

**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

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SC Court of Appeals

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 FOR UPDATE OF CURRENT
DESIGNATION OF MATTER BY RESPONDENT TO
REFLECT OFFERED AND ACCEPTED DELETIONS**

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 Updated Designation of Matter(DOM) by Respondent to reflect deletions offered, via letter, and accepted by Appellant, via letter, and for a time extension for publication of Record On Appeal(ROA).

As the record will reflect, my motion for the court to order Respondent to reduce Designation of Matter for Record On Appeal (ROA) was denied. While that decision was being made Respondent very kindly offered several reductions to the DOM via letter of October 2, 2017 (**EXHIBIT A**). This offer was appreciated and accepted. In that letter, Respondent made it clear that "...we are willing to work with you...", which I appreciated very much.

Appellant accepted the offered reductions by Respondent via letter of November 1, 2017 (**Exhibit B**). In that letter I pointed out the 99 pages of Affidavits that are an attachment to Respondents Designation of Matter Item # 9. Later, I, also, discussed this briefly with Respondent via phone (on or about November 8) and it was apparent that we were in agreement to also include these 99 pages in the reductions offered and accepted. We also discussed what would be the normal course for this situation, and it seemed that an Updated DOM should be made to reflect deletions offered and accepted, since the Court Record would need to reflect same. Respondent stated that she would "get back with me", however, that has not happened.

In all due respect, I understand, from our phone conversation, that Respondent Attorney Johnson had been away from work for some time, but I have not had a response letter, or an "Updated Designation of Matter" related to that call and my letter. Obviously, an "Updated Designation of Matter" would be needed for the Court Record.

THEREFORE,

Appellant moves the Court to Order Respondent to provide for the Court Record an Updated DOM to reflect the offered and accepted deletions, which may, or may not include the 99 pages with reasons detailed in my letter to respondent (Exhibit B) since there was no actual, only implied, agreement reached on the 99 pages.

FURTHERMORE,

Appellant moves the Court to issue a new time to reflect adequate time to publish ROA after an Update of DOM is received.

FINALLY,

This motion and request is not intended to reflect negatively in any manner whatsoever on Respondent Attorney Johnson, that has acted professionally, and courteously, and, in her words of her letter (Exhibit A) "...we are willing to work with you...".

Respectfully submitted,

November 20, 2017

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

geary-thomas, the living man



Consumer Hotline
844-856-6646
Phone:
803-454-3540

3800 Fernandina Road, Suite 110, Columbia, SC 29210
ConsumerContact@brockandscott.com
www.brockandscott.com

Fax:
803-454-3541

October 2, 2017

Geary Thomas Dooly
P.O. Box 3326
Spartanburg, South Carolina 29304

Re: Deutsche Bank National Trust Company, as Trustee for Argent Securities Inc., Asset-Backed Pass-Through Certificates, Series 2004-W11 v. Geary Thomas Dooly, *et al.*
Case #: 2012-CP-42-03027
Appellate Case #: 2017-001238
B&S File #: 15-17508

Mr. Dooly,

As you are aware, we represent Deutsche Bank National Trust Company, as Trustees for Argent Securities, Inc., Asset-Backed Pass-Through Certificates, Series 2004-W11, ("Deutsche Bank") in the above referenced matter. We have received a copy of your Initial Reply Brief and we are writing to address your concerns with the matters we have designated for the Record on Appeal (the "Record").

Foremost, we assert and reaffirm that our designation of matters for the Record is justified and relevant to the appeal under applicable South Carolina law and rules of procedure. See e.g., Rule 210, SCACR ("Where a portion of a page of the trial transcript, or a page of an exhibit or document, is to be included in the Record on Appeal, the entire page shall be included. When a portion of an order, judgment, decision or pleading is to be included in the Record on Appeal, the entire order, judgment, decision or pleading shall be included in the Record, to include the caption and signature(s). . . .").

Nevertheless, as is custom, we are willing to work with you to reduce your costs. Deutsche Bank is willing to eliminate the following exhibits to documents otherwise designated for the Record:

- Exhibits B, C, and D of Designated Matter No. 1.-- Deutsche Bank's Complaint, dated July 19, 2012;

- Exhibits A and B of Designated Matter No. 8-- Deutsche Bank's Memorandum in Support of its Motion to Dismiss, dated May 21, 2013; and
- Exhibits A and B of Designated Matter No. 13-- Deutsche Bank's Memorandum in Support of its Motion to Dismiss, dated December 6, 2013.

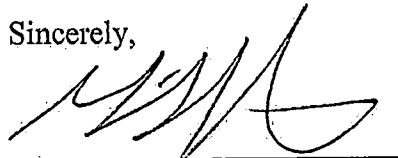
Deutsche Bank is also willing to remove the following designations from the Record:

- No. 4 Deutsche Bank's Reply to Answer and Counterclaim, dated September 20, 2012;
- No. 5 Deutsche Bank's Reply to Counterclaims of Defendants, dated September 24, 2012;
- No. 21 Notice of Hearing, dated May 4, 2017; and
- No. 22. Record of Hearing for Foreclosure Case, dated May 15, 2017.

Please note, in agreeing to remove these exhibits and documents from our designations, Deutsche Bank does not waive any defense it may assert to your Motion to Revise the Record on Appeal of Respondent.

Should our proposed revisions to the Record be amenable, please contact me at Genevieve.Johnson@brockandscott.com or at the address provided above.

Sincerely,



Genevieve S. Johnson
Attorney for Plaintiff
Brock & Scott, PLLC

EXHIBIT "B"
Pg 1-2

Geary-Thomas: Dooly
c/o P.O.Box 3326
Spartanburg, SC 29304

BROCK & SCOTT PLLC

November 1, 2017

ATTN: Genevieve S Johnson

3800 Fernandina Road, Suite 110 Sent via: e-mail, and US Mail
Columbia, South Carolina 29210

Re: Deutsche Bank National Trust Company, as trustee for Argent
Securities Inc., Asset-Backed Pass-Through Certificates, Series 2004-W11
v. et al. Geary Thomas Dooly

Case #: 2012-CP-42-03027
Appellate Case No. 2017-001238
B&S File #: 15-17508

Ms. Johnson,

Thank you for your letter of October 2, 2017 wherein you kindly offered several reductions in the volume of pages in the Record On Appeal (ROA). I agree and accept that offer, but make one respectful request which will further reduce the volume by some 99 pages!

That request is to delete Attachment "A" to your designated item # 9, "Appellant Geary Thomas Dooly and Defendant Eleanor S. Dooly's "3rd Amended Counterclaim as Answer" and all accompanying exhibits, dated June 20, 2013. Note: Attachment "A" was the only attachment to the 12 page filing.

Note that the Attachment "A" is 99 pages of AFFIDAVITS that from several parties in support of "FACTS" –See Page 3 of 12, Item 13, which states, "These acts were wrongful and predatory and the acts by plaintiff and it's agents/alleged successors were intentional and deceptive. This fact is verified by the attachment of three (3) affidavits for each Attorney/Firm, and for Clerk of Court, one executed by Defendant and two (2) executed by 3rd Parties, charging the acts of the agents alleging to represent the alleged Plaintiff as Exhibit "A" – 99 Pages."

Page 17

EXHIBIT "B"
Pg 2-2

These 99 pages do not appear to be referenced in any current pleadings and could certainly be deleted from the ROA, in my opinion. I believe you will agree to this 99 page reduction.

I am assuming that it is in order for you to submit a revised Designation of Matter to reflect the reductions in your letter of October 2, and this one additional large reduction. Today I received the denial of my Motion for an Order. Frankly, I think that is appropriate in that your offers in your letter of October 2, and this one (99 page) addition will greatly reduce the volume. If this assumption re "revised" is wrong, I apologize. It just seems logical that a revised Designation recorded with the Court would be in order.

Thank you, again, for you kind letter, and for your consideration of this letter.

If more convenient, you may respond via phone 864-978-3426, voice mail, or text, or via e-mail at tdooly7@aol.com.

Sincerely,

Geary-Thomas of the Dooly family

Geary-Thomas of the Dooly Family

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Gordon G. Cooper, Master In Equity

Appellate Case No. 2017-001238

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SC Court of Appeals

Deutsche Bank National Trust Company, as Trustee for Argent Securities Inc.,
Asset-Backed Pass-Through Certificates, Series 2004-W-11..... Respondent
v.

Geary Thomas Dooly, Eleanor S. Dooly, & United States of America, Defendants,

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

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of **APPELLANT'S
MOTION FOR UPDATE OF CURRENT DESIGNATION OF MATTER
BY RESPONDENT TO REFLECT OFFERED AND ACCEPTED
DELETIONS**, via first class, U.S. Mail with postage prepaid upon the following:

Genevieve S. Johnson of Brock and Scott, PLLC, Attorneys for Respondent,
3800 Fernandina Road, Suite 110, Columbia, SC 29210.

November 21, 2017

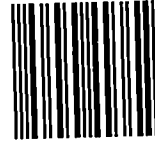
Geary-Thomas: Dooly the living man
Post Office Box 3326
Spartanburg, South Carolina [29304]
(864) 978-3426

Geary-Thomas: the living man

Clay-Thomas i dooly
c/o P.O. Box 3326
SPARTANBURG, South Carolina
29304



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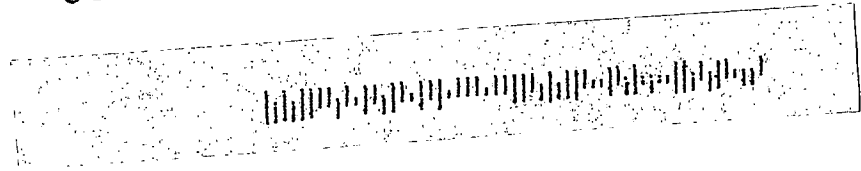
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COLUMBIA, SOUTH CAROLINA
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