

**BRADFORD NEAL MARTIN & ASSOCIATES, PA**

ATTORNEYS AT LAW

201 West McBee Avenue, Suite 302  
Post Office Box 10410 (29603)  
Greenville, South Carolina 29601

[bmartin@bnmlaw.com](mailto:bmartin@bnmlaw.com)  
Phone: (864) 552-9990  
FAX: (864) 552-9992

January 19, 2018

*Via facsimile: 803.734.1839 and U.S. Mail*  
The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**

JAN 19 2018

SC Court of Appeals

Re: *William F. Tomz v. Capital Funding, et al*  
C/A No.: 2008-CP-23-3665  
Appellate Case No. 2013-002676

Dear Ms. Kitchings:

Please accept this letter in response to the Court's letter of January 11, 2018.

The parties have been attempting to implement a Global Settlement Agreement ("GSA") that would end not only this appeal but all federal and state cases involving the parties (and additional parties).

The lower court continued to pursue sanctions against Appellant, while simultaneously stating the GSA was approved in its Order of December 1, 2017. The lower court again continued to pursue sanctions against Appellant while stating the GSA was approved in a subsequent Order dated December 21, 2017. By its explicit terms the GSA states: "In the event a court issues an order that . . . imposes sanctions or penalties upon Arthur Field . . . then immediately upon the issuance of such order, this Agreement [the GSA] shall become immediately null and void . . . ." Therefore, the lower court's continuing to pursue sanctions and penalties (payment of attorneys fees) against Appellant violates an essential term of the GSA. The lower court held a hearing on December 7, 2017 for the purpose of pursuing sanctions against Appellant and scheduled another hearing on January 8, 2018 for the same purpose (which was postponed, and the lower court stated it will be rescheduled).

Therefore, the issues pending in this Appeal (including that the lower court judge should be recused) are not settled. Until such time as the lower court issues a dismissal of C/A No. 2008-CP-23-3665 with no "sanctions or penalties" against Appellant, this Appeal cannot be dismissed.<sup>1</sup>

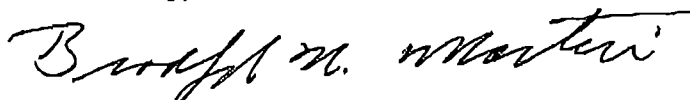
---

<sup>1</sup> The other remaining case to be ended by the GSA (*Capital Investment Funding, LLC v. Arthur Field, et al.*, C/A No. 2015-CP-23-1263) must also be dismissed to fully effectuate the terms of the GSA.

The Honorable Jenny Abbott Kitchings  
January 19, 2018  
Page two

I will update you again within thirty (30) days of the date of this letter.

Sincerely,



Bradford N. Martin

BNM/pm

cc: George Brandt, Esq. via facsimile: 864.582.2927 and US Mail  
Stan Case, Esq. via facsimile: 864.585.2034 and US Mail  
Micah Caskey, Esq., via email and U.S. Mail  
The Hon. Edward W. Miller via facsimile: 864.233.4173 and US Mail

# BRADFORD NEAL MARTIN & ASSOCIATES, PA

ATTORNEYS AT LAW

Post Office Box 10410 (29603)  
201 WEST MCBEE AVENUE, SUITE 302  
GREENVILLE, SOUTH CAROLINA 29601

BMARTIN@BNMLAW.COM  
PHONE: (864) 552-9990  
FAX: (864) 552-9992

**RECEIVED**

JAN 19 2018

SC Court of Appeals

# Fax

**To:** The Hon. Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Facsimile (803) 734-1839

**From:** Bradford N. Martin, Esq.

---

**cc:** The Hon. Edward W. Miller  
Facsimile: 864.233.4173

George Brandt, III, Esq.  
Facsimile (864) 582-2927

Stan Case, Esq.  
Facsimile (864) 585-2034

---

**Date:** January 19, 2018

---

**Phone:** **Pages:** 3 including cover

---

**Re:** Appeal of Tomz v. Capital Investment Funding  
C/A No.: 2008-CP-23-3665  
Tracking No. 2013-002676 **CC:**

- 
- Urgent     For Review     Please Comment     Please Reply     Please Recycle

---

CONFIDENTIALITY NOTICE: This fax and any files transmitted with it are confidential and may contain information which is legally privileged or otherwise exempt from disclosure. They are intended solely for the use of the individual or entity to whom this fax is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please immediately notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.