

TO: The Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201
(803) 734-1499
Fax (803) 734-1499

MARCH 12, 2013

From: Ms. Ruth Kennedy
263 Blythe Creek Drive
Blythewood, SC 29016

From: Ms. Terra K. Freeman
112 Vineyards Crossing Court
Columbia, SC 29229

REF: CORRECTION OF ERRORS – Certified Mailed Appellants said Erred Response copy on 3-11-2013

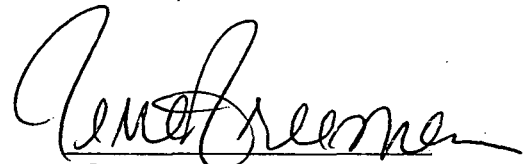
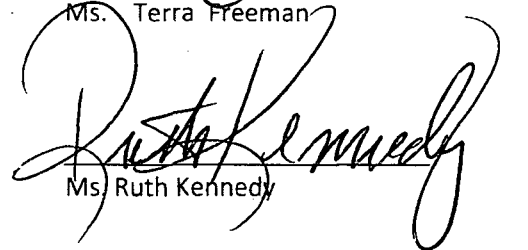
Dear Clerk:

Please find the attached CORRECTION COPY of the Certified mailed Erred Copy of Appellants' requested Response from this said Appeals Court Clerk, dated "February 27, 2013".

Please also see attached a COPY of said Lower Trial Courts 8 page TRANSCRIPT dated MARCH 30, 2012, although this said Appeals court wrote that the said lower trial court claimed there was NO! TRANSCRIPT HEARING alleged heard on the dated March 30, 2012. *See lower Court's apparent! sudden prepared /or made up a TRANSCRIPT of an alleged HEARING held on the alleged date 3-30-2012; and or shows that the said Lower Trial court and its said Court Reporter was INTENTIONAL UNTRUTHFUL with this said S.C. Supreme APPEALS Court and its Clerk.

Please excuse the prior mailed errors.

Thank you.


Ms. Terra Freeman

Ms. Ruth Kennedy

cc: Jody A. Bendenbaugh, Esquire and any other Proper Associate(s)
NELSON, MULLINS, RILEY & SCARBOROUGH, LLP
1320 Main Street, 17th Floor
Columbia, South Carolina 29201
Attorney for Respondent Bank of America

RECEIVED
MAR 12 2013
S.C. Supreme Court

TO: The Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201
(803) 734-1499
Fax (803) 734-1499

* Corrections on pg 2

From: Ms. Ruth Kennedy
263 Blythe Creek Drive
Blythewood, SC 29016

From: Ms. Terra K. Freeman
112 Vineyards Crossing Court
Columbia, SC 29229

RECEIVED

MAR 12 2013

Re: Terra K. Freeman...etc.. v. Bank of America

cc: Mr. Robin Reibold, Official Court Reporter
Appellate Case No. 2012-213516
Master In Equity, Richland County
1701 Main Street –
Columbia, South Carolina 29201

S.C. Supreme Court

Dear Clerk:

The said Appellants, are providing their research, so to be now, in compliance with our verbal communication with the said Clerk's Office on today's date March 11, 2013, as well, in compliance with this said Clerk's Office attached 2 page letter, dated "February 27, 2013", which requested for Appellant(s) to provide this said Supreme Court of Appeals with the following:

1. "...That you please advise this Court of the DATE on which you RECEIVED the TRANSCRIPT of the **NOVEMBER 1, 2012, HEARING.**"; - *The said Court Reporter Ms. Robin K. Reibold's attach COPY from the said Lower Trial Courtroom of a Richland County's MASTER OF EQUITY Court, Judge - **Joseph M. Strickland, ONLY!! provided the TRANSCRIPT, that was NOT a TRANSCRIPT of an alleged HEARING DATED NOVEMBER 1, 2012,** but, of Judge Strickland's alleged TRANSCRIPT of the alleged HEARING dated "**MARCH 30, 2012**" allegedly held at **11:26 a.m. to 11:34 a.m.**; *(See the attached Copy of the said March 30, 2012 Transcript) which was received After the date Feb. 11, 2013.*

THIS APPEALS SUPREME COURT'S ADMITTANCE! in its FEBRUARY 27, 2013 ATTACH LETTER and the LOWER TRIAL COURT'S OWN attached CASE HISTORY SHEET/or DOCKE SHEET ¹ SHOWS and ADMITS!! to this said APPEALS COURT, that there was NO! HEARING Scheduled!! to be HELD ON the DATE "MARCH 30, 2012"; and WELL as the attach said Lower Court's CASE HISTORY SHEET SHOWS there ALSO was NO! HEARING NEVER! SCHEDULED to be HELD on the alleged DATE, NOVEMBER 1, 2012;² AS WELL AS THE SAID COURT REPORTER NEVER!! Could PRODUCE to Appellants NO! ALLEGED TRANSCRIPT – OF an ALLEGED HEARING THAT WAS NEVER! HELD ON THE date NOVEMBER 1, 2012; as to WHY neither! APPELLANTS NEVER APPEARED at any such Scheduled!! HEARINGS; and why this Appeals Case Law "Belue v. Belue" HAS NO! MERIT! in this said CASE MATTER *(See Exhibits E)

2. In this said Supreme Court CLERK's attach Letter dated "February 27, 2013", wrote in its First Paragraph that, it "...CONTACTED the Court Reporter, Ms. Robin Reibold, about WHAT TRANSCRIPT are Available in this Matter. She ADVISES that TWO HEARINGS were CONVENED in this Matter, ONE on MARCH 30, 2012, and ONE on NOVEMBER 1, 2012. As to the HEARING Scheduled for MARCH 2012; the Court Reporter INDICATES that, While the RESPONDENT APPEARED through Counsel, NEITHER of YOU APPEARED. As a RESULT! NOTHING!! was Apparently! PUT! ON! RECORD! for that! HEARING. THEREFORE, NO! TRANSCRIPT!! IS! AVAILABLE! for that! DATE." -

2a): By the attached COPY of the said Lower Trial Court's own! Case History Sheet/or DOCKET SHEET, and now! the sudden! PRODUCED COPY of an!! alleged! HEARING TRANSCRIPT – dated MARCH 30, 2012, and! this said own! Supreme Court's APPEALS LETTER dated "February 27, 2013" – which ADMITS on MARCH 30, 2012 "...THEREFORE, NO! TRANSCRIPT is AVAILABLE for that! DATE", makes its Obvious, that any! of the said Lower Trial Court presiding JUDGE STRICKLAND's provided UNSCHEDULED! sudden found INFORMATION are Untrustworthy, and/or is an intentional

¹ See attach Exhibits A,B,C,D.

² Which the attach lower trial court's own attached COPY of its TRANSCRIPT dated MARCH 30, 2012, also! supports that the said Lower Trial Court and/or its said COURT REPORTER Ms. Robin Reibold was UNTRUTHFUL EVEN!! to this said Supreme Court of APPEALS, as to have made UNTRUTHFUL CLAIMS that "**There, NO! TRANSCRIPT! IS! AVAILABLE for! that DATE.**" – "**MARCH 30, 2012**". Therefore, shows the said CLAIMS by the said TRIAL COURT and its Staff – are Unreliable...also! made to this said Appeals Court's CLERK, as of February 27, 2012.

UNTRUTHFUL/or FRAUD Documents/or another! continued! Great! Erred! written Statements that were provided fraudulently AFTER THE FACTS.

3. This said Appeals Court on the Date "February 27, 2013" also requested for these Appellants (Freeman and Kennedy) to "...PLEASE ADVISE this Court **of the DATE** * which you RECEIVED the TRANSCRIPT of the NOVEMBER 1, 2012, HEARING..."; Whereas of today's date March 11, 2013, NO! lower court's REPORTER, Never produced ANY TRANSCRIPT of any alleged HEARING allegedly HELD on the DATE "NOVEMBER 1, 2012". In Facts, Appellants provided (AS THEIR ATTACHMENTS) in their earlier filed pleadings to this said Appeals Court on the said Date "February 11, 2013" the EMAIL Communications EMAILED, stating that THERE WAS NO! HEARING held on the DATE NOVEMBER 1, 2012, **as to, again!** WHY neither said Appellants could NEVER APPEAR for alleged HEARINGS that were never Scheduled ON the said LOWER TRIAL COURT RECORDS to ever! been heard on neither alleged date MARCH 30, 2012 nor on the alleged DATE "NOVEMBER 1, 2012". Which shows this said Appeals Court provided Code of Law Belue v. Belue has NO MERITS in this said case matter, involving these said Appellants, Freeman and Kennedy.

Whereas, the said Lower Trial Court's *Court Reporter, "Ms. Robin Reibold" appears to be attempting to either COVER UP for the State Court Judge Strickland, whom both Appellants ALWAYS made claims as to the said MASTER OF EQUITY JUDGE, Strickland, was always KNOWN and admitted as to his PERSONAL and Active INTEREST involving both said Appellants' said Cashier Checks – written named PAYEE/CCG – which Appellants' COMPLAINT of "INTENTIONAL THEFT" by the Respondent Bank of America – (who DURING the PROPER TIME PERIOD – NO LONGER/nor NEVER PRODUCED that Appellants' PAYEE/CCG EVER HAD ANY BANK ACCOUNT with Bank of America – during the Relevant Time period. As indeed, RECORDS produced always shows that the RESPONDANT Bank of American – always ADMITTED as to its personal participation as to RETURNING OTHER CCG Participants their said MONIES AND PROPERTIES due to the said CCG NEVER Received *also the Other said CCG Constituents said Cashier Checks.

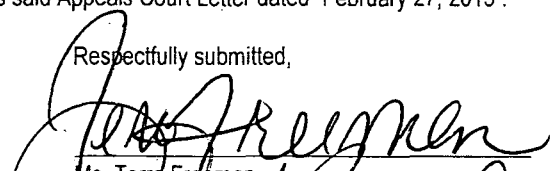
As, well as, Both said Appellants indeed TIMELY FILED (within the alleged 3 years period-in which the Respondent – NOTIFIED the *said CCG's Constituents, by RETURNING their said MONIES and PROPERTIES (through! the STATE! DEPARTMENT OF REVENUE) not! UNTIL in the YEAR 2011, in the MONTH of AUGUST, which all this *information were always written in responsive pleadings filed within the said Lower Trial Court, but! were intentionally IGNORED by the said lower trial Court Judge Strickland – who ADMITS in the attached MARCH 30, 2012 TRANSCRIPT on page 5, as to Judge Joseph Strickland ALWAYS KNOWN personal alleged Unsupported Facts, regarding Appellants alleged said PAYEE/CCG, which indeed the said Appellants are the ONLY HOLDERS *who can/and has made TIMELY CLAIMS to their said MONIES and or Property rights to claims, which Appellants always COMPLAINT wrote that - "Conspiracy, Fraud, and INTENTIONAL THEFT! of MONEY FUNDS and said ACTS are AGAINST Uniform Commercial Code 3 & 4 &...UCC 3 - § 3-104(g) & UCC 3 § 3-405".

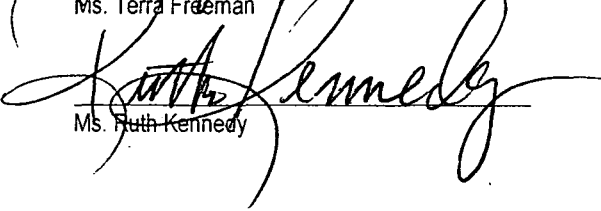
AS WELL AS on page 2, of the said MARCH 30, 2012 TRANSCRIPT, located on the 5th Sentence, acknowledged that Judge Strickland always known of Appellants filed for his "DISQUALIFICATION", but, as you can see by the attached copy of the said alleged! TRANSCRIPT dated MARCH 30, 2012 on page 2, and Appellants provided NOTICE OF APPEALS – attached Exhibits of the said lower trial court's "ORDER DENYING PLAINTIFFS MOTION TO VACATE" dated November 2, 2012, and the said lower trial court's "ORDER DISMISSING CASE WITH PREJUDICE" stamp dated "APRIL 12, 2012" NEVER, addressed any RULINGS regarding the said lower trial court's FILED MOTION for Judge Strickland's DISQUALIFICATION.

Pray that this above information is satisfactory so to assist this said Appeals Court Letter dated "February 27, 2013".

March 11, 2013/Edited 3-12-2013

Respectfully submitted,


Ms. Terra Freeman


Ms. Ruth Kennedy

cc: Jody A. Bendenbaugh, Esquire and any other Proper Associate(s)
NELSON, MULLINS, RILEY & SCARBOROUGH, LLP
1320 Main Street, 17th Floor
Columbia, South Carolina 29201
Attorney for Respondent Bank of America

FREEMAN AND KENNEDY'S EXHIBITS 6

Exh. A



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT
BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11336
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

February 27, 2013

Ms. Ruth Kennedy
263 Blythe Creek Drive
Blythewood SC 29016

Ms. Terra K Freeman
112 Vineyards Crossing Court
Columbia SC 29229

Re: Terra K. Freeman v. Bank of America
Appellate Case No. 2012-213516

Dear Ms. Kennedy and Ms. Freeman:

In response to your letter dated February 11, 2013, I have contacted the court reporter, Ms. Robin Reibold, about what transcripts are available in this matter. She advises that two hearings were convened in this matter, one on March 30, 2012, and one on November 1, 2012.

As to the hearing scheduled for March 2012, the court reporter indicates that, while the respondent appeared through counsel, neither of you appeared. As a result, nothing was apparently put on the record for that hearing. Therefore, no transcript is available for that date.

As to the November 2012, hearing, the court reporter indicates that respondent appeared through counsel, but that neither of you appeared. The court reporter indicates that the transcript of this hearing has been mailed to you.

Exh. B

I ask that you please advise this Court of the date on which you received the transcript of the November 1, 2012, hearing. This date should be provided within ten (10) days of the date of this letter.

Further, it appears that the only transcript that is available in this matter is the hearing of November 1, 2012, and that transcript has been mailed to you. Therefore, the initial brief and designation of matter by the appellants will need to be served and filed within thirty days of the date of this letter or within thirty days of your receipt of the transcript of the November 1, 2012, hearing, whichever is later.

Finally, I ask that you confirm if the court reporter is correct that neither appellant appeared at either hearing. Further, if this is indeed the case, then I ask that you please explain why you have any right to appeal the orders issued in this matter. *Belue v. Belue*, 276 S.C. 120, 276 S.E.2d 295 (1981). This additional information and explanation should be provided within ten (10) days of the date of this letter.

Very truly yours,



CLERK

cc: Jody Alan Bedenbaugh, Esquire
Erik Tison Norton, Esquire

Exh.C

Richland County Common Pleas
CASE HISTORY FOR CASE 2011CP4008913

Terra K Freeman , plaintiff, et al vs Bank Of America , defendant, et al

FILED DATE: 12/30/2011

CASE TYPE: CP/Relief 820

STATUS: Appeal

JUDGE:

CASE PARTIES:

Plaintiff Freeman, Terra K

Defendant Bank Of America

Defendant Graham, Missy

Defendant Bariell, Jane

Plaintiff Kennedy, Ruth

Defendant Attorney Bedenbaugh, Jody Alan

PO Box 11070, Columbia, SC 29211

Plaintiff Pro Se Freeman, Terra-K

112 Vineyards Crossing Ct., Columbia, SC 29229

Plaintiff Pro Se Kennedy, Ruth

263 Blythe Creek Drive, Blythewood, SC 29016

CASE HISTORY FOR CASE 2011CP4008913

Freeman, Terra K

Age: Unknown
DL#:

DOB: Unknown
SSN: 000-00-0000

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
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Total:

Print Date: 01/02/2013
Print Time: 1:09:55PM
Requested By: COCTRIBBLE

CaseHistory.rpt V6.1

Page 1 of 2

EXH. D

CASE HISTORY FOR CASE 2011CP4008913

DATE	TIME	EVENT DESCRIPTION
12/30/2011	4:21 PM	Filing recorded: Summons & Complaint
1/10/2012	9:42 AM	Filing recorded: Verification: Verified
2/6/2012	3:53 PM	Motion/Motion Filing Fee
3/12/2012	12:36 PM	Motion/Motion Filing Fee
3/12/2012	2:57 PM	Filing recorded: Response to Bank of America's NA 's Motion To Dismiss or, In
3/12/2012	12:00 AM	COCMORENO recorded the following Case Note: Response to Bank of America's NA 's Motion To Dismiss or, In The More Definite Statement: Certificate of Service
3/15/2012	12:00 AM	COCMORENO recorded the following Case Note: <u>Notice of Hearing on March 30, 2012</u> . Certificate of Service
3/27/2012	12:10 PM	Motion For Continuance
3/28/2012	2:36 PM	Motion/Motion Filing Fee
3/28/2012	2:36 PM	Motion/Motion Filing Fee
4/12/2012	4:16 PM	<u>Order Dismissing Case with Prejudice/Judge Strickland</u>
5/29/2012	4:48 PM	Motion/Motion Filing Fee
5/29/2012	10:37 AM	Motion to Vacate/or Alter and/or Amend or Alternative Motion
5/30/2012	12:00 AM	COCMORENO recorded the following Case Note: Motion to Vacate/or Alter and/or Amend or Alternative Motion For Relief From Order Judge Joseph M. Strickland's Order Dismissing Case With Prejudice
10/2/2012	12:16 PM	Filing recorded: <u>Notice of Hearing on November 1, 2012</u>
10/3/2012	12:00 AM	COCMORENO recorded the following Case Note: Certificate of Service
10/18/2012	10:56 AM	Summons and Order of Appointment/Judge Strickland
10/24/2012	3:04 PM	Filing recorded: Response to Hearing Notice
10/31/2012	10:17 AM	Filing recorded: Response to None Proper Delivered Alleged Summons
11/5/2012	9:21 AM	<u>Order Denying Plaintiffs' Motion to Vacate/Judge Strickland</u>
11/6/2012	9:49 AM	Filing recorded: Verification: Verified
12/5/2012	9:51 AM	Filing recorded: Notice of Appeal
12/26/2012	9:52 AM	Filing recorded: Certificate Of Service: Proof of Service

Print Date: 01/02/2013
Print Time: 1:09:56PM
Requested By: COCTRIBBLE

CaseHistory.rpt V6.1

Page 2 of 2

EXH. E

The Supreme Court of South Carolina
Theodore Edith, Petitioner,
v.
State of South Carolina, Respondent.

ORDER

By order dated October 31, 2005, the circuit court issued a conditional order of dismissal in this post-conviction relief (PCR) case. This order gave petitioner twenty days to show cause why the conditional order should not become final. Petitioner did not file a reply to the conditional order of dismissal, and the circuit court issued a final order of dismissal on March 6, 2006. Petitioner has now served and filed a notice of appeal from this last order.

S.C. Code Ann. § 17-27-70 (b) (2003) provides for conditional orders of dismissal in PCR actions. It states:

When a court is satisfied, on the basis of the application, the answer or motion, and the record, that the applicant is not entitled to post conviction relief and no purpose would be served by any further proceedings, it may indicate to the parties its intention to dismiss the application and its reasons for so doing. The applicant shall be given an opportunity to reply to the proposed dismissal. In light of the reply, or on default thereof, the court may order the application dismissed or grant leave to file an amended application or direct that the proceedings otherwise continue. Disposition on the pleadings and record is not proper if there exists a material issue of fact.

This Court has previously held that the issuance of a default judgment based on the failure of a party to file a response pleading or to appear is not appealable. Cf. *Belue v. Belue*, 276 S.C. 120, 276 S.E.2d 295 (1981) (default judgment based on failure to appear); *Duncan v. Duncan*, 93 S.C. 487, 76 S.E. 1099 (1913) (default judgment based on failure to file response pleading); *Gadsden v. Home Fertilizer & Chemical Co.*, 89 S.C. 483, 72 S.E. 15 (1911) (same); *Gillian v. Gillian*, 65 S.C. 129, 43 S.E. 386 (1903) (same); *Washington v. Hesse*, 56 S.C. 28, 33 S.E. 787 (1899) (same); *Odom v. Burch*, 52 S.C. 305, 29 S.E. 726 (1898) (same). We see no reason why this same rule should not be equally applicable to a PCR applicant who fails to avail himself of the opportunity to reply to a conditional order of dismissal and, as a result of this default, a final order of dismissal is issued.

Accordingly, the notice of appeal in this matter is dismissed. The remittitur will be sent as provided by Rule 221, SCACR.

s/Jean H. Toal C.J.

s/James E. Moore J.

s/John H. Waller, Jr. J.

s/E. C. Burnett, III J.

s/Costa M. Pleicones J.

Columbia, South Carolina
May 24, 2006

EXH. F

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) CASE #: 2011-CP-40-8913

Terra Freeman and Ruth Kennedy,)
)
Plaintiffs,)
)
v.)
Bank of America, c/o Missy)
Graham, Office Asst. Manager,)
and Jane Barfell, Personal)
Banker,)
)
Defendants.)

COPY

HEARING

Friday, March 30, 2012
11:26 a.m. to 11:34 a.m.

The hearing before the Honorable Joseph M. Strickland, Master in Equity for Richland County, was taken in Courtroom 2D of the Richland County Judicial Center, 1701 Main Street, Columbia, South Carolina, on the 30th day of March, 2012, before Robin K. Reibold, Court Reporter and Notary Public in and for the State of South Carolina.

APPEARANCES:

Jody A. Bedenbaugh, Esquire
Nelson, Mullins, Riley & Scarborough, LLP
1320 Main Street, 17th Floor
Columbia, South Carolina 29201
Attorney for the Defendant Bank of America, NA

Official Court Reporter
Master in Equity, Richland County
1701 Main Street - Post Office Box 192 (29202)
Columbia, South Carolina 29201

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF RICHLAND) CASE #: 2011-CP-40-8913

Terra Freeman and Ruth Kennedy,)
)
Plaintiffs,)
v.)
Bank of America, c/o Missy)
Graham, Office Asst. Manager,)
and Jane Barfell, Personal)
Banker,)
)
Defendants.)

COPY

HEARING

Friday, March 30, 2012
11:26 a.m. to 11:34 a.m.

The hearing before the Honorable Joseph M. Strickland, Master in Equity for Richland County, was taken in Courtroom 2D of the Richland County Judicial Center, 1701 Main Street, Columbia, South Carolina, on the 30th day of March, 2012, before Robin K. Reibold, Court Reporter and Notary Public in and for the State of South Carolina.

APPEARANCES:

Jody A. Bedenbaugh, Esquire
Nelson, Mullins, Riley & Scarborough, LLP
1320 Main Street, 17th Floor
Columbia, South Carolina 29201
Attorney for the Defendant Bank of America, NA

Official Court Reporter
Master in Equity, Richland County
1701 Main Street - Post Office Box 192 (29202)
Columbia, South Carolina 29201

1 **THE COURT:** All right. This is Civil Action Number 2011-
2 CP-40-89123, Terra Freeman and others versus Bank of
3 America and others. Mr. Bedenbaugh, the matter
4 before the Court is a motion hearing from your
5 client, moving to dismiss this case. The plaintiffs
6 also filed a Motion for a Change of Venue. They've
7 asked for me to be disqualified from the case, and
8 they also want a continuance. Of course, you know
9 me as the Master in Equity for Richland County.
10 Today I'm sitting as Special Circuit Court Judge
11 pursuant to a standing order of Chief Justice Toal.
12 Mr. Bedenbaugh, you may proceed. It's your motion,
13 and we've waited 30 minutes for somebody from the
14 plaintiffs' side to show up, and no one has shown
15 up. And we're going to hear from you, and I'll make
16 a decision about a ruling today or rescheduling
17 this.

18 **MR. BEDENBAUGH:** I'll start out briefly with the background
19 of the ... I don't know if Your Honor had a chance
20 to look at the Complaint, but it is almost
21 incomprehensible, with random references to
22 nonsensical statutes, etcetera. It appears to
23 relate to the Three Hebrew Boys' Ponzi scheme that
24 was in the news a few years ago. Unfortunately,
25 this type of complaint is a trend. I'm handling

1 three cases for Bank of America with the same
2 allegations. I know of two others against the bank
3 in South Carolina. And my understanding is they've
4 been sued like this in other states as well. The
5 gist of the Complaint appears to be that cashier's
6 checks were made out to Capital Consortium Group,
7 which was an entity used by Three Hebrew Boys. And
8 Bank of America in this case allowed that to be
9 deposited into the Capital Consortium Group account,
10 with the endorsement of Capital Consortium Group.
11 We moved to dismiss on essentially four grounds:
12 one, it doesn't meet the minimum pleading standards,
13 even giving them all benefit in the world as pro se;
14 two, cashier's checks, under the UCC, the bank that
15 they're drawn on, and in these cases it's Wachovia,
16 draw ... Wachovia is the drawer and the drawee of a
17 cashier's check, and the payee is Capital Consortium
18 Group. Those are the only people who have rights to
19 that check. The remitter, which would be the
20 plaintiffs, don't have any standing to sue for a
21 fraudulent endorsement or improper signature on the
22 check. Secondly, these checks reached the intended
23 payee. They were made payable to Capital Consortium
24 Group and they were deposited into an account of
25 Capital Consortium Group. Under that scenario there

Official Court Reporter

Master in Equity, Richland County

1701 Main Street - Post Office Box 192 (29202)

Columbia, South Carolina 29201

1 is no liability for a wrongful endorsement. Even if
2 it is wrong, it got to where it was made payable,
3 so. The other argument is the statute of
4 limitations. The checks attached to the complaint
5 were dated March 2007 and February 2008. The action
6 was brought at the end of 2011, outside the three-
7 year statute of limitations. So those are the
8 substantive grounds. It appears, in reading through
9 the materials, they are seeking wrongs ... seeking
10 relief for wrongs by Capital Consortium Group, but
11 they are not alleging anything that Capital
12 Consortium Group did wrong; they're suing financial
13 institutions who apparently have accounts for
14 Capital Consortium Group. As Your Honor may know,
15 Mr. Beattie Ashmore was appointed receiver for all
16 Three Hebrew Boys entities. It's our belief that if
17 they have a claim against the Three Hebrew Boy
18 entities, then it should be through that
19 receivership pending in district court. So, in a
20 nutshell, that's it. We do suspect that there is a
21 non-lawyer who is behind all of these. She has not,
22 that particular person has not signed anything in
23 the action before this Court today, so that issue's
24 not before the Court. But I just wanted to raise
25 that.

1 THE COURT: What's the name of the person?

2 MR. BEDENBAUGH: It's Rowser Thedford Bey (sic).

3 THE COURT: B-E-Y?

4 MR. BEDENBAUGH: B-E-Y, that's correct.

5 THE COURT: The reason I ask, there was ... the Three
6 Hebrew Boys did have a lawyer named Shakima Bey, who
7 actually was prosecuted for unauthorized practice of
8 law, and was actually incarcerated if I recall the
9 facts. And there are all kinds of stories.
10 Apparently he had gone so far as to obtain
11 membership in the American Bar Association, and that
12 convinced some people that he was a legitimate
13 attorney. I don't think he is or was. But, yeah,
14 that's speculation at this point, we don't know. I
15 was hoping we could, you know, somebody would show
16 up from the plaintiffs' side. They want a change of
17 venue to Charleston County, which is odd because
18 they could have sued your client in Charleston
19 County to start with. Do you know anything about
20 that, or?

21 MR. BEDENBAUGH: Judge, both the plaintiffs, and I have to
22 assume that they knew they're part of this lawsuit,
23 have Columbia addresses on the complaint. So, I
24 mean, you know, not only do they not show that it
25 would be more convenient to be in Charleston, I'm

1 not sure that Charleston is a proper venue in the
2 first instance given that Bank of America did its
3 business here in Richland County and they're both in
4 Richland County.

5 **THE COURT:** Now, one of the things your client asked for
6 is dismissal with prejudice. Can you explain that
7 to me?

8 **MR. BEDENBAUGH:** Judge, essentially dismissal was appropriate
9 with prejudice when an amendment would be futile.
10 And, you know, aside from the craziness of the
11 language used, the substance of the allegations are
12 futile because not only are the checks old, but the
13 remitters would not have any standing to sue. And
14 even if they did, apparently, according to the
15 checks that were attached to the Complaint, they
16 were endorsed and deposited into the account where
17 they were made payable. So just substantively, I
18 think it would be futile even if we let them amend
19 it. Based on my experiences in the other cases, I
20 don't think if given the opportunity to amend we're
21 going to see anything different because it's just
22 been a delusion of these nonsensical pleadings.

23 **THE COURT:** All right. Mr. Bedenbaugh, your motion's
24 granted. If you'll submit an order.

25 **MR. BEDENBAUGH:** Your Honor, I have a Form 4 and proposed

1 order that have the same arguments that I just
2 summarized.

3 **THE COURT:** Okay.

4 **MR. BEDENBAUGH:** If I may pass it up?

5 **THE COURT:** Yes. I'm going to have to read it, but I'm
6 not going to sign it today. You might hear from me
7 in a week or so.

8 **MR. BEDENBAUGH:** There's the original and a copy.

9 **THE COURT:** Okay, thank you.

10 **MR. BEDENBAUGH:** Thank you, Your Honor.

11 (There being nothing further, the hearing was concluded at
12 11:34 a.m.)

7
Official Court Reporter

Master in Equity, Richland County

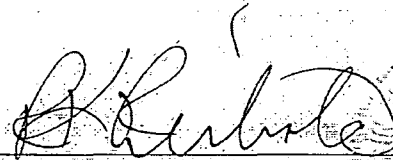
1701 Main Street - Post Office Box 192 (29202)

Columbia, South Carolina 29201

CERTIFICATE

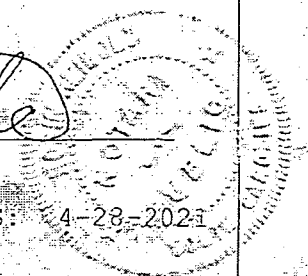
I certify that the foregoing transcript, consisting of 7 pages, is a true, accurate and complete transcript of the hearing taken before me, Robin K. Reibold, the undersigned Court Reporter. This hearing was held without a jury before The Honorable Joseph M. Strickland, Master in Equity for Richland County, on March 30, 2012, in the within-captioned case.

Said hearing was reported using the method of Stenomask with backup and was transcribed by me.



January 31, 2013

ROBIN K. REIBOLD
MY COMMISSION EXPIRES: 4-28-2021



Official Court Reporter
Master in Equity, Richland County
1701 Main Street - Post Office Box 192 (29202)
Columbia, South Carolina 29201

=====
SANDHILLS STATION
1805 CLEMSON BLVD
COLUMBIA, SC 29229-9998

03/11/2013 06:48:55 PM
=====

Sales Receipt
Product Sale Unit Final
Description Qty Price Price

COLUMBIA, SC 29201 \$1.32
Zone-0 First-Class Mail®
Large Envelope
0 lb. 2.20 oz.
* Expected delivery Wednesday, March
13.
Certified Mail™ \$3.10
Return Receipt (U.S. Mail) \$2.55
%% Label #: See Attached Form

Issue Postage: \$6.97

Total: \$6.97

Paid by:
DebitCard \$6.97
Account #: XXXXXXXXXXXXX3015
Approval #: 520566
Transaction #: 079
23-901980037-99
Receipt #: 091228

APC Transaction #: 106
USPS® #: 451812-9550

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sales receipt and the customer copy
from the affixed form shall be
required.

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