

**State of South Carolina
In the Court of Appeals**

Appeal from Spartanburg County

Court of Common Pleas

Gordon G. Cooper, Master in Equity

Case No. 2012-CP-42-3027

Appellate Case No. 001238

Deutsche Bank National Trust Company, as Trustee for Argent Securities, Inc.
Asset-Backed Pass-Through Certificates, Series 2004-W11

Respondent

v.

Geary Thomas Dooly, Eleanor S. Dooly and United States of America,

Appellant

Of whom, Geary Thomas Dooly is the Appellant

**APPELLANT'S MOTION TO REVISE RECORD ON
APPEAL OF RESPONDENT TO DELETE
SUPURFLOUS DOCUMENTS AND PAGES**

Pursuant to Rules 209 and 210 of the South Carolina Rules of Appellate Procedure, Appellant geary-thomas: Dooly, the living man ("Appellant") makes special appearance to hereby move the Court for an Order for Respondent to remove all irrelevant documents, and pages from Respondent's "Designation of Matter to be included in the Record On Appeal".

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On August 31, 2017 Respondent filed DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL (see **EXHIBIT A**) which included 25 items of which many were irrelevant to this Appeal. Furthermore, most of the items included the phrase "and including all accompanying exhibits", wherein a vast majority of the "designation of matter" of respondent is irrelevant, superfluous, and will only serve to burden the court with several HUNDRED PAGES of irrelevant matter in that only a page or few pages from any referenced document is relevant to this appeal, NOT "and including all accompanying exhibits".

The discrepancies of the Designation of Matter by Respondent are far too numerous to detail herein, and Appellant should NOT dictate which pages of a particular document designated by Respondent should be included. It would only be just to allow the Respondent to delete all "irrelevant" pages of filings, and to "designate" only those pages needed by the court. To point out just one such blatant "designation": Item 7 of **Exhibit A** with "all accompanying exhibits" amounts to 111 pages, which begs the question: "Are all those 111 pages relevant or irrelevant to this appeal, and needed to be reviewed by the Court to decide the issues in this appeal?" Certainly NOT!

Therefore, for reasons stated above, Appellant respectfully request this Court issue an order requiring Respondent to edit out all irrelevant pages of Respondent's Designation of Matter to be include in Record On Appeal. This Motion is based on the filings in this case, and the South Carolina Rules of Appellate Procedure 209 and 210. Furthermore, the Order is requested to include an extension of time for Appellant to serve all parties, and to file Record On Appeal with the Court, once revised designation is submitted.

Respectfully submitted,

September 25, 2017

geary-thomas: Dooly the living man, appellant, sui juris
c/o Post Office Box 3326 Spartanburg, South Carolina [29304]

Geary Thomas: Dooly the living man

EXHIBIT "A"
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THE STATE OF SOUTH CAROLINA
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APPEAL FROM SPARTANBURG COUNTY
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v.

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Of whom Geary Thomas Dooly is the..... Appellant.

DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL

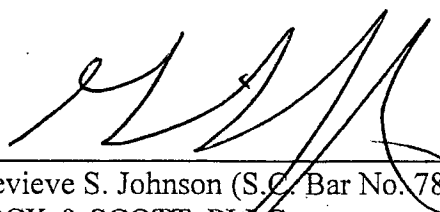
Respondent proposes the following be included in the Record on Appeal:

1. Deutsche Bank's Complaint and all accompanying exhibits, dated July 19, 2012;
2. Affidavit of Service on Defendant Geary Thomas Dooly, dated July 20, 2012;
3. Appellant Geary Thomas Dooly and Defendant Eleanor S. Dooly's Answer and all accompanying exhibits entitled "*Alleged Defendant's Counterclaim as Answer to Plaintiff's Complaint*," dated August 17, 2012;
4. Deutsche Bank's Reply to Answer and Counterclaim, dated September 20, 2012;
5. Deutsche Bank's Reply to Counterclaims of Defendants, dated September 24, 2012;
6. Deutsche Bank's Motion to Dismiss and all accompanying exhibits, dated January 17, 2013;
7. Appellant Geary Thomas Dooly and Defendant Eleanor S. Dooly's First Amended Answer and all accompanying exhibits, date First Amended Answer and all accompanying exhibited, dated January 31, 2013;

8. Deutsche Bank's Memorandum in Support of its Motion to Dismiss and all accompanying exhibits, dated May 21, 2013;
9. Appellant Geary Thomas Dooly and Defendant Eleanor S. Dooly's "3rd Amended Counterclaim as Answer" and all accompanying exhibits, dated June 20, 2013;
10. Form 4 and Order of the Honorable Roger L. Couch, Circuit Court Judge, dated July 1, 2013;
11. Appellant Geary Thomas Dooly and Defendant Eleanor S. Dooly's Motion to Reconsider and all accompanying exhibits, dated July 31, 2013;
12. Deutsche Bank's Motion to Dismiss and all accompanying exhibits, dated August 1, 2013;
13. Deutsche Bank's Memorandum in Support of its Motion to Dismiss and all accompanying exhibits, dated December 6, 2013;
14. Form 4 and Order of the Honorable Gordon G. Cooper, Master-in-Equity, dated December 31, 2013;
15. Appellant Geary Thomas Dooly's Notice of Appeal, dated January 30, 2014;
16. Court of Appeals Unpublished Opinion No. 2015-UP-404, dated August 12, 2015;
17. Remittitur, dated September, 3, 2015;
18. Deutsche Bank's Motion for Summary Judgment and all accompanying exhibits, dated March 24, 2017;
19. Deutsche Bank's Memorandum in Support of its Motion for Summary Judgment and all accompanying exhibits, dated March 24, 2017;
20. Appellant Geary Thomas Dooly's Reply to Motion for Summary Judgment *entitled as "Alleged Defendant's Reply to Motion for Summary Judgment,"* dated April 6, 2017;
21. Notice of Hearing, dated May 4, 2017;
22. Record of Hearing for Foreclosure Case, dated May 15, 2017;
23. Complete Transcript of May 16, 2017 Hearing, including Exhibits;
24. Form 4 and Order of the Honorable Gordon G. Cooper, Master-in-Equity, (granting Deutsche Bank's Motion for Summary Judgment), dated May 16, 2017; and
25. Notice of Appeal, dated May 24, 2017.

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

Dated: August 31, 2017

By: 

Genevieve S. Johnson (S.C. Bar No. 78480)

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Counsel for Respondent

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Of whom Geary Thomas Dooly is the Appellant.

Of whom, Geary Thomas Dooly is the..... Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the **APPELLANT'S
MOTION TO REVISE RECORD ON APPEAL OF RESPONDENT TO
DELETE SUPURFLOUS DOCUMENTS AND PAGES** by, first class, U.S.

Mail with postage prepaid upon the following:

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3800 Fernandina Road, Suite 110, Columbia, SC 29210.

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Geary Thomas: Dooly the living man

Glary Thomas Dooley
c/o P.O. Box 3326
Spartanburg, South Carolina
29304

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