

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Perry H. Gravely
The Honorable Robin B. Stilwell
Circuit Court Judges

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Sep 23 2020

SC Court of Appeals

Appellate Case No. 2019-01565
Circuit Court Case No. 2017-CP-23-8016

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

v.

Michelle Hodges, Individually; Michelle Hodges, as Personal
Representative of the Estate of Ruth Ladson Witherspoon; Stanley
Witherspoon; SC Housing Corp.; Twin Creeks Homeowners
Association, Inc.,..... Defendants.

of whom

Michelle Hodges, Individually and as the Personal Representative
of the Estate of Ruth Ladson Witherspoon is the..... Appellant.

WELLS FARGO’S OPPOSITION TO APPELLANT’S MOTION FOR LEAVE TO AMEND

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Columbia, South Carolina
September 23, 2020

Wells Fargo respectfully opposes Ms. Hodges' latest motion due to her habitual, abusive failure to follow the Court's Rules and undue, apparently intentional, delay of the appellate process. Ms. Hodges' filed an untimely designation of matter on June 24, 2020, and now, almost three months later, seeks to amend her designation of matter and continue to prolong this litigation. Due to the untimeliness and series of motions and deficiency letters, this Court should dismiss Ms. Hodges' latest filing and allow the appeal to proceed.

This appeal involves a mortgage foreclosure case in which the circuit court granted Wells Fargo summary judgment on Ms. Hodges's counterclaims asserted in her sixth amended pleading. (Order on Appeal (Aug. 7, 2019).) Once she commenced her appeal, Ms. Hodges has been a serial filer of frivolous documents and other materials that do not comply with the Appellate Court Rules and that appear designed to do little more than indefinitely delay this matter from ever reaching a conclusion. The C-Track docket for this straightforward appeal presently contains nearly forty entries that chronicle a constant refusal by Ms. Hodges to follow the Court's rules or to abide by its frequent deficiency letters. The instant motion is no exception.

On November 21, 2019, this Court advised Ms. Hodges that her initial brief failed to include a designation of matter, and it granted her ten days to correct the deficiency or her appeal would be dismissed. *See* Rule 208(a)(4), SCACR (noting failure to serve and file an initial brief and designation of matter results in dismissal of the appeal).

On November 27, 2019, this Court notified both parties that this appeal would be held in abeyance as a result of Ms. Hodges' Chapter 13 Bankruptcy, which was ultimately dismissed. After dismissal of her bankruptcy matter, this Court again notified Ms. Hodges that the deficiencies regarding her failure to timely file the designation of matter remain unresolved. It provided that notice via letter dated June 8, 2020, and the Court again gave Ms. Hodges ten days to correct those

deficiencies. She missed that deadline. On June 24, 2020, Ms. Hodges untimely filed her designation of matter along with at least three additional motions.

Ms. Hodges has since continued to pepper this Court and the circuit court with additional filings that are, apparently, designed to disrupt the progress of the proceedings. Despite the pendency of the appeal, Ms. Hodges began filing a series of documents in the circuit court surrounding the issues on appeal. In particular, on July 24, 2020, Ms. Hodges filed a document entitled “Notice and Motion for Order to Show Cause Re: Setting Aside of Judgment Date 8/7/2019 Relief Requested [sic].” On July 29, 2020, Ms. Hodges filed a document entitled “Notice of Filing of Motion for Leave to File a Rule 60 Motion in the Lower Court.” Critically, the circuit court summarily denied Ms. Hodges’ attempt to revisit issues below and **prohibited her from making any more filings at the trial level.** A copy of that order is attached.

To date, Ms. Hodges’ filings with the Court have resembled a tennis match in which Ms. Hodges serves an incomplete document, the Court returns a deficiency letter, and Ms. Hodges serves up another incomplete document. Filings briefly discussed above are only a small sampling of Ms. Hodges’ submissions to the various courts, and her latest untimely filing on September 14, 2020, is no different.

Due to the latest untimely filing, and numerous motions and resulting deficiency letters, Wells Fargo respectfully requests the Court deny Ms. Hodges’ motion and, respectfully, dismiss this appeal for failure to comply with the Appellate Court Rules and the numerous deficiency letters and warnings that the Court has previously provided to her.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, the undersigned employee of the law offices of Womble Bond Dickinson (US) LLP, attorneys for Wells Fargo Bank, NA, do hereby certify that I have served the parties identified below with a copy of the pleading(s) specified below by United States mail, postage prepaid, at the address(es) identified below:

Pleading(s): Wells Fargo's Opposition to Appellant's Motion for Leave to Amend

Parties Served: Michelle Hodges
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By: Deborah Jout

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