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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

William O. Spencer Jr., Lawyer
(Unlawful Special Referee)

Case No. 2018-000355

RECEIVED
NOV 05 2018
SC Court of Appeals

JPMorgan Chase Bank,
National Association

Respondent,

v.

Fritz Allen Timmons

Appellant.

MOTION TO STRIKE AND DISREGARD RESPONDENTS (INITIAL) BRIEF AND
DESIGNATION OF MATTER, REMOVE COUNSEL

Under the Rule 264, SCACR, The attorneys of the respective parties in the court below shall be deemed the attorneys of the same parties in the appellate court until withdrawal is approved and notice is given as provided in this Rule and An attorney of record in a matter pending before an appellate court may not withdraw from representation of his client on petition to and by written order of the appellate court, and with notice to the adverse party. In this case, Tasha B. Thompson of Scott & Corley, PA was representation for the Respondent for the trial Court below and not Sarah B. Nielsen (withdrawn), Benjamin Rush III Smith, nor Nicholas A. Charles all of Nelson Mullins. Yo - yo (limited) representation (P. 7, 8), Abandonment of case (failure to show for the hearing of May 24, 2016 (Andrew Michael Wilsom)) nor making an "Appearance" after an appeals process has started does not deem those counsels as representation for Appeals.

The substitution of Nelson Mullins to Scott & Corley, PA (P. *) is the evidence that the client-lawyer relationship no longer existed between Nelson Mullins and the respondent in the lower court, Ipso Facto, Nelson Mullins has substituted itself in place of Scott & Corley, PA in this Court in violation of Rule 264, SCACR regardless of the failure to the Removal of the name Tasha B. Thompson (sitting on the sidelines) name as counsel on Documents. The Actions of the Counsels shows the Substitution without proper withdrawal, filings or orders of this Court.

Rule 264, SCACR clearly states “The attorneys ... of the respective parties in the court below shall be deemed the attorneys ... of the same parties in the appellate court until withdrawal is approved and notice is given as provided in this Rule.” and “An attorney of record in a matter pending before an appellate court may not withdraw from representation of his client without justifiable cause, or the consent of his client; and then only after proper written notice to his client, on petition to and by written order of the appellate court, and with notice to the adverse party”. Making an “Appearance” filed by Nelson Mullins does not Comply to this Rule, Ipso Facto, Nelson Mullins is not deemed as attorneys in the appellate court and has not properly substituted as attorneys nor has Scott & Corley properly withdrawal as attorneys.

With the Filing of the Brief by Nelson Mullins and not Scott & Corley, PA (sitting on the sidelines) is considered as a substitution of Counsel without Withdrawal in Violation of Rule 264, SCACR. Therefore the Deemed attorney of Record is Tasha B. Thompson of which has Failed to file a Brief and the Brief of the attorneys that are not proper before this court and in violation of Rule 264, SCACR must be stricken and disregarded.

With the above said, with Nelson Mullins not properly before this Court and not Deemed as attorney of Record in Accordance to Appellant Court Rules as stated above, the Respondents Designation of Matter to be Included in the Record on Appeal filed by Nelson Mullins must also be stricken and disregarded.

Also the Matter the Respondents wants in the Record on Appeal are not Preserved for Review by this Court and does not comply with Rule 209, SCACR nor Rule 210, SCACR, therefore, could only be submitted by supplement of the Record under Rule 212, SCACR and only with the Consent of the Appellant. The Matter the Respondents wants in the Record was waived by the Respondents by failing to preserve the matter at the trial hearing below. The Respondents had the opportunity to present or raise the matter and failed to do so. Rule 210, SCACR states "The Record **shall not**, however, include matter which was **not presented to the lower court**" (P. 9, L22-24). The Respondents also did not make a Rule 59(e) motion to preserve the Matter.

Although this is an Appeal from a Lawyer acting unlawfully as a "Special Referee" based upon an Order of reference that in itself is based upon the Respondents own Default and with "Foreclosure" as Cause of Action, this case is still Bound by Appellant Court Rules.

The Orders of the Respondents Designation is already contained in the Appellants Designation

The Pleadings of the Respondents Designation are not Preserved for appellate review and would merely be supplement,

The transcripts of the Respondents Designation is nothing more then a Dilatory tactic and unnecessary financial burden on the Appellant by the Respondents Counsel that

would invoke Rule 207, SCACR for Ordering Other/Additional Transcripts that is not preserved nor of the Trial Court below. The Transcripts must have been previously transcribed and presented to the lower Trial Court in order for it to have been preserved for review for this court.

In addition, if these violations and abuse of process are permitted to continue then this court must also permit the amendment to the Appellants Designation to include the transcripts of the Hearing of May 24, 2016 of which the Respondents failed to show, plead, or defend its arguments (Ipso Facto, Defaulted) and the Court could not answer the Appellants questions as to the Cause of Action of the Respondent as well as to the additional time for Rule 207, SCACR process. Also with the transcripts of the Respondents Designation not being Preserved for appellate review, the Respondents should bear the burden of ordering and supplying the transcripts and provide a audio copy (discovery of) of the hearings for verification of correctness due to the errors in the current transcripts by the Court Reporter hired by the Respondent. This Court must also permit the Appellants Designation to include any other Matter that the Appellant deems to include.

The Motions and Responses of the Respondents Designation are not Preserved appellate review except for where Fraud was placed upon the Court by the Respondents

The Exhibits and Other Matters of the Respondents Designation are not Preserved for appellate review except for where Fraud was placed upon the Court by the Respondents or already included in the Appellants Designation

Therefore, the Respondents Designation is in Direct Violation of Rule 269, SCACR as well as numerous rules under Rule 407, SCACR of which includes but limited

to rules 3.4, 4.1, 4.4,

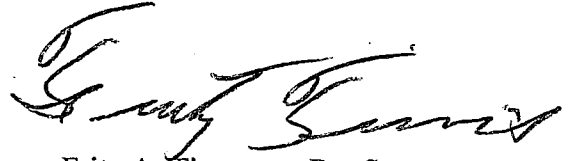
Also under Rule 407, SCACR, states the following;

- (1) RULE 1.2 [8] All agreements concerning a lawyer's representation of a client must accord with the Rules of Professional Conduct;
- (2) RULE 1.16 (a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if: (1) the representation will result in violation of the Rules of Professional Conduct or other law;
- (3) RULE 8.4 It is professional misconduct for a lawyer to:
 - (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
 - (d) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
 - (e) engage in conduct that is prejudicial to the administration of justice;
 - (f) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;

With the above said violations and abuse of process, not only should the Respondents (Initial) Brief and Designation must be Stricken and Disregarded but the Counsels (Nelson Mullins) that are not properly in front of this Court must also be Removed and stop copy to. Also without the (Initial) Brief and Designation being filed by the attorney of Record (Scott & Corley) properly in front of this Court, This Court processes should continue with Prejudice without the Respondents (Initial) Brief and Designation.

Nov 1, 2018

Respectfully.

A handwritten signature in black ink, appearing to read "Fritz A. Timmons". The signature is written in a cursive style with a large, sweeping initial "F".

Fritz A. Timmons, Pro Se
P. O. Box 367
Hartsville, SC 29551

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF CHESTERFIELD) FOURTH JUDICIAL CIRCUIT

JPMorgan Chase Bank, National) Civil Action No. 2015-CP-13-00768
Association,)

Plaintiff,)

vs.)

Fritz A. Timmons,)

Defendant.)

ORDER FOR SUBSTITUTION
COUNSEL

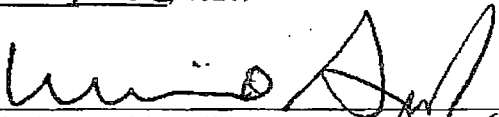
Wanda C. Miles
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

2017 NOV -8 AM 11:32

Pursuant to Rule 11(b) of the South Carolina Rules of Civil Procedure, the law firm of Nelson Mullins Riley & Scarborough, LLP has moved this Court for an Order substituting Tasha B. Thompson of Scott & Corley, P.A. as the attorney of record for Plaintiff, JPMorgan Chase Bank, National Association ("Chase"), and allowing Michael J. Anzelmo and Sarah B. Nielsen of Nelson Mullins Riley & Scarborough, LLP to withdraw as counsel for Chase. Scott & Corley, P.A. consents to the motion.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Tasha B. Thompson of Scott & Corley, P.A. be substituted for Michael J. Anzelmo and Sarah B. Nielsen of Nelson Mullins Riley & Scarborough, LLP as the attorneys of record for Chase and that Michael J. Anzelmo and Sarah B. Nielsen of Nelson Mullins Riley & Scarborough, LLP be relieved of any further responsibility to represent Chase in the above-captioned action.

IT IS SO ORDERED, this 15th day of November, 2017.


The Honorable William O. Spencer, Jr.
Special Referee

APPEARANCES

Tasha B. Thompson, Esquire
Scott & Corley, P.A.
2712 Middleburg Drive, Suite 200
Post Office Box 2065 (29202)
Columbia, South Carolina 29204
Attorney for the Plaintiff

Fritz A. Timmons
1827 Tabernacle Church Road
McBee, South Carolina 29101
Pro se Defendant

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THE COURT	3
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EXHIBITS

(No exhibits were marked during this hearing.)



1 not going to read. You're going to answer --
2 ask questions. And, in fact, the Plaintiff
3 goes first. You're the Defendant. So let's
4 get off on the right foot. Okay. All right.
5 Ma'am, would you state the name of the case?

6 **MS. THOMPSON:** Yes, Your Honor. The case is J.P.
7 Morgan Chase versus Fritz A. Timmons. It's a
8 Foreclosure Action that we are bringing. We're
9 asking for summary judgment on the pleadings
10 that we filed some time ago. At that time when
11 we filed our pleadings there was an Answer that
12 was filed by this Defendant. And those were
13 heard by you and there was a Partial Motion for
14 summary judgment that was -- that was granted,
15 so today we're just here to get our Motion
16 granted on the foreclosure -- foreclosure
17 portion of that.

18 **THE COURT:** Okay. And the Order granting partial
19 summary judgment, do you have a copy of that,
20 Ms. ---

21 **MS. THOMPSON:** Yes, Your Honor, I do..

22 **THE COURT:** The Clerk of the Court doesn't let you
23 check out files over there. Are you Ms.
24 Neilson?

25 **MS. THOMPSON:** Sarah Neilson is the attorney for



THE STATE OF SOUTH CAROLINA
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SC Court of Appeals

JPMorgan Chase Bank,
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Appellant.

PROOF OF SERVICE

I certify that I have served a Copy of the MOTION TO STRIKE AND DISREGARD RESPONDENTS (INITIAL) BRIEF AND DESIGNATION OF MATTER, REMOVE COUNSEL on attorneys of record Tasha B. Thompson @ Scott & Corley, PA, 2712 Middleburg Drive Suite 200, Columbia SC 29204, Nelson Mullins c/o Benjamin Rush III Smith and Nicholas A. Charles , PO Box 11070, Columbia SC 29211, by depositing a copy of it in the United States Mail, postage prepaid, on Nov 1, 2018.

Nov 1, 2018

Respectfully



Fritz A. Timmons, Pro Se
P. O. Box 367
Hartsville, SC 29551

Nov 1, 2018

The Honorable Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

RE: JPMorgan Chase Bank, National Association. Respondent v. Fritz A. Timmons
Appellant Case No 2018-000355

Dear Jenny Abbott Kitchings

Enclosed for filing are the following:

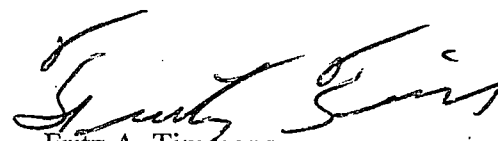
1. An original and 6 copies of MOTION TO STRIKE AND DISREGARD RESPONDENTS (INITIAL) BRIEF AND DESIGNATION OF MATTER, REMOVE COUNSEL DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL
2. \$50 money order filing fee
3. Proof of service

RECEIVED

NOV 05 2018

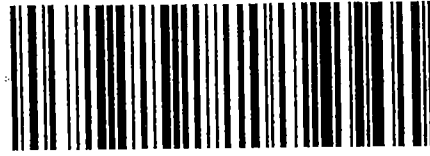
SC Court of Appeals

Sincerely,



Fritz A. Timmons
P. O. Box 367
Hartsville, SC 29551

CERTIFIED MAIL®



7014 2120 0003 1807 8950

Fritz A. Timmons
P. O. Box 367
Hartsville, SC 29551



The Honorable Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211