

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 NATIONSTAR MORTGAGE, LLC)
 d/b/a MR. COOPER,)
)
 Respondent,)
)
 vs.)
)
 BARBARA A. GIBBS, MELVIN E.)
 GIBBS, and WESTBROOK PHASE IV)
 HOMEOWNERS' ASSOCIATION,)
)
 Appellants.)
)

IN THE COURT OF APPEALS
 OF SOUTH CAROLINA

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 SC Court of Appeals

CASE No: 2019-000486

**APPELLANTS' MOTION TO SUPPLEMENT
 AND FOR CLARIFICATION**

COMES NOW, the above named Appellants and move this Honorable Court to grant leave to amend their brief and for CLARIFICATION. The reasons for these motions are set forth below:

I. PRELIMINARY STATEMENT

1. "...Though the colored man is no longer subject to barter and sale, he is surrounded by an adverse settlement which fetters all his movements. In his downward course, he meets with no resistance, but his course upward is resented and resisted at every step of his progress. If he comes in ignorance, rags and wretchedness... he conforms to the popular belief of his character, and in that character he is welcome; but if he shall come as a gentleman, a scholar [attorney] and a statesman, he is hailed as a contradiction to the national faith concerning his race, and his coming is resented as impudence. In one case he may provoke contempt and derision, but in the other he is an affront to pride and provokes malice.

Frederick Douglass – September 25, 1883

II. STATEMENT

2. Subsequent to the filing of Appellants' preliminary brief, Respondent, rather than filing a claim based on the judgment of the lower court, transferred the mortgage contract to the US Bankruptcy Court.

3. Jurisdiction over the mortgage contract between Appellant, Barbara A. Gibbs and Bank of America is no longer vested in the courts of South Carolina. The decision as to the validity of the mortgage contract by the US Bankruptcy Court, Northern District of Georgia (Atlanta Division) shall render any decision by the courts of South Carolina null and void.

4. Therefore, because the complained of events happened after Appellants filed their initial brief, Appellants must be permitted to supplement brief.

5. Bank of America, aided by Nationstar Mortgage, formed a continuing criminal enterprise ten (10) years ago, designed to defraud the Treasury Department and 2 million mortgagors – including Appellants, of \$300 billion.

6. For six (6) years Nationstar, part and partial to the criminal enterprise used the Florence Court of Common Pleas to carry forth the criminal enterprise that Plaintiffs accurately named: The HAMP-less Gang. Nationstar acting for the HAMP-less Gang filed this illegal foreclosure and committed subsequent crimes to conceal [t]heir criminal acts.

III. STATEMENT OF FACTS

7. Respondent and their attorneys, H. Guyton Murrell, Esq., SCOTT AND CORLEY, P.A., engaged in SUBORNATION OF PERJURY and are permitted to “walk away” from this Court without filing motions to withdraw and substitution of counsel!?!

8. Nationstar engaged in the subornation of perjury by certifying in the foreclosure Appellants failed to pay their mortgage for July, August and September 2013. AND, Nationstar continued the continuing criminal enterprise by filing a Proof of Claim (POC) in the bankruptcy court relying on the same perjury. AND,

9. In furtherance of the continuing criminal conspiracy, Respondent alleged in their POC, Appellants did not pay their mortgage for December 2011: subornation of perjury. On July 26, 2013 Appellants wrote to Respondent and included bank records that proved Appellants paid their mortgage for December 2011 and warned Respondent not to join Bank of America's criminal enterprise.

a. It appears Respondent may have communicated this false information to the lower court – ex-parte: hearing the foreclosure litigation. It is impossible to maintain a foreclosure suit where, as here, Appellants never missed a mortgage payment and submitted 2 years of bank records as proof.

10. Rather than claiming pursuant to the judgment illegally obtained in the lower court. Respondent made the choice of submitting the mortgage contract to the federal bankruptcy court as the basis of their Proof of Claim (POC) – depriving the courts of South Carolina of jurisdiction and vesting jurisdiction on the US Bankruptcy Court for the Northern District of Georgia (Atlanta Division).

IV. STATEMENT OF THE CASE

11. This case concerns Respondent being engaged in a continuing criminal enterprise to defraud the Treasury Department and 2 million mortgagors (including Appellants) of \$200 billion. AND, because Appellants exposed the criminal enterprise, Respondent entangled the courts of South Carolina to assist in their criminal enterprise in violation of 18 USC §§ 1962 and 1964 and 42 USC §§ 1983, 1985 and 1986.... AND, *Respondent removed jurisdiction over the mortgage contract from the lower court by filing said contract in the US bankruptcy court.*

a. Because Respondent voluntarily removed jurisdiction, the foundation of their alleged claim, from the lower court after Appellants' initial brief, Appellants must be permitted to supplement their BRIEF!

12. *Appellants must be allowed to supplement their initial brief to include Respondent's divesting the LOWER COURT of jurisdiction as to the mortgage contract*; but, not jurisdiction over Respondent's subornation of perjury in this Court and the lower court, and continued criminal enterprise.

V. ARGUMENT

13. More than fifteen (15) years ago Appellant, M. Eugene Gibbs litigated the largest art theft in American History. During the pendency of the litigation, attorneys for William "Bill" Cosby filed 3 motions for sanctions against Gibbs in the US District Court for the Southern District of New York – ALL DENIED! They filed 3 motions for sanctions against Gibbs in the US Court of Appeals for the 2nd Circuit – ALL DENIED! The Honorable Justice Sonya Sotomayor sitting on the last 3 judge panel stated, "Attorney Gibbs has an obligation to pursue this case, and a failure to do so, I believe, would constitute malpractice."

14. Bill Cosby as "godfather" of the continuing criminal enterprise operating in violation of RICO (Racketeering Influence Corrupt Organization), devised a plan to file bogus complaints against Gibbs in South Carolina. Gibbs had motions to amend his complaint to include RICO and add the Justice Department and FBI as defendants.

a. Gibbs warned the SC Supreme Court [t]heir involvement prior to the case ending in New York, would have both legal and personal catastrophic consequences. The [C]ourt

ignored Gibbs' representations and forced Gibbs to defend against the bogus charges.

15. Bill Cosby and his attorneys used the involvement of the SC Supreme Court as cover to have Gibbs arrested and convicted of a crime that never occurred, to wit:

a. Cosby and his attorneys entered into a "secretive" agreement with Gibbs' New York co-counsel and said co-counsel did not amend the complaint as directed by Gibbs.

b. Cosby had the US Attorney's Office of the Southern District of New York stop the FBI investigation into the stolen art (\$50 billion).

c. Cosby with the assistance of an official at the FBI directed an FBI agent to commit perjury to obtain Gibbs' arrest warrant.

(1) Gibbs had informed the court he would be killed or arrested and requested a temporary restraining order and injunction AND filed a motion to amend adding the Justice Department and FBI as defendants – the motions were pending when Gibbs was arrested.

d. Cosby aided by the Justice Department directed the US Attorney for the District of Maryland to falsify Gibbs' grand jury indictment.

e. Cosby aided by the Justice Department, using the actions of the SC Supreme Court convinced judges to hold Gibbs without bail and used Gibbs' detention to torture Gibbs over the course of 14 months – forcing Gibbs to confess to a crime that did not occur.

16. The above acts cost Gibbs \$\$\$billions in earned legal fees; assisted Cosby in raping Andrea Constand and others; permitted individuals who had engaged in pedophilia to escape justice; aided individuals using homosexual relationships to "Blackmail" art curators; and "killed" CIVIL RICO litigation having a value of \$450 billion....

17. Although Bill Cosby, individuals at the Justice Department and FBI are in prison, fired and publically exposed for wrongdoing, many have escaped justice.

18. I've completed the final draft of my complaint demanding \$450 billion pursuant to CIVIL RICO to be re-filed in the US District Court for the Southern District of New York....

19. However, no amount of money can compensate for the destructing of my legal career and life, for no other reason than unmitigated greed and judicial impotence!

20. This Court has an obligation to prevent Respondent, a primary participant in the continuing criminal enterprise, from further damage to Appellants.

21. The mental stress Respondent caused Appellants over the past 10 years have left Appellants – mentally damaged, emotionally drained, financially ruined and driven from their custom retirement home and the State of South Carolina....

a. There isn't an hour in every day that Gibbs do not focus on this case experiencing hate Gibbs never imagined existed within his being....

22. Because this Court did not grant Respondent leave to substitute counsel and Respondents' removing the mortgage contract from this Court after the initial brief of Appellants were filed, this Court must grant leave to amend their brief. See, e.g., *Perez v. S.C. Dep't of Labor, Licensing & Regulation*, No. CV 3:17-3187-JFA, 2018 WL 2455093, at *4 (D.S.C. June 1, 2018) (“[I]f a party asks the court for permission, the court may allow a party to file an additional response or “sur-reply.”); *Mitchell v. Consec Life Ins. Co.*, No. CA 8:12-548-TMC, 2013 WL 2407129, at *3 (D.S.C. June 3, 2013)....

a. Respondent knowing Appellants never missed a mortgage payment further evidence why the mortgage contract is key to jurisdiction of the lower court.

23. THIS IS NOT A CIVIL CASE – IT IS A CRIMINAL CASE IN WHICH A CRIMINAL ENTERPRISE IS USING THE CIVIL FORECLOSURE PROCESS AND THIS COURT TO ACCOMPLISH A CRIMINAL PURPOSE!

24. This Court, using the parameters of 18 USC § 1964(a), must take any and all actions necessary to protect Appellants from the criminal acts being perpetrated by Respondent and the criminal enterprise; and protect the integrity of this Court and the lower court.

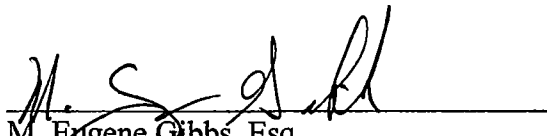
25. Attorneys for Respondent who have engaged in subornation of perjury and other crimes must not be permitted to walk away from their crimes by changing attorneys in the middle of the night....

VI. CONCLUSION

This Court must grant the requested relief and protect Appellants from Respondent's continuing criminal enterprise during this appeal. AND, clarify whether Respondent may substitute counsel without leave of the Court and Notice to Appellants. If relief is granted Appellants will file a Supplemented Brief containing this single question....

WHEREFORE, Defendants pray this Honorable Court GRANT Appellants' motion to Supplement, vacate Respondent's improper substitution of counsel, and grant such other and further relief as this Court deems just and proper, at law and equity, general or special, to which Appellants have shown themselves justly entitled.

Respectfully Submitted,


M. Eugene Gibbs, Esq.
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CERTIFICATE OF SERVICE

I, Melvin E. Gibbs, hereby certify that a copy of Appellants' Motion to Supplement and Clarification was placed with USPS, postage prepaid, the 20th day of December 2019, addressed to:

Brian A. Calub, Esq.
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