

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable Deadra L. Jefferson, First Judicial Circuit
The Honorable Edgar W. Dickson, First Judicial Circuit
Honorable Maite Murphy, First Judicial Circuit

Case No. 2016-CP-18-1706
Appellate Case No. 2018-002185

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JAN 27 2020
SC Court of Appeals

Molly M. Morpew

Appellant

v.

Stephen Dudek, Doreen Cross, Carolina One,
Susan Nicholson, Woody Law Firm,
Carrie Boyer, First Federal, Allison Williams,
David A. Collins, Michael Scarafile

Respondents

APPELLANT'S RESPONSE TO RESPONDENTS' SUPPLEMENT TO THEIR MOTION TO
DISMISS

Molly M. Morpew, pro se
45 Lullwater Dr. #1416
Richmond Hill, GA 31324
(843) 514-7299

Appellant, Molly M. Morpew (hereafter “Morpew”), hereby responds to Respondents Supplement to their Motion to Dismiss and respectfully asks this court to disregard or deny same for the reasons so stated below.

In their Supplement to their Motion to Dismiss Respondents Stephen Dudek, Doreen Cross, Allison Williams, First Federal, Michael Scarafite, Susan Nicholson, Carolina One Real Estate, Carrie Boyer, and Woody Law Firm (herein collectively the “Respondents”) request this court to dismiss Appellant’s appeal based on an alleged failure to comply with South Carolina Appellate Court Rule 208, and the Orders of this Court dated October 15, 2019, May 30, 2019, and March 22, 2019. They also referred to their “Supplement to their Motion to Dismiss” as a “Supplemental Motion,” which Appellant objects.

On October 15, 2019 this Court issued an Order denying Appellant’s Motion to Exceed Page Limits¹, stating Appellant to serve and file a 50-page Initial Brief within thirty (30) days. On November 12, Appellant timely served and filed its brief that did not exceed 50 pages.

Respondents argue that Appellant failed Rule 208 by incorporating by reference its 2nd Motion to Exceed Page Limit filed with this court, which is part of the record at the appellate court level, not a brief previously filed in support of motions at the district court level, as Respondents cite in *Fleming v. County of Kane*, State of Ill., 855 F.2d 496, 498 (7th Cir. 1988), (“Parties should not adopt briefs previously filed in support of motions at the district court level). Further, all cases cited by Respondents in their Supplement to support their claim are federal or district cases under Federal appellate court rules (Federal Rules of Appellate Procedure), not South Carolina or State Appellate cases which are governed by their own state rules of appellate procedure.

Moreover, neither does Rule 208 present or define ‘incorporating by reference other documents’, nor has the Respondents cite any case in South Carolina that would indicate Appellant has violated any South Carolina Appellate Rule or precedent set here. Additionally, Appellant has been unable to discover a South Carolina case defining such a violation, and contends she did not know or had any knowledge her actions could be improper or a direct violation of any SCACR. Even so, dismissing Appellant’s entire appeal would be an unreasonable and an extreme sanction, especially considering the intentional misrepresentation, perjury, forgery and/or fraud conducted by the Respondents. The actions or non-actions of the Respondents just supports their continued attempt to dodge defending this case on the facts and merits. . The Respondents continually refuse or fail to provide any valid documented evidence proving Dudek and Cross were indeed ready, able and willing to tender payment for the property in question at the time their contract expired and at the time they compelled specific performance. Instead, the record shows Respondents Dudek and Cross were actually refused mortgage credit because they had no valid negotiable sales contract at initial application, therefore no legal right to the property after November 30, 2012, and with certainty no legal right to the property at the time they compelled Specific Performance. Based on the evidence in the record, the Respondents know their side is indefensible, so they repeatedly attempt to convince this Court to dismiss on a technicality, as it is their only avenue of relief.

Regardless, this Appellate case has been held in abeyance since Respondents simultaneously filed their Motion to Dismiss and their Motion for Substitute of Counsel. Pursuant Rule 240(b) a motion to dismiss an appeal or a motion to relieve counsel shall, however, automatically stay the time limits for perfecting the appeal until the motion is decided. The latter motion was ruled on August 12, 2019, while their Motion to Dismiss is still pending,

therefore the time limits to perfect the appeal, such as preparing the record on appeal, writing and serving a brief, and getting the case on the court's calendar would have been stayed. Regardless, Appellant has continued to file appropriate motions and its Initial Brief pursuant the Rules or as ordered by this Court and shows considerable effort to comply with same. To sanction Appellant for an unintentional and alleged failure to comply, especially while perfecting the appeal had been stayed, would be undue and extreme under the circumstances of this case.

On the other hand, if a stay has been waived by this Court's Order of October 15, 2019, which ordered a deadline for Appellant to file its Initial Brief, or as pointed out by the Respondents in its Motion to Dismiss, "*to the extent such responsive briefing deadlines have been initiated by Appellant's filings,*" it would appear the Respondents Motion [to Dismiss/Stay the Time Limits] filed 4 ½ months prior to the Order has been rendered moot. Granting Respondents Motion at this point would contradict the Order of October 15, 2019. Meaning, staying the time limits for the Respondents but at the same time ordering perfection of the appeal on the Appellant is improper and would prejudice Appellant.

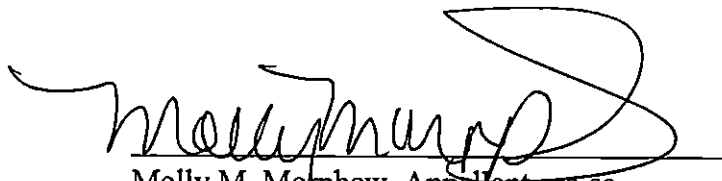
As a consequence, Respondents have neither filed their Initial Brief nor filed an appropriate motion requesting a time extension therefore themselves failing compliance of Rule 208 SCACR. Instead, they filed a supplement to their motion to dismiss, which under the circumstances renders the filing debatable.

First, the Respondents make reference to their supplement as 'the supplemental motion' (see Pg. 1, Respondents' Supplement). Appellant objects as Respondents have titled their filing, "Respondents' *Supplement* to their Motion to Dismiss." Further, no motion has been filed nor a motion filing fee, plus this Court's record states "*Correspondence - Incoming ("Respondents' Supplement to their Motion to Dismiss")*". Appellant argues such filing is not a motion or

supplemental motion, and would object if this Court makes any ruling rendering it anything other than correspondence. If Respondents meant its filing to be a motion, they should have titled and filed it as such. Any other meaning could or would prejudice Appellant.

Second, the Supplement has not been signed by all parties or their attorneys of record to this appeal. Therefore, entire dismissal of Appellant's appeal is improper. Additionally, Jordan Crapps, Attorney of record for Respondents First Federal and Allison Williams, has signed in behalf of Amy L. Neuschafer, Esq., Attorney for Respondents Woody Law Firm and Carrie Boyer; and also signed in behalf of Zachary Closser, Esq. who is not an attorney of record to this appeal. There has been no correspondence or agreement (of all parties, including Appellant) or this Court's approval for an attorney, who is not an attorney of record for co-respondents, to sign and file legal documents in behalf. By doing so raises questions of representation, authorization, capacity and/or scope that could severely prejudice Appellant and her rights. The unauthorized signing or lack of all parties or their attorney's signatures deems the Supplement invalid or improper, therefore fails as grounds for dismissal of the appeal.

Based on the above, Appellant respectfully asks this Court to, 1) deny Respondents' request to dismiss the appeal and, 2) direct Respondents to proceed with filing their Initial Brief based on the Appellant's Amended Initial Brief served and filed November 12, 2019.

A handwritten signature in black ink, appearing to read 'Molly M. Morphew', written over a horizontal line.

Molly M. Morphew, Appellant pro se
45 Lullwater Dr. Unit #1416
Richmond Hill, GA 31324

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Firm, Carrie Boyer, First Federal, Allison
Williams, David A. Collins, Michael Scarafile

Respondents

CERTIFICATE OF SERVICE

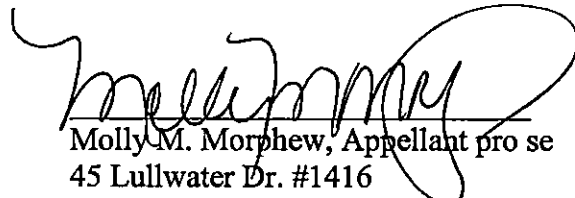
I HEREBY CERTIFY that I served the Appellant's RESPONSE TO RESPONDENTS' SUPPLEMENT TO THEIR MOTION TO DISMISS on the Respondents by depositing a copy of it in the United States Mail, postage prepaid, on January 23, 2020, addressed to their respective attorney of record or to their last known address on record as indicated below:

Steven L. Smith, Esquire
P.O. Box 40578
Charleston, SC 29423-0578
Attorney for Respondents:
Stephen Dudek
Doreen Cross
Susan Nicholson
Michael Scarafile
Carolina One

David A. Collins, pro se
P.O. Box 30052
Charleston, SC 29417
Respondent, pro se

Amy L. Neuschafter, Esquire
Collins & Lacy, PC
11945 Grandhaven Drive, Ste D
Murrells Inlet, SC 29576
Attorney for Respondents:
Carrie Boyer
Woody Law Firm

Amy L. B. Hill, Esquire
Gallivan, White & Boyd, PA
P.O. Box 7368
Columbia, SC 29202-7368
Attorney for Respondents:
Allison Williams
First Federal Bank (aka South State)


Molly M. Morphew, Appellant pro se
45 Lullwater Dr. #1416
Richmond Hill, GA 31324
(843-514-7299)

January 23, 2020
Richmond Hill, GA

January 21, 2020

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29211

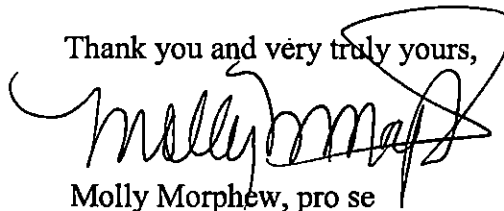
Re: Appellate Case No. 2018-002185
Molly M. Morphew v. Stephen Dudek, Doreen Cross, et al.

Dear Ms. Kitchings:

Please find enclosed an original and six (6) copies of Appellants RESPONSE TO RESPONDENTS' SUPPLEMENT TO THEIR MOTION TO DISMISS and CERTIFICATE OF SERVICE to be recorded and filed.

Also enclosed is a copy of above to be kindly recorded and returned in the self-addressed, stamped envelope.

Thank you and very truly yours,

A handwritten signature in black ink, appearing to read "Molly Morphew", written over a circular scribble.

Molly Morphew, pro se

Cc: Amy L. Neuschafer, Esq.
Amy B. Hill, Esq.
Steven L. Smith, Esq.
David A. Collins, pro se

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