

CLOSED,PROSE

**U.S. District Court  
District of South Carolina (Charleston)  
CIVIL DOCKET FOR CASE #: 2:16-cv-01634-RMG**

Bank of America NA v. Koola  
Assigned to: Honorable Richard M Gergel  
Case in other court: 4CCA, 17-01013  
South Carolina Court of Appeals, 14-001323  
Cause: 28:1345 Foreclosure

Date Filed: 05/20/2016  
Date Terminated: 12/28/2016  
Jury Demand: None  
Nature of Suit: 220 Real Property: Foreclosure  
Jurisdiction: Federal Question

**Plaintiff**

**Bank of America NA**

represented by **Dean Anthony Hayes**  
Korn Law Firm  
PO Box 11264  
Columbia, SC 29201-2369  
803-252-5817  
Fax: 803-231-2060  
Email: dhayes@kornlawfirm.com  
TERMINATED: 06/17/2016  
LEAD ATTORNEY

**RECEIVED**  
**JAN 08 2018**  
**SC Court of Appeals**

**Theodore von Keller**  
Leath Bouch Crawford and von Keller  
PO Box 4216  
Columbia, SC 29250  
803-790-2626  
Email: ted@crawfordvk.com  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

V.

**Defendant**

**Johnson D Koola**

represented by **Johnson D Koola**  
1587 Cambridge Lakes Dr.  
Mt Pleasant, SC 29464  
PRO SE

Date Filed	#	Docket Text
05/20/2016	<u>1</u>	NOTICE OF REMOVAL from South Carolina Court of Appeals, case number 2014-001323. ( ), filed by Johnson D Koola. (Attachments: # <u>1</u> Exhibit)(cwhi, ) (Entered: 05/23/2016)
05/20/2016	<u>3</u>	Local Rule 26.01 Answers to Interrogatories by Johnson D Koola.(cwhi, ) (Entered: 05/23/2016)
05/20/2016	<u>4</u>	MOTION for Leave to Proceed in forma pauperis (Restricted Access) by Johnson D Koola. Motions referred to Bristow Marchant.(cwhi, ) (Entered: 05/23/2016)
06/01/2016	<u>6</u>	CERTIFICATE OF SERVICE by Johnson D Koola re <u>1</u> Notice of Removal. (ssam, ) (Entered: 06/01/2016)
06/01/2016	<u>7</u>	Amended MOTION for Leave to Proceed in forma pauperis (Restricted Access) by Johnson D Koola. Response to Motion due by 6/20/2016. (Attachments: # <u>1</u> Cover Letter)Motions referred to Bristow Marchant.(ssam, ) (Entered: 06/01/2016)
06/08/2016	<u>8</u>	CERTIFICATE OF RE-SERVICE by Johnson D Koola re <u>1</u> Notice of Removal. (Attachments: # <u>1</u> Counsel Contact Information)(cwhi, ) (Entered: 06/08/2016)
06/15/2016	<u>9</u>	Consent MOTION to Substitute Attorney <i>Proposed Consent Order Granting Substitution of Attorney</i> by Bank of America NA. Response to Motion due by 7/5/2016. (Attachments: # <u>1</u> Supporting Documents Additional Consent)No proposed order.Motions referred to Bristow Marchant.(von Keller, Theodore) (Main Document 9 replaced on 6/17/2016) (cwhi, ). (Additional attachment(s) added on 6/17/2016: # <u>2</u> Proposed Order) (cwhi, ). Modified on 6/17/2016 correct document (cwhi, ). (Entered: 06/15/2016)
06/15/2016	<u>10</u>	CERTIFICATE OF SERVICE by Bank of America NA re <u>9</u> Consent MOTION to Substitute Attorney <i>Proposed Consent Order Granting Substitution of Attorney</i> (von Keller, Theodore) (Main Document 10 replaced on 6/17/2016) (cwhi, ). Modified on

		6/17/2016 to replace document with corrected signature (cwhi, ). (Entered: 06/15/2016)
06/15/2016	<u>12</u>	CERTIFICATE OF SERVICE by Bank of America NA re <u>18</u> Answer to Complaint Notice of Removal (von Keller, Theodore) (Main Document <u>12</u> replaced on 6/17/2016) (cwhi, ). Modified on 6/17/2016 to replace document with corrected signature (cwhi, ). Modified on 6/17/2016 to correct link(cwhi, ). Modified on 6/20/2016 to correct link (cwhi, ). Modified on 8/17/2016 to remove link and note this Certificate was for original filing of entry 18, which was re-filed as of filing date of 7/29/2016, by clerk per Dkt No 30 (sshe, ). (Entered: 06/15/2016)
06/15/2016	<u>18</u>	MOTION to Remand to State Court by Bank of America NA. Response to Motion due by 8/15/2016. (Attachments: # <u>1</u> Exhibit Summons and Complaint for Charleston County Civil Action 2010-CP-10-6060, # <u>2</u> Exhibit Amended Summons and Complaint for Charleston County Civil Action 2010-CP-10-6060, # <u>3</u> Exhibit Affidavit of Service as to Johnson D. Koola of Amended Summons and Complaint for Charleston County Civil Action 2010-CP-10-6060, # <u>4</u> Exhibit Answer and Crossclaim of Defendant Koola and Amended Answer and Counterclaim of Defendant Koola in Charleston County Civil Action 2010-CP-10-6060, # <u>5</u> Exhibit Order granting Plaintiff's Motion for Summary Judgment in Charleston County Civil Action 2010-CP-10-6060, # <u>6</u> Exhibit South Carolina Court of Appeals Order Appellate Case No. 2014-001323, # <u>7</u> Exhibit South Carolina Court of Appeals Order denying motion for rehearing in Appellate Case No. 2014-001323). Re-filed by clerk per Court's Text Order Dkt. No. 30 on July 29, 2016. Motions referred to Bristow Marchant.(sshe, ) Modified on 8/17/2016 to correct document number to 18 per Dkt No 30 Court's Text Order (sshe, ). Modified on 1/3/2017 to correct date filed to that of original filing 6/15/2016(sshe, ). (Entered: 08/17/2016)
06/17/2016	<u>14</u>	DELETION OF DOCKET ENTRY NUMBER #11 Reason: Filed in error by filing user. Corrected Filing Document Number 18 . Modified filing date to that of original filing: 06/15/16 (cwhi, ) Modified on 6/20/2016 to correct link (cwhi, ). Modified on 8/17/2016 to edit docket text for reference to entry 18 (sshe, ). Modified docket text for clarification on 1/3/2017 (sshe, ). (Entered: 06/17/2016)
06/17/2016	<u>15</u>	ORDER granting <u>9</u> Motion to Substitute Attorney. Signed by Magistrate Judge Bristow Marchant on 6/16/2016.(cwhi, ) (Entered: 06/17/2016)
06/17/2016	<u>16</u>	***DOCUMENT MAILED <u>15</u> Order on Motion to Substitute Attorney placed in U.S. Mail to Johnson D Koola. (cwhi, ) (Entered: 06/17/2016)
06/20/2016	<u>19</u>	DELETION OF DOCKET ENTRY NUMBER #13 Reason: Filed in error by filing user. Corrected Filing Document Number 18 . Modified filing date to that of original filing: 06/15/16 (cwhi, ) Modified on 8/17/2016 to remove link and to edit docket text for reference (sshe, ). Modified docket text for clarification on 1/3/2017 (sshe, ). (Entered: 06/20/2016)
07/18/2016	<u>20</u>	MOTION to Correct Docket Entry by Bank of America NA. Response to Motion due by 8/4/2016. No proposed order.Motions referred to Bristow Marchant.(von Keller, Theodore) (Entered: 07/18/2016)
07/18/2016	<u>21</u>	CERTIFICATE OF SERVICE by Bank of America NA re <u>20</u> MOTION to Correct Docket Entry (von Keller, Theodore) (Entered: 07/18/2016)
07/22/2016	<u>22</u>	RESPONSE in Opposition re <u>20</u> MOTION to Correct Docket Entry. Response filed by Johnson D Koola. Reply to Response to Motion due by 8/1/2016. (ssam, ) Modified on 8/17/2016 to correct filer (cwhi, ). (Entered: 07/22/2016)
07/29/2016	<u>25</u>	ORDER directing plaintiff to notify Clerk in writing of any address changes. Signed by Magistrate Judge Bristow Marchant on 7/29/2016. (cwhi, ) (Entered: 07/29/2016)
07/29/2016	<u>26</u>	REFERENCE <u>25</u> ORDER finding as moot <u>4</u> Motion for Leave to Proceed in forma pauperis ; granting <u>7</u> Motion for Leave to Proceed in forma pauperis ; granting <u>20</u> Motion to Correct Docket Entry. Signed by Magistrate Judge Bristow Marchant on 7/29/2016.(cwhi, ) (Entered: 07/29/2016)
07/29/2016	<u>27</u>	REPORT AND RECOMMENDATION of Magistrate Judge Bristow Marchant. It is recommended this case be remanded back to state court. Objections to R&R due by 8/15/2016. Signed by Magistrate Judge Bristow Marchant on 7/29/2016. (cwhi, ) (Entered: 07/29/2016)
07/29/2016	<u>28</u>	***DOCUMENT MAILED <u>25</u> Order to Notify of Address Change, <u>27</u> REPORT AND RECOMMENDATION re <u>1</u> Notice of Removal filed by Johnson D Koola placed in U.S. Mail to Johnson D Koola. (cwhi, ) (Entered: 07/29/2016)
08/16/2016	<u>29</u>	OBJECTION to <u>27</u> Report and Recommendation by Johnson D Koola. Reply to Objections due by 9/2/2016. (cwhi, ) Modified on 8/23/2016. Supplement added on 8/23/2016 as entry <u>35</u> . (cwhi, ). (Entered: 08/16/2016)
08/17/2016	<u>30</u>	TEXT ORDER Before the Court is the Report and Recommendation of the Magistrate Judge (Dkt. No. 27). Plaintiff previously moved to correct docket entry number 18, to reflect that it is a motion to remand and not an answer. The Court granted that motion on July 29, 2016. (Dkt. Nos. 25, 26.) The Court notes that the docket has not yet been corrected, so there is a pending motion to remand that is not reflected on the docket, briefed by Defendant, or addressed in the Report and Recommendation. The Court therefore ORDERS the Clerk to correct docket entry number 18 per the Court's order of July 29, 2016 (Dkt. Nos. 25, 26) and RECOMMITS this matter to the Magistrate Judge for further proceedings regarding the motion to remand. AND IT IS SO ORDERED. Entered at the Direction of Honorable Richard M Gergel on 8/17/2016. (sshe, ) (Entered: 08/17/2016)
08/17/2016	<u>31</u>	***DOCUMENT MAILED 30 TEXT ORDER, placed in U.S. Mail to Johnson D Koola (sshe, ) (Entered: 08/17/2016)

08/18/2016	<u>32</u>	TEXT ORDER. This matter has been recommitted for further proceedings regarding the motion to remand. The pro se Defendant Koola is granted fifteen (15) days to file a response to the Plaintiff's motion for remand. (Court Docket No. 18. Plaintiff is also granted fifteen (15) days to file any response to Defendant Koola's objections filed August 16, 2016 (Court Docket No. 29). Signed by Magistrate Judge Bristow Marchant on 8/18/2016. (elac, ) (Entered: 08/18/2016)
08/18/2016	<u>33</u>	***DOCUMENT MAILED <u>32</u> Order, placed in U.S. Mail to Johnson D Koola. (cwhi, ) (Entered: 08/18/2016)
08/22/2016	<u>35</u>	SUPPLEMENT by Johnson D Koola to <u>29</u> Objection to Report and Recommendation. (Attachments: # <u>1</u> Certificate of Service) (cwhi, ) (Entered: 08/23/2016)
08/22/2016	<u>36</u>	DECLARATION by Johnson D Koola. (Attachments: # <u>1</u> Certificate of Service)(cwhi, ) (Entered: 08/23/2016)
08/31/2016	<u>37</u>	REPLY by Bank of America NA to <u>29</u> Objection to Report and Recommendation . (Attachments: # <u>1</u> Certificate of Service)(von Keller, Theodore) (Entered: 08/31/2016)
09/06/2016	<u>38</u>	RESPONSE in Opposition re <u>18</u> MOTION to Remand to State Court. Response filed by Johnson D Koola. Reply to Response to Motion due by 9/16/2016. (Attachments: # <u>1</u> Notice re: Late Filing)(ssam, ) (Entered: 09/07/2016)
10/03/2016	<u>39</u>	MOTION for Hearing by Johnson D Koola. Response to Motion due by 10/20/2016. (Attachments: # <u>1</u> Exhibit - Table of Authorities)Motions referred to Bristow Marchant.(cwhi, ) (Entered: 10/03/2016)
10/19/2016	<u>41</u>	REPORT AND RECOMMENDATION of Magistrate Judge Bristow Marchant. It is recommended <u>11</u> that BOAs motion to remand (ECF No. 18) be granted, and that this case be remanded back to state court. Objections to R&R due by 11/7/2016. Signed by Magistrate Judge Bristow Marchant on 10/19/2016. (cwhi, ) (Entered: 10/19/2016)
10/19/2016	<u>42</u>	***DOCUMENT MAILED <u>41</u> REPORT AND RECOMMENDATION re <u>18</u> MOTION to Remand to State Court filed by Bank of America NA placed in U.S. Mail to Johnson D Koola. (cwhi, ) (Entered: 10/19/2016)
11/07/2016	<u>43</u>	OBJECTION to <u>41</u> Report and Recommendation by Johnson D Koola. Reply to Objections due by 11/28/2016. (Attachments: # <u>1</u> Table of Authorities)(cwhi, ) (Entered: 11/08/2016)
12/28/2016	<u>45</u>	ORDER adopting Report and Recommendation of the Magistrate Judge (Dkt. No. <u>41</u> ) granting Defendant's Motion to Remand (Dkt. No. <u>18</u> ) and remanding this case to the South Carolina Court of Appeals. AND IT IS SO ORDERED. Clerk's Notice: Attorneys are responsible for supplementing the State Record with all documents filed in Federal Court. Signed by Honorable Richard M Gergel on 12/28/2016.(sshe, ) (Entered: 12/28/2016)
12/29/2016	<u>46</u>	***DOCUMENT E-MAILED <u>45</u> Order on Report and Recommendation, Order on Motion to Remand to State Court, to Johnson D Koola and Clerk, South Carolina Court of Appeals. (sshe, ) (Entered: 12/29/2016)
01/03/2017	<u>48</u>	MOTION for Leave to Appeal by Johnson D Koola. Response to Motion due by 1/17/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Cover Letter)(cwhi, ) (Entered: 01/03/2017)
01/04/2017	<u>49</u>	ORDER granting <u>48</u> Defendant's Motion for Leave to Appeal insofar as Defendant may file a timely notice of appeal in this case. Signed by Honorable Richard M Gergel on 1/3/2017.(sshe, ) (Entered: 01/04/2017)
01/04/2017	<u>50</u>	***DOCUMENT MAILED <u>49</u> Order on Motion for Leave to Appeal placed in U.S. Mail to Johnson D Koola (sshe, ) (Entered: 01/04/2017)
01/05/2017	<u>51</u>	NOTICE OF APPEAL as to <u>45</u> Order on Motion for Hearing, Order on Report and Recommendation,, Order on Motion to Remand to State Court,,, by Johnson D Koola. - The Docketing Statement form, Transcript Order form and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov (cwhi, ) (Entered: 01/05/2017)
01/05/2017	<u>52</u>	Transmittal Sheet for Notice of Appeal to USCA re <u>51</u> Notice of Appeal, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (cwhi, ) (Entered: 01/05/2017)
01/05/2017	<u>53</u>	ASSEMBLED INITIAL ELECTRONIC RECORD TRANSMITTED TO FOURTH CIRCUIT COURT OF APPEALS re <u>51</u> Notice of Appeal, Electronic record successfully transmitted. (cwhi, ) (Entered: 01/05/2017)
01/05/2017	<u>54</u>	***DOCUMENT MAILED <u>52</u> Transmittal Sheet for Notice of Appeal to USCA, placed in U.S. Mail to Johnson D Koola. (cwhi, ) (Entered: 01/05/2017)
06/06/2017	<u>56</u>	USCA OPINION for <u>51</u> Notice of Appeal, filed by Johnson D Koola. Appeal Dismissed. (cwhi, ) (Entered: 06/06/2017)
06/29/2017	<u>57</u>	ORDER of USCA re Mandate stayed by FRAP 41(d)(1) pending ruling on petition for rehearing or rehearing en banc as to <u>51</u> Notice of Appeal, filed by Johnson D Koola (sshe, ) (Entered: 06/29/2017)
09/13/2017	<u>58</u>	ORDER of USCA (9/12/2017) denying petition for rehearing and rehearing en banc as to <u>51</u> Notice of Appeal, filed by Johnson D Koola (sshe, ) (Entered: 09/13/2017)
09/20/2017	<u>59</u>	USCA MANDATE re Judgment, entered 6/6/2017, takes effect this date as to <u>51</u> Notice of Appeal, filed by Johnson D Koola (Attachments: # <u>1</u> 4CCA Judgment)(sshe, ) (Entered: 09/20/2017)
12/15/2017	<u>60</u>	SUPREME COURT REMARK petition for writ of certiorari filed. 17-1013(sshe, ) (Entered: 12/15/2017)

PACER Service Center			
Transaction Receipt			
01/03/2018 09:54:36			
<b>PACER Login:</b>	cvklaw1640:3812635:0	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:16-cv-01634-RMG
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.40

# CRAWFORD & von KELLER, LLC.

POST OFFICE BOX 4216, COLUMBIA, SOUTH CAROLINA 29240

TELEPHONE NUMBER (803) 790-2626

FACSIMILE NUMBER (803) 790-1277

January 04, 2018

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

**RE: Bac Home Loans Servicing Lp Etc, et al vs Johnson D Koola, et al**  
**Case: 2010-CP-10-6060**  
**Appellate case: 2014-001323**  
**Our file no.: 3323.0242**

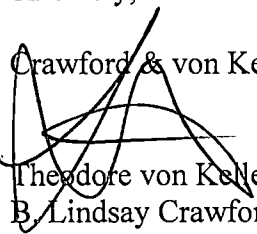
Dear Madam Clerk,

Enclosed please find the docket report for the 4<sup>th</sup> Circuit Court of Appeals and the United States District Court for the District of South Carolina (the docket is combined). Also please find copies of the necessary documents evidencing the conclusion of this matter with the 4<sup>th</sup> Circuit Court of Appeals. I believe this now concludes the matter, as the South Carolina Court of Appeals previously issued a dispositional decision and denied the petition for rehearing.

Please contact us with any questions.

Sincerely,

Crawford & von Keller, LLC

  
Theodore von Keller  
B. Lindsay Crawford, III  
Sara C. Hutchins  
B. Lindsay Crawford, IV

**RECEIVED**

JAN 08 2018

SC Court of Appeals

Enclosures  
/sch

cc: Johnson D Koola (w/enclosures)  
The Honorable Mikell R. Scarborough (w/enclosures)

NEOPOST

FIRST-CLASS MAIL

01/05/2018

US POSTAGE

\$001.61<sup>0</sup>



ZIP 29204  
041M11285486

Crawford & von Keller, LLC  
Post Office Box 4216  
Columbia, SC 29210



**RECEIVED**

JAN 08 2018

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1220 Senate St.  
Columbia, SC 29201