

**APPELLANT'S REPLY TO RESPONDENT'S RESPONSE MOTION TO
DISMISS**

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

BEAUFORT COUNTY
COURT OF COMMON PLEAS

R. THAYER RIVERS JR. / SPECIAL REFEREE

RECEIVED

NOV 19 2018

SC Court of Appeals

CASE No. 2016-CP-07-02261
[No. 2016-LP-07-00637]

Gateway Mortgage Group LLC
Respondent

Vs.

L.E. Pauli Coffey
Appellant

Comes now the Appellant, L.E. Pauli Coffey, pro se, and incorporating all that she has previously filed, states the following;

On November 14th, 2018, Respondent, Gateway Mortgage Group LLC, did file its' Response Motion to Dismiss based on its' declaration that Appellant failed to obtain a Transcript from the illegal proceedings on October 17, 2017. In its' Response, Respondent refused to acknowledge to the Appellate Court, the fact that as of October 4, 2018, when Appellant made her request, reference a Court Transcript, only Circuit Court Transcripts were required and transcripts such as Family Court and MIE Court and transcripts involving Special Referee which were not heard by the Court of Common Pleas or the Circuit Court are not applicable transcripts (Please see attached: South Carolina Court of Appeals; Frequently Asked Questions, 7 pages). Respondent further REFUSES to acknowledge to the Appellate Court that, as of June 13, 2018, Respondent, Gateway Mortgage Group LLC, REFUSED to allow this matter to be heard by the Court of Common Pleas, as referenced in Appellant's Designation of Matter, and, therefore, rendered the need for any transcript moot. Once again, Respondent, Gateway Mortgage

Group LLC is the architect of its' own disaster. Appellant complied with the Rules as they are written.

Further, Respondent has REFUSED to report to the Appellate Court that Respondent, alone, appointed its' own counsel as Special Referee and REFUSED to have any judge appoint an independent Special Referee, as evidenced in Appellant's Designation of Matters (Line item #25). Respondent is the architect of its' own disaster.

Additionally, to in its' response, Respondent, Gateway Mortgage Group LLC refuses to report that any proceedings presided over by Respondent's attorney, R. Thayer Rivers Jr., as Special Referee, are moot because the state of South Carolina guarantees that no defendant shall face the same "person" as prosecutor and adjudicator. In appointing its' own attorney as Special Referee, Respondent violated the Constitution of the State of South Carolina, as previously cited by Appellant on multiple occasions throughout the life of Respondent's illegal cases against Appellant. No action presided over by R. Thayer Rivers Jr. in the above listed illegal matters is a legal action in the state of South Carolina. Again, Respondent, Gateway Mortgage Group LLC, is the architect of its' own disaster.

Respondent's Response only relies on an inaccurate recitation of Rule and the quote that, "Lack of familiarity with legal proceedings is unacceptable and the court will not hold a layman to a lesser standard than is applied to an attorney". It is irony that Respondent should cite "familiarity with legal proceedings" as a reason to dismiss Appellant's case.

Respondent, Gateway Mortgage Group LLC, ignored and broke the law in order to file its' illegal actions against Appellant. Respondent filed false statements under penalty of perjury and stated that it served a borrower with Notice of Suit. It did not. Respondent, Gateway Mortgage Group LLC, continued to file false statements under oath that it served Notice of Foreclosure Intervention on a borrower, It did not.

At the time of its' initial filing of Lis Pendens, case law was already present and well known in Beaufort County, South Carolina, which prohibited Respondent's illegal Lis Pendens action against Appellant, Federal Land Bank v. Ledford, Wachovia v. Coffey, and Matrix all clearly defined the fact that Respondent, Gateway Mortgage Group LLC, had no grounds or basis for its' illegal actions. Respondent ignored the law and set its' sites on destroying a single human being in order to hide its' own grievous misdeeds and crimes.

On August 1, 2017, Judge Marvin Dukes vacated himself and the entire MIE Court from the illegal actions of Respondent, Gateway Mortgage Group LLC.

On August 17th, 2017, Respondent, Gateway Mortgage Group LLC, in person and through counsel, John Brian Kelchner ESQ, appointed its' own co-counsel, R. Thayer Rivers Jr., as the Special Referee in its' illegal actions against Appellant, Mr. Kelchner even going so far as to sign the Orders of Appointment, personally, and then later obtaining a signature from the elected Clerk of the 14th Judicial Circuit, Jerri Anne Roseneau, thereby ignoring the requirement (the law) by the state of South Carolina that a judge appoint a Special Referee, as referenced in Appellant's Designation of Matter.

On October 17, 2017, Respondent's counsel, R. Thayer Rivers Jr., illegally presided over the above captioned matters after ignoring three (3) separate written Request and Demands for a Jury Trial from Appellant.

On October 23, 2017, Appellant asked the "Court", i.e. R. Thayer Rivers Jr., why John Brian Kelchner ESQ had been the one to sign the Orders appointing his co-counsel, R. Thayer Rivers Jr., as Special Referee. Appellant never received a response from "the Court" or the Clerk.

On June 25th, 2018, Appellant became aware that R. Thayer Rivers Jr. and his client, Respondent, were intentionally churning its' illegal actions against Appellant through an independent third party during an investigation into why Respondent had

insured Appellant's home in a dead man's name, when his name did not appear on the deed to the insured home and while simultaneously refusing to list Appellant as the legal owner of the home and fulltime resident of the home. Respondent, Gateway Mortgage Group LLC listed only one beneficiary on its' illegal home insurance policy, Gateway Mortgage Group LLC. And Respondent only wanted the home insured until November 8, 2018, as evidenced by Appellant in her previous filings.

On July 3, 2018, Appellant received an independent, definitive statement from R. Thayer Rivers Jr., confirming what she had already evidenced to the lower Court seven (7) months earlier, that R. Thayer Rivers Jr., is co-counsel for Respondent, Gateway Mortgage Group LLC. R. Thayer Rivers never moved to recuse himself from his client's case because it wouldn't serve his client.

Between October 17, 2017 and Sept 18, 2018, had good cause to file twenty three (23) Demands for Due Process on the multiple Motions to Dismiss that she filed and in response to the overt churning of Respondent's illegal cases against Appellant. No Jury Demand or Demand for Due Process filed by Appellant ever received a response. Further, neither of the Affirmative Defenses filed by Appellant were never acknowledge or even heard by the Court which renders any decision in favor of Respondent, in this matter, moot. Citing *Alejandre v. Deutsche Bank and Trust Co. Ams.*, 44 So 3d 1288, 1289 (2010) (generally)

Apparently as a last ditch, inexplicable effort, on November 5th, 2018, Respondent, Gateway Mortgage Group LLC, illegally converted loan documents in the name of Chris A. Smock to the name of L.E. Pauli Coffey, as evidenced to this Court on November 16, 2018. Appellant has never had a loan. Appellant does not, now, owe a loan to Respondent, Gateway Mortgage Group LLC.

Respondent, Gateway Mortgage Group LLC, in person, and through its' cadre of attorneys, to include, but not limited to, R. Thayer Rivers Jr., Special Referee, are very aware of the law and legal proceedings and they have all worked tirelessly to break the

laws they could not ignore and ignore the laws when they thought no one was watching, in an effort to engineer one of the most frightening judgments to face our world, today. Respondent, through its' counsel, has engineered a judgment which allows a Mortgage Reformation without the inclusion of a single borrower.

Appellant, Ms. Coffey, has repeatedly shown that law, case law, state law, federal law and common law prevent Respondent from filing any action against Appellant.

Appellant has shown that Respondent, Gateway Mortgage Group LLC, repeatedly broke South Carolina law and Rules of Procedure.

Appellant has shown that Respondent, Gateway Mortgage Group LLC lied under oath many times.

Appellant has shown that Respondent, Gateway Mortgage Group LLC has lied to national insurance companies and billion dollar real estate companies.

Appellant has shown that she is a layperson and she is the only one involved in this matter who is not guilty of breaking the law.

Our laws are for everyone, and everyone should be held to comply with them.

With the Judgment and Orders Respondent bought and paid for in order to hide its' own crimes and misdeeds, a new day is dawning for absolutely anyone who has or wishes to obtain a mortgage. Prior to the illegal Judgment and Order issued by R. Thayer Rivers Jr. for the benefit of his client, Respondent, Gateway Mortgage Group LLC, it was illegal, for very good reason, for Mortgage Lenders to modify or reform a mortgage without the inclusion of a borrower specific to the mortgage or loan being modified or reformed. It was for the protection of the borrower from malicious endeavors such as those of Wells Fargo and Bank of America that have been put on display for the whole world to see as an example of American banking. In 2008 our global economy was

decimated by predatory lenders, such as Gateway Mortgage Group LLC, and predatory loans hoisted upon borrowers who were neither trained nor licensed to prepare and execute a mortgage and who, generally, couldn't understand what documents they were signing or what the impact of those documents truly was. Predatory Lenders, such as Respondent, said whatever it took and promised whatever it took to get that front end payment from a loan, borrower and our global economy be damned.

With Thayer Rivers Jr's illegal Judgment and Order he changed this case from a matter against just L.E. Pauli Coffey and turned it into a matter against our global economy. If his Judgment and Orders are not reversed because of the laws which would have prevented an honest company from illegally filing the above listed cases against Ms. Coffey and should have prevented all the crime which has occurred as a result of the actions of Respondent and its' plethora or counsel, every single borrower and future borrower will live and, most probably die, at the mercy of Lenders who could simply decide their stock dividend isn't performing as they would like, so all mortgages held on a particular day should be systematically reformed to provide a greater interest rate or a balloon payment or a penalty for late payment due to a "reformed" date or because a home owner has notified his or her lender that they are in the process of selling their home, and that lender decides it wants a bigger pie of the equity pie sure to be produced from the sale of a borrower's home. The possibilities are limitless. Even if a lender agreed in writing at the time of closing to never modify a loan or mortgage, a lender would be well within its' right to reform or modify that agreement, as well, if the illegal Orders and Judgment from this case are not immediately Reversed because they defy all law as they are written.

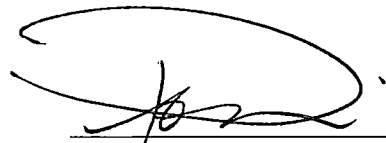
It's time to hold lenders responsible for their actions, not their victims or those who had no part in a defective lending agreement. It would serve no matter of Equity to make all 'persons' subject to loans that can be modified and reformed for any reason up to, and including, a lenders amusement or poor quarterly earnings report, without the inclusion of the borrower. Respondent, Gateway Mortgage Group LLC, refused to abide by its' original agreement with Chris A. Smock. By its' own admission, it prepared a

defective, fraudulent, incomplete lending instrument. L.E. Pauli Coffey had no part in that defective, fraudulent, incomplete lending instrument and, as a matter of law correctly cited by Appellant for more than two (2) years, the only 'person' responsible for that illegal, defective, fraudulent and incomplete lending instrument is respondent, Gateway Mortgage Group LLC. Citing the South Carolina Bar CLE 2018 Real Estate Essentials, dated June 15, 2018 and citing *Federal Land Bank v. Ledford* 149 SC 347, 359, 9 S.E. 2d 804, 809 (1960), *Jones v. Elbert*. 211 SC 553 558 134 S.E. 2d 796, 798. Gateway "is the architect of its' own disaster" citing Judge Marvin Dukes, *Wachovia v. Coffey*, 698 S.E. 2d 244 (S.C. Ct. App, 2010).

Wherefore, Appellant prays the Court will Reverse the Judgment and Orders issued by R. Thayer Rivers Jr in the lower court, because both defy law. Further, Appellant prays the Court will vacate all actions by Respondent or anyone acting as its' agent or in concert with Respondent in this matter.

Appellant additionally prays the Court will grant her all other relief just and proper given the scope of the bad faith exhibited by Respondent, Gateway Mortgage Group LLC, in order to hide its' own misdeeds and crimes.

Nov 19, 2018



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Frequently Asked Questions

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Introduction

These questions and answers are designed in part to help non-lawyers prepare an appeal to the South Carolina Court of Appeals. This material is not legal advice and must not be cited as legal authority. The information here does not replace the **South Carolina Appellate Court Rules**, but you should use it together with a close reading of the Rules to complete your appeal.

The Appellate Court Rules are always subject to revision and amendment. Therefore, you should consult the current version of the Rules. You may call the Court of Appeals **Clerk's Office** if you have a specific procedural question about how to prepare or file your papers with the Court. Although the staff will try to help answer your procedural questions, you must remember employees of the Court of Appeals are not permitted to give legal advice or make specific recommendations to you on how you should pursue your claims on appeal or respond to an appeal.

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Glossary of Terms

Appeal. A review by the Court of Appeals of what happened in the court below to determine whether any mistakes occurred and, if so, whether the party who filed the appeal is entitled to have the decision of the court below reversed.

Appellant. A party who appeals from the lower court's decision.

Respondent. A party against whom an appeal is taken and who responds to that appeal.

Brief. A written statement that explains the arguments of a party to an appeal.

Court *en banc*. The Court of Appeals *en banc* consists of all qualified and available members of the Court, which usually means all nine judges.

Cross-appeal. An appeal filed by the respondent, which usually is combined for processing, hearing, and decision with the appellant's appeal.

Designation of Matter. A list of the transcripts, documents, and exhibits that a party wishes to have included in the Record on Appeal. Only a list identifying each item should be submitted at the Designation of Matter stage. The documents themselves should not be submitted at the Designation of Matter stage.

Interlocutory appeal. An appeal that is filed before the lower court enters its final order on the entire case.

Interlocutory order. An order that addresses some intermediate matter and is issued before the lower court's final order.

Jurisdiction. Authority or power of a court to hear a certain kind of case.

- Appellate jurisdiction refers to the Court of Appeals' authority to review and revise a lower court's decision by way of direct appeal.

- Original jurisdiction refers to the authority of a court to hear and decide a matter before any other court has reviewed it.

Motion. A written application requesting the Court to make a specific ruling or order. The requirements for a motion are set out in **Rule 240**.

Petition. A written application requesting the Court to make a specific ruling or order. There is no practical difference between a petition and a motion. The requirements for a petition are set out in **Rule 240**.

Pro se. A person who does not retain a lawyer and appears on his or her own behalf before the Court.

Transcript. A word-for-word typescript of the lower court proceedings.

Writ. An extraordinary remedy that may be issued by the Court of Appeals if the Court of Appeals has a pending appeal in the case. The Court of Appeals has no power to issue writs unless there is an appeal pending in the Court. Although there are several different types of writs, they usually are issued to prohibit a trial court from exceeding its jurisdiction or to compel a trial court to perform a mandatory duty. In general, a writ may be issued only when the party requesting the writ does not have any other alternative legal remedy.

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What is the South Carolina Court of Appeals?

The South Carolina Court of Appeals is an intermediate appellate court. It consists of nine judges, including a Chief Judge. The Court sits in panels of three judges to decide most cases.

An appeal is not a new trial. Parties before the Court of Appeals will not be permitted to conduct discovery, call witnesses, or offer any evidence that was not presented first to the court below. The Court decides appeals strictly on the basis of the record that existed in the court below and the written briefs that are filed by the parties. The Court also may hear oral argument by the parties.

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Where is the South Carolina Court of Appeals?

The Court and its Clerk's office are in the Calhoun State Office Building, 1220 Senate Street, Columbia, South Carolina 29201. For correspondence and filing, you may write to Post Office Box 11629, Columbia, SC 29211. Large packages should be sent to the Senate Street address. The telephone number is (803) 734-1890.

It is the policy of the Court that all communication with the Court of Appeals is to be conducted through the Clerk's Office. No party should contact a judge directly about any case.

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What orders may be appealed to the Court of Appeals?

Generally, final orders of the family and circuit courts are appealable to the Court of Appeals. This description does not nearly exhaust the possibilities, however. In many cases, the question of the appealability of an order is a complex legal issue. No answer to this question can be both succinct and complete. The rules, statutes and case law must be carefully consulted to determine appealability.

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Do I need a lawyer?

Individuals may appear before the Court of Appeals without a lawyer. Corporations are required to have a South Carolina lawyer represent them.

Although an individual is not required to have a lawyer, most people find that having a lawyer on appeal is helpful to them. If you would like the assistance of a lawyer, you may be able to obtain legal assistance by calling **The South Carolina Bar**. If you pursue your appeal without the assistance of a lawyer, you nevertheless are required to comply with the **South Carolina Appellate Court Rules**. You may find it helpful to refer to various legal resources in preparing motions and briefs. These resources include the **South Carolina Appellate Court Rules**, the **South Carolina Code of Laws**, the case law of South Carolina as published in the Southeastern Reporter and the South Carolina Reports, and South Carolina Jurisprudence. These resources are available at various libraries throughout the State, including some libraries in county courthouses.

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When should I serve and file my Notice of Appeal?

For **Circuit Court** orders and judgments of the Court of Common Pleas, the Notice of Appeal must be served on all respondents within 30 days of receipt of written notice of the entry of the judgment or the order. It must be filed within ten days thereafter.

For the Court of General Sessions division of the **Circuit Court**, the Notice of Appeal must be served within 10 days of sentencing, if the appeal is from a conviction or revocation of probation. Notice of Appeal from other orders must be served within ten days of receipt of written notice of the entry of judgment.

From **Family Court** the time for service is 30 days in domestic relations actions and ten days in juvenile actions.

You must consult **Rule 203** of the South Carolina Appellate Court Rules for details on this point. The time for serving the Notice of Appeal cannot be extended by the Court. If you miss your deadline, you cannot appeal.

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How do I serve and file a Notice of Appeal?

Rule 262 defines filing and service. These may be accomplished by direct delivery or by mailing with the United States Postal Service. When the USPS is used, service and filing of the notice of appeal are complete upon mailing. Delivery to a private carrier, such as U.P.S. or Federal Express, does not constitute service or filing. See **What is meant by service and filing?**

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What must the Notice of Appeal contain?

The form and contents of the Notice of Appeal are set out in **Rule 203**. Samples are provided in **Form 1**, **Form 2**, **Form 3**, **Form 4**, and **Form 5**. Reference to these two sources will give you all the guidance you need to prepare a Notice of Appeal, with one exception: When listing a lawyer's name on any document in the Court of Appeals, you should also list the firm name for that lawyer.

When filing any document in the Court of Appeals, you must see that its form complies with the requirements of **Rule 267** regarding appearance, binding and covers.

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What does it cost to file a Notice of Appeal?

The filing fee is \$100.00. There is no filing fee for criminal appeals or appeals by the State of South Carolina or its departments or agencies. The Court of Appeals will consider motions to proceed without the payment of fees, but the circumstances in which this motion is granted are very limited. Be aware of **Rule 222** which allows the winning party in an appeal to receive costs from the losing party.

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Why do I need to order transcripts?

The transcript shows what evidence and arguments were put before the lower court. This information is required for the Court's review of the appeal. In some cases, a transcript is not required, because all necessary information appears in court papers.

Rule 207 requires the appellant to order the lower court transcript from the court reporter when a transcript is required for the appeal. Generally, this must be done within ten days of serving the notice of appeal in civil cases and within 30 days of serving the notice in criminal cases. Refer to **Rule 207** for exact details.

The transcript referred to in this rule is the circuit court transcript, not the transcript from proceedings before a magistrate, municipal judge, probate judge, or the like.

This transcript must be ordered from the circuit court reporter. Do not attempt to order it from the Court of Appeals, from the Supreme Court, from the lower court judge, from the Circuit Court Clerk, or from the Office of Court Administration. If you do not know the name of the court reporter, you may contact the Office of Court Administration to learn the name. However, you must still order the transcript within the time limits established in the Rule.

If a transcript is not required for the appeal, you need not order it.

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What is the Appellant's Initial Brief and Designation of Matter?

The initial brief and designation of matter set forth the arguments and the evidence that you want to put before the Court of Appeals. For guidance in these matters, you must carefully study **Rules 208** and **209** along with **Forms 12** and **13**.

Only one copy of the initial brief and the designation needs to be filed.

When filing the designations, you should not send copies of the documents themselves. Simply make a list of what you want included, in the manner shown in **Form 13**. Keep in mind that nothing can be designated that was not included in the proceedings before the lower court.

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What is the Respondent's Initial Brief and Designation of Matter?

In form, the Respondent's Initial Brief and Designation of Matter is the same as that of the appellant. See **Rules 208** and **209** and **Forms 13** and **14**.

The respondent's brief sets forth the reasons that the Court of Appeals should uphold the decision of the trial court.

The respondent need not designate any item that the appellant has designated. However, if the appellant has not designated an item that the respondent deems should be included in the appeal, the respondent should designate that item.

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What is the Initial Reply Brief and Designation of Matter?

After the respondent serves the initial respondent's brief and designation of matter, the appellant has ten days to serve and file a Reply Brief. **Rule 208**. The appellant is not required to file a Reply Brief. No new grounds for appeal can be raised in the Reply Brief. The appellant may make additional designations at this point.

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What is the Record on Appeal?

The content of the Record on Appeal, as well as the time for serving and filing the Record on Appeal, are found in **Rule 210**. The appellant must make sure that the Record on Appeal complies with this Rule.

The Record on Appeal is permitted to contain only the material that the parties have previously designated. If an item does not appear in a Designation of Matter, then the appellant cannot include it the Record on Appeal. By the same token, everything designated by a party must be included in the Record on Appeal.

The appellant must make sure that the Record on Appeal is properly bound. The requirements for this step are found in **Rule 267**. The cover must be of 50 pound weight cover stock or more. Your local copy shop can help you with this step.

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What are the Final Briefs?

Final briefs are identical to the initial briefs except in three ways: 1) cover and bindings; 2) number of copies served and filed; and 3) references to the Record on Appeal. **Rule 211**.

The appellant's brief has a blue cover; the respondent's brief is red; the reply brief is gray. The covers of these briefs must be of stiff cover stock, like the Record on Appeal. See **Rule 267**.

Three copies of each brief are served on the opposing party; the original and 14 copies are filed with the Court.

The references in the initial briefs must be revised to show where the material appears in the Record on Appeal.

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What is meant by service and filing?

Service is your mailing or delivery of a document to the opposing party. Filing is the mailing or delivery of a document to the Court of Appeals. The general rule on service and filing is **Rule 262**. Also see above: **How do I serve and file a Notice of Appeal?**

Note that filing of a petition for rehearing or a petition to reinstate is complete only when the document is actually received by the Court of Appeals.

When a party is represented by counsel, service should be on counsel.

When will the Court of Appeals hear my case?

As soon as the Record on Appeal and the Final Briefs are served and filed, the appeal is ready for consideration by the Court. Most cases are taken under advisement within four to six months of being ready for consideration. Most of this time period is attributable to preliminary work on the case by the judges. Some of the time is delay caused by the large number of cases pending in the Court.

Some cases are heard in oral argument. Others are taken under consideration without oral argument, a process called submission. The judges of the Court determine in each case whether they will hear oral argument or take the case on submission.

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When will the Court of Appeals decide my case?

The judges decide each case by means of a written decision. These generally appear within two to eight weeks after the case has been taken under consideration. It is not unusual for the process to take rather longer. If the controlling law is clear, this decision may be very short. The decision is mailed to the parties by the Clerk's office.

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What can I do if I lose on appeal?

Within 15 days after the decision in your case is filed, you can file a petition for rehearing under **Rule 221** . If the petition for rehearing is unsuccessful, you may petition the **South Carolina Supreme Court** for a writ of certiorari under **Rule 242** . The purpose of this petition is to ask the Supreme Court to review the decision of the Court of Appeals.

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