

NOTICE OF APPEAL IN A CIVIL CASE  
THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Edward Miller, Circuit Judge

FILED-CLERK OF COURT  
PAUL B. WICKENS/IMER  
GREENVILLE SC 29601  
2018 JAN 22 PM 2:04

William F. Tomz and Frances Tomz, Individually and as Class Representatives

Respondent

v.

Capital Investment Funding, LLC *Respondent*

And

Arthur M. Field, Appellant

**RECEIVED**  
JAN 31 2018  
SC Court of Appeals

NOTICE OF APPEAL

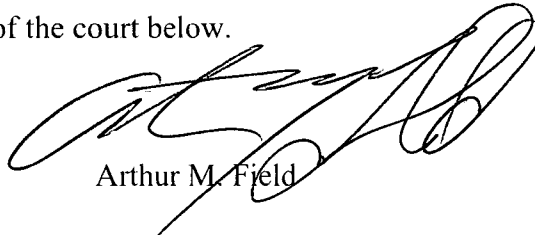
Arthur Field appeals from Order of the Hon. Edward Miller dated December 21, 2017 and such Orders as may have preceded such December 21, 2017 Order but were embodied therein, each referring to a 'further hearing to be had'; and the repeated oral denials of Motions to Recuse. Appellant received written notice of the Order on December 22, 2017. It is unclear whether such Order(s) annexed constitute(s) a Final Judgment, but to the extent it does, such Order is appealed from or such right to appeal is preserved to such time as Order is determined to be Final if this Court determines such Order(s) is/are interlocutory. The Order(s) to be appealed from are annexed and constitute a chain of Orders each declaring a following hearing and further 'Order' will issue, thereby calling into question the 'finality' of any prior Order as to Field

and/or others involved therein<sup>4</sup>. However, it is possible the Order of 12/21/17 constitutes a 'Final Order' and Notice of Appeal thereof is timely given:

- d) October 25, 2017
- e) December 1, 2017
- f) December 21, 2017 (received 12/22/17)

A pending appeal exists and Plaintiffs'/CIF/'s counsel stated to the Court of Appeals that the December 21, 2017 Order was final. Field's counsel did not agree in that the GSA prohibits any sanctions whatsoever against Field or other party and CIF/Plaintiffs continue to seek sanctions and attorneys' fees and the court permits them to do so. The court also repeatedly orally denies Field's Motion to Recuse without explanation or written order. Such Motion is preserved and this shall not constitute a waiver of any such right, objection or count as a consent to the personal or subject matter jurisdiction of the court below.

January 21, 2018



Arthur M. Field

c/o 5489 Atlantic Vw., St. Augustine, FL 32080 864-419-6609  
C/o P.O. Box 26092 Greenville, SC

A. Others parties and their counsel:

29616

- a. Capital Investment Funding, LLC c/o Receiver J.Saad, by
  - i. Rodney Pillsbury, 25 Mills Ave, Greenville, SC 29605  
864-241-9828
  - ii. George Brandt, 360 E. Henry St., Spartanburg, SC 29302  
864-501-2687

b. William and Frances Tomz, Individually and as Class Representatives

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<sup>4</sup> Such 'Orders' intermittently refer to Field, individually, but also, intermittently within the same context, refer to Arthur Field, Allyson Field and/or Kathryn Taillon as a 'group' or 'unit' or a single party. The Orders are also challenged as vague, overreaching, and an abuse of discretion, beyond this court's jurisdiction and/or barred by pending appeal and/or undecided motion(s) to recuse. No such rights, objections or defenses are waived. Field and others have reserved all objections to personal or subject matter jurisdiction and no such objection is waived by the filing of this Notice.

- i. Stanley Case, P.O. Box 451, Spartanburg, SC 29304  
864-582-5630
  - ii. Gene Connell, Jr., P.O.D. 14547, Surfside Beach, SC 29587  
843-238-5648
- c. Allyson Field, T. Bart Kelley, T. Brad Kelley—each a non-party
  - i. Bruce Bannister, P.O. Box 10007, Greenville, SC 29603  
864-298-0084
- d. Kathryn Taillon—a non-party
  - i. Thomas Stephenson, 207 Whitsett St., Greenville, SC 29607  
864-370-9400
- e. Arthur Field
  - i. Micajah Caskey, as to certain matters, 146 State St., W. Columbia, SC  
29169 803-724-3624
  - ii. Bradford Martin, as to pending appeal, P.O. Box 10410, Greenville,  
SC 29603 864-552-9990
- f. Kirsten White—a non-party 121 Emerywood Lane, Greenville, SC 29607  
864-420-7775

Notice of Appeal Served Upon All Parties, Non Parties, Pro Se and Counsel

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Edward Miller, Circuit Judge

William F. Tomz and Frances Tomz, Individually and as Class Representatives

As the Respondent

v.

Capital Investment Funding, LLC As a Respondent

And

Arthur M. Field, As the Appellant

**RECEIVED**  
JAN 31 2018  
SC Court of Appeals

CERTIFICATE OF SERVICE

Arthur Field, Appellant, certifies that on January 22, 2018, I did serve the annexed Notice of Appeal in accord with S.C.A.R. Rules 203, and 262 et seq., within the time allotted by S.C.A.R. 203(b), as prescribed by S.C.A.R. Rules 262 and 263, by depositing the same in first class United States Mail, postage prepaid, upon Respondents by counsel and other persons as noted:

- a. Respondent Capital Investment Funding, LLC c/o Receiver J.Saad, by
  - i. Rodney Pillsbury, 25 Mills Ave, Greenville, SC 29605  
864-241-9828
  - ii. George Brandt, III; Henderson, Brandt & Vieth, 360 E. Henry St.,  
Spartanburg, SC 29302  
864-501-2687
- b. Respondent William and Frances Tomz, Individually and as Class Representatives
  - i. Stanley Case; Butler, Means, Evans, & Browne, P.O. Box 451,  
Spartanburg, SC 29304  
864-582-5630
  - ii. Gene Connell, Jr.; Kellaher & Connell, P.O.D. 14547, Surfside Beach,

SC 29587  
843-238-5648

- c. Allyson Field, T. Bart Kelley, T. Brad Kelley—each a non-party
  - i. Bruce Bannister, Bannister, Wyatt and Salvey, P.O. Box 10007, Greenville, SC 29603  
864-298-0084
- d. Kathryn Taillon—a non-party
  - i. Thomas Stephenson, 207 Whitsett St., Greenville, SC 29607  
864-370-9400
- e. Kirsten White—a non-party 121 Emerywood Lane, Greenville, SC 29607  
864-420-7775

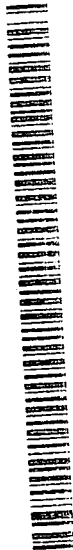
A copy of the Notice of Appeal and a Notice of Intent to Appeal was filed with the lower court on Jan. 22, 2018 appealing Order received on or after December 22, 2017. This Certificate and the Notice of Appeal is filed with the Appellate Court by U.S. Mail, postage prepaid, within 10 days of service as prescribed by S.C.A.R. 203(B).



Arthur Field Appellant  
January 23, 2018

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JAN 31 2018

c/o P.O. Box 26092, Greenville, SC 29616  
Jan. 29, 2018

J. Kitchings, Clerk  
Court of Appeals SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

By U.S. P.S. priority mail, postage prepaid

Re: William F. Tomz, et al. v. Capital Investment Funding, LLC and Arthur Field  
C/A 2008-cp-23-3665 Appeal 2018-

Dear Clerk Kitchings:

Enclosed for filing please find a Notice of Appeal (bearing the filing date stamp of the lower court on January 22, 2018), Certificate/Proof of Service on Parties of Record on 1/22/18, and Money Order for \$100 filing fee and letters ordering Transcripts. The 2016 Transcript is already here.

There exists an appeal Case No. 2013-002676 in the same matter. I am represented there by attorney Bradford Martin. I am represented in 2008-cp-23-3665 by attorney Micajah Caskey, who may act as counsel for this appeal on my behalf at a later date. This shall not constitute consent to the lower court's personal or subject matter jurisdiction or waive any rights in the prior appeal or in the lower court. This appeal is timely filed.

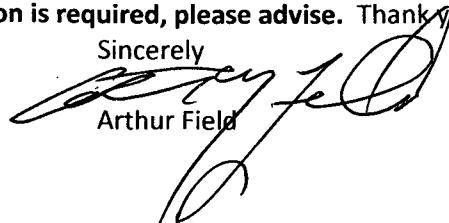
It is my understanding Attorney Martin advised this Court that any Order issued by Judge Miller is not Final and that the terms of the proposed Global Settlement Agreement are not finalized due to the recurring future hearings set by the lower court. Conversely, Respondents' attorneys claimed to this Court the December 21, 2017 Order of Judge Miller is 'final' (letters of 1/19/18 --1/24/18 of George Brandt). My Notice of Appeal refers to this continuing controversy not yet resolved by this Court. The issue of the recusal of Judge Miller also has not been resolved and his repeated refusal to recuse himself is also appealed by me. Such matters have been preserved by my counsel at all times.

The proposed Global Settlement par. 10 required the dismissal with prejudice of all pending matters brought in this case or in C/A 2015-cp-23-01263 by Capital Investment Funding, LLC against me, Kathryn Taillon, Allyson Field and others with no sanctions or costs or further action as to any person. This has not occurred. Nor has my transfer to Florida been successfully processed. Each 'Order' of the Court includes a directive that further hearings be held solely on the issue of sanctions and attorney fees.

However, in the event the December 21, 2017 Order is considered 'final' by the Court, I timely file this Appeal to preserve all objection to such Order(s) and any ruling that the proposed Settlement had any enforceability prior to total fulfillment of the conditions precedent therein and ratification by the court under S.C.R.Civ.P. 23(c), *inter alia*, and other errors to be raised. Under law, a settlement agreement not adopted by the court imposes no obligation of performance and is not an enforceable contract. Any 'Order' based on a July, 2017 'motion to comply' with the Agreement prior to its approval by the court is error and was heard prior to the possible adoption of the GSA by Judges Maddox and Miller in December, 2017, if ratified at all. Although attorney Martin advises this appeal may be unnecessary given the interlocutory nature of the current Orders and I understand just requested direction from this Court, I did not wish to waive any rights by failing to timely appeal if such is determined to be necessary by this Court. **If it is possible, kindly file the appeal and hold it in abeyance until the decision of the Court on attorney Martin's motion of January 24, 2018 seeking a determination of the pending matter. If a formal motion is required, please advise. Thank you.**

Sincerely

Arthur Field



CC: T. Stephenson, B. Bannister  
Cc: G. Brandt R. Pillsbury, S. Case K. White

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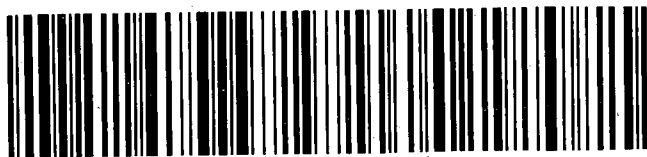
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