

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

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SC Court of Appeals

Court of Appeals No. 2019-000486

Florence Common Pleas No. 2018-CP-21-03238

Nationstar Mortgage LLC..... Plaintiff,

v.

Barbara A. Gibbs, Melvin E. Gibbs, and
Westbrook Phase IV Homeowners Association Defendants,

Of whom Barbara A. Gibbs and Melvin E. Gibbs are the Appellants,

v.

Nationstar Mortgage LLC..... Respondent.

OBJECTION TO APPELLANTS' MOTION TO TAKE NOTICE

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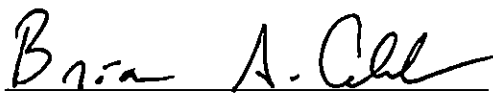
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Attorneys for Respondent Nationstar Mortgage LLC

Respondent Nationstar Mortgage LLC and its counsel hereby object to Appellants' Motion to Take Notice-Alternatively for Removal ("Motion"). Under the South Carolina Rules of Appellate Procedure, there is no mechanism to have the pending appeal "removed" to the South Carolina Supreme Court. Appellants fail to cite to any controlling or binding authority permitting any form of "removal" of a pending appeal. Indeed, the South Carolina Rules of Appellate Procedure contemplate adjudication of this appeal by the South Carolina Court of Appeals by stating the following: "The Supreme Court will not entertain matters in its original jurisdiction when the matter *can be determined in a lower court, in the first instance*, without material prejudice to the rights of the parties." Rule 245(a), SCACR (emphasis added).

WHEREFORE, Nationstar and its counsel respectfully request that the Court deny Appellants' Motion and dismiss this appeal with prejudice for the reasons stated in Nationstar's Motion to Dismiss Appeal and Supplemental Brief.

Respectfully submitted on this 2d day of November 2020.



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CERTIFICATE OF SERVICE

The undersigned certifies that Respondent Nationstar Mortgage LLC's *Objection to Appellant's Motion to Take Notice* was served on the parties to this action by depositing a copy thereof in the United States Mail, first class, postage prepaid, on November 2, 2020, to the following:

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November 2, 2020

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Jenny Abbott Kitchings
Clerk of Court
Court of Appeals
1220 Senate Street
Columbia, SC 29201

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RE: Court of Appeals No. 2019-000486
Gibbs v. Nationstar Mortgage LLC

Dear Clerk:

Enclosed for filing are an original and six copies of the *Objection to Appellants' Motion to Take Notice* on behalf of Respondent Nationstar Mortgage LLC. Also enclosed is a self-addressed, stamped envelope for returning a file-stamped copy to our office.

Thank you. If you have any questions, please contact our office.

Sincerely,

McGuireWoods LLP



Brian A. Calub

BAC/cjs
Enclosures

cc: M. Eugene Gibbs
Barbara Gibbs

