31-00169, filed July 21, 2005;
2. Final Brief of Respondent, 2005-CP-31-00169, Case No. 2011-201266, March 23, 2010;
3. Toney letter to LaSalle Bank, dated June 14, 2005;
4. Answer in Civil Action No. 2005-CP-31-00169, filed August 19, 2005;
5. Order as to Pending Motions in Civil Action No. 2005-CP-31-00169, filed December 3, 2007;
6. Order in U.S. Bankruptcy Case No. 07-00234-jw, filed February 26, 2007, ECF 43;
7. Motion for Summary Judgment in Civil Action No. 2005-CP-31-00169, filed March 29, 2006;
8. Master's Order and Judgment of Foreclosure and Sale in Civil Action No. 2005-CP-31-00169, filed March 15, 2007;
9. Order in U.S. Bankruptcy Case No. 07-01978-dd, filed May 15, 2007, ECF 23;
10. Order Dissolving Temporary Restraining Order in Civil Action No. 2007-CP-31-00066, filed April 2, 2007;
11. Notice of Motion and Motion for Reconsideration of Decision and For Stay of Enforcement of the Order in Civil Action No. 2005-CP-31-00169, filed April 25, 2017;
12. Order in U.S. Bankruptcy Case No. 08-08382-dd, filed April 21, 2009, ECF 34;

13. S.C. Ct. App. Op. No. 2011-UP-334, filed June 27, 2011;
14. S.C. Supreme Ct. Order Denying Certiorari in regard to Appellate Case No. 2011-201266, filed December 20, 2012;
15. Complaint to Set Aside Fraudulent Transfer, and Fraud; Declaratory Judgment for Entry of Default, Gross Negligence, Emotional Distress, Deceptive and Unfair Trade Practices in Case No. 3:11-cv-01686-MBS-JRM, filed July 13, 2011, ECF 1;
16. Order and Opinion in Case No. 3:11-cv-01686-MBS-JRM, filed March 22, 2012, ECF 57;
17. Report and Recommendation in Case No. 3:11-cv-01686-MBS-JRM, filed February 22, 2012, ECF 46;
18. Report and Recommendation in Case No. 3:11-cv-01686-MBS-JRM, filed August 9, 2012, ECF 79;
19. Order and Opinion in Case No. 3:11-cv-01686-MBS-JRM, filed September 25, 2012, ECF 90;
20. Unpublished Opinion, U.S. Ct. App., 4th Cir., Appellate Case No. 12-2364, filed February 28, 2013;
21. Order Denying Petition for *En Banc* Review, U.S. Ct. App., 4th Cir., Appellate Case No. 12-2364, filed April 4, 2013;
22. Order Denying Petition for Certiorari, S. Ct. of U.S., Case No. 13-404, filed December 2, 2013;
23. Complaint in Civil Action No. 2013-CP-31-00321, filed November 13, 2013;

24. Notice of Removal in Case No. 3:13-cv-03481-MBS-SVH, filed December 13, 2013, ECF 1;
25. Motion to Dismiss and for Sanctions in Case No. 3:13-cv-03481-MBS-SVH, filed December 20, 2013, ECF 5;
26. Motion to Remand in Case No. 3:13-cv-03481-MBS-SVH, filed January 3, 2014, ECF 20;
27. Amended Motion to Dismiss in Case No. 3:13-cv-03481-MBS-SVH, filed January 20, 2014, ECF 44;
28. Report and Recommendation in Case No. 3:13-cv-03481-MBS-SVH, filed March 11, 2014, ECF 59;
29. Order in Case No. 3:13-cv-03481-MBS-SVH, filed August 4, 2014, ECF 64;
30. Email from Mary Deal to James Davis in regard to Case No. 3:13-cv-03481-MBS-SVH, filed August 5, 2014, ECF 67;
31. Motion for Default in Civil Action No. 2013-CP-31-00321, filed September 25, 2014;
32. Motion to Dismiss in Civil Action No. 2013-CP-31-00321, filed November 20, 2014;
33. Response in Opposition to Plaintiff's Motion for Default and Second Amended Motion to Dismiss and For Sanctions in Civil Action No. 2013-CP-31-00321, filed December 1, 2014;
34. Transcript of Hearing in Civil Action No. 2013-CP-31-00321, November 30, 2015;

35. Order Denying Motion to Disqualify Attorneys Fata and O'Connor in Civil Action No. 2013-CP-31-00321, filed February 4, 2016;
36. Supplemental Memorandum in Opposition to Plaintiff's Motion for Default Judgment in Civil Action No. 2013-CP-31-00321, filed December 7, 2015;
37. Notice of Hearing in Civil Action No. 2013-CP-31-00321, filed March 15, 2016;
38. Toney emails to Court requesting continuance of March 30, 2016 hearing, dated March 30, 2016;
39. Transcript of Hearing in Civil Action No. 2013-CP-31-00321, March 30, 2016;
40. Order Granting the Motion to Dismiss of Defendant U.S. Bank, Granting the Motion for Summary Judgment of Defendant Lee County, and Denying All Motions of Laura Toney in Civil Action No. 2013-CP-31-00321, filed July 11, 2016;
41. Memorandum in Support of the Plaintiff's Motion for Default and Opposition to the Defendant's Motion to Dismiss and Motion for Sanctions Under Rule 11 in Civil Action No. 2013-CP-31-00321, filed May 20, 2016;
42. Second Motion to Recuse in Civil Action No. 2013-CP-31-00321, filed May 20, 2016;
43. Motion for Reconsideration in Civil Action No. 2013-CP-31-00321, filed July 20, 2016;
44. Response to Motion for Reconsideration in Civil Action No. 2013-CP-31-00321, filed July 20, 2016;

45. Amended Motion for Reconsideration in Civil Action No. 2013-CP-31-00321, filed July 26, 2016;
46. Order Denying Amended Motion for Reconsideration in Civil Action No. 2013-CP-31-00321, filed August 29, 2016;
47. Notice of Appeal in Civil Action No. 2013-CP-31-00321, filed September 19, 2016; and
48. Appellant's Corrected Initial Brief in Appellate Case No. 2016-001-989, filed March 17, 2017.

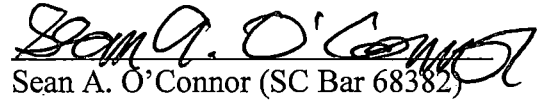
I certify that this designation contains no matter which is irrelevant to this appeal.

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Respectfully submitted,

FINKEL LAW FIRM LLC



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August 14, 2017

Opposing Party

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Appellant Pro Se

Co-Respondent Lee County Defendants' Counsel

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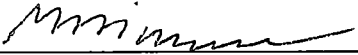
PROOF OF SERVICE

I hereby certify that on this, the 16th day of August, 2017, a true and correct copy of the *Initial Brief of Respondent LaSalle Bank National and Association* and Respondent's *Designation of Matter* was served upon all interested Parties to the Appeal by mailing a copy of same with sufficient first class postage affixed thereto, addressed as follows:

Laura Toney
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Paul M. Fata, Esq.
Stuckey, Fata & Segars
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[SIGNATURE ON FOLLOWING PAGE]



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MALENA A. DINWOODIE, PARALEGAL
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REPLY TO:
CHARLESTON LITIGATION

August 16, 2017

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Toney v. LaSalle Bank, et al.*
Appellate Case No. 2016-001989
Case No.: 2013-CP-31-00321
Our File No.: 52310.44666

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SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for filing, please find the following documents:

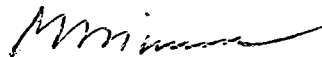
- (1) *Initial Brief of Respondent LaSalle Bank National Association;*
- (2) *Designation of Matter to be Included in Record on Appeal;* and
- (3) *the accompanying Proof of Service.*

I have included the original one additional copy of each and a prepaid, self-addressed envelope so that filed copies may be returned to our office. By copy of this correspondence, including enclosures, all interested Parties are being served with same.

If you have any questions or concerns, please contact me at your convenience.

With warmest regards, I am

Yours very truly,



Malena A. Dinwoodie
Litigation Paralegal

/mad

cc: Laura Toney, *pro se* Appellant (w/encl.)
Paul M. Fata, Esq. (w/encl.)

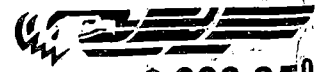
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