

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

The Honorable James B. Jackson
Master In Equity

Appellate Case No. 2018-001303
Circuit Court Case No. 2008-CP-38-1024

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MAR 11 2019

SC Court of Appeals

Wells Fargo Bank, N.A.,..... Respondent,

v.

Dorothy Sistrunk,..... Appellant.

RESPONSE IN OPPOSITION TO "MOTION TO REMAND"

The Court should put a swift end to Ms. Sistrunk’s continued abuse of the Judiciary. Her latest filing—captioned “Motion to Remand”—is a transparent effort to slow down this appeal and further delay this already-ten-year-old case from reaching its conclusion.

This motion asks the Court to send this case back to the circuit court for further fact-finding because, according to Ms. Sistrunk, “the Internet is a witness for the Appellant.” (Motion at 3.) This request is consistent with Ms. Sistrunk’s general theme that her mortgage loan is somehow unenforceable—a position that has already been rejected by Judge Goodstein in a partial summary judgment order, Judge Jackson in a final foreclosure order, and this Court in a prior appeal in this case.

The enforceability of the parties’ mortgage loan is not even before the Court in this appeal. Instead, this appeal only asks whether Judge Jackson abused his discretion in denying a motion Ms. Sistrunk made under “Federal Rule of Civil Procedure 60(b)(6),” which she filed four months after Judge Jackson entered his foreclosure judgment. Accordingly, Wells Fargo respectfully requests that

the Court reject Ms. Sistrunk's latest effort to misdirect this appeal or delay its conclusion. This appeal is frivolous, and it should be expeditiously resolved.

Moreover, to the extent any of Ms. Sistrunk's filings—including her Reply Brief, her "Motion to Remand," and her memorandum in support of remand—reference matter outside of the record, including "the Internet" or any websites, the Court should strike those citations and disregard those references. *See* Rule 210(c), SCACR ("The Record shall not, however, include matter which was not presented to the lower court or tribunal."); *id.* 210(h) (providing that with unrelated exceptions, "the appellate court will not consider any fact which does not appear in the Record on Appeal").

Respectfully submitted,

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Attorneys for Respondent

March 7, 2019

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PROOF OF SERVICE

I, the undersigned Office Manager of the law offices of Womble Bond Dickinson (US) LLP, Attorneys for Respondent, do hereby certify that I have served the below parties in this action with a copy of the pleading(s) specified below by mailing a copy of the same, postage prepaid, to the following address(es):

Pleading: Response in Opposition to "Motion to Remand"

Parties Served: Dorothy Sistrunk
423 Bayne Street
Orangeburg, South Carolina 29115
Appellant


Deborah L. Johnson

March 7, 2019



M. Todd Carroll
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March 7, 2019

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

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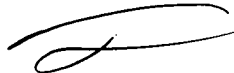
Re: Wells Fargo Bank, N.A. v. Dorothy Sistrunk
Appellate Case No. 2018-001303

Dear Ms. Kitchings:

Enclosed for filing in the case cited above please find the Response in Opposition to "Motion to Remand." Please file the original and return a clocked copy to us in the enclosed envelope.

With kind regards, I remain

Very truly yours,



M. Todd Carroll

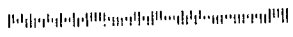
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Enclosures

cc: Dorothy Sistrunk

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