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AUG 31 2021

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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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

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Appellate Case No. 2018-002185

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Molly M. Morphew, Appellant,

v.

Stephen Dudek, Doreen Cross, David Collins, Allison Williams, First  
Federal, Michael Scarafilo, Susan Nicholson, Carolina One Real Estate,  
Carrie Boyer, Woody Law Firm, Respondents

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APPELLANT'S 59(e) MOTION TO RECONSIDER AND AMEND ORDER

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Molly M. Morphew, pro se  
121 Sterling Rd.  
Rincon, GA  
(843) 514-7299

Appellant Molly Morhew (herein “Appellant”), respectfully submits this notice of motion and motion to amend the Order of this Court to *address, or unambiguously adjudicate, each matter or item raised in its motion* as specifically requested in its motion. (Ex. A, Appellant’s Motion to Compel Compliance, June 24, 2021, exhibits removed) (Ex. B, Respondents Designation). Its motion further requests a stay of this appeal, including the service of the Record, until these matters [critical to the appeal, compliance of this Court’s rules, and the content of the Record] have been clearly *and unambiguously* adjudicated.

On May 27, 2021, this Court ordered Respondents to deliver to Appellant matter Appellant had no possession or could not locate. After receiving and validating<sup>1</sup> each Respondents’ matter designated to be included in the Record on Appeal, Appellant discovered that a substantial portion of that matter was, including but not limited to, not presented for consideration to the lower court during its review of Respondents’ motions and its decision of those issues now on appeal; matter presented for the first time on appeal; matter that raises issues not on appeal; matter that does not match what is in the lower court record or reviewed by the lower court in its’ decision; matter before the court (i.e., matter signed and submitted by a represented party and never remedied by its’ attorney).

Appellant submitted a motion to this Court asking that each litigant to comply with this Court’s rules and submit or limit their Designation pursuant those rules so Appellant compile and *certify* a compliant Record on Appeal. Appellant detailed each matter and the issues it found. None of the Respondents contended the Appellant’s motion or the issues it raised, therefore agreement. This Court failed to address any of the issues or matter as specifically asked for in its motion nor did it disagree with Appellant or the issues it raised.

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<sup>1</sup> Appellant has received over 1000 pages of matter which the majority of, if not all, is not in the lower court record in this case.

On August 16, 2021, this Court issued an Order simply stating, “*Appellant’s motion to compel compliance is denied. Appellant shall serve a record on appeal that complies with prior orders<sup>2</sup> of this court and the South Carolina Appellate Court Rules within thirty days of the date of this order. Failure to comply may result in the dismissal of this appeal.*” (Ex. B, Order, August 16, 2021)

The Order denies Appellant’s request for compliance and orders Appellant to serve an [uncompliant] Record. This Court failed or refuses to address *any* of the issues or matter raised by Appellant, including but not limited to, matter not on appeal, court rule violations, documents not found in the lower court record in this case and the severe prejudice to Appellant, pro se. Further, the Order contained no rules, case law or reasoning to their edict ordering Appellant to commit, with all due respect, an unlawful act; specifically, ordering Appellant to compile *and certify* a Record in which it, the Respondents and this Court *knowingly* contains documents, or pages of those documents, not presented to the lower court in its review of the specific issue or motion on appeal, not in the lower court record or before the court, and/or matter which does not match what was reviewed by the lower court, resulting in severe prejudice to Appellant, including but not limited to, Appellant’s intentional violation of Rule 210, and what could be considered a total disregard to this Court’s processes and a disruption of this Court’s ability to perform its function’. (Ex. C, Order Aug. 16, 2021). Appellant can compile the record as ordered but cannot certify it pursuant Rule 210, SCACR as all parties, including this Court, have express notice of non-

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<sup>2</sup> Appellant found only one (1) prior order regarding this issue, not ‘orders’ as indicated. The prior order of this court issued May 27, 2021, ordered Respondents to provide Appellant with matter it designated that Appellant has no record of, that was ambiguous, etc. It also ordered Appellant to include these items in the record and serve it within 30 days of the date of the order. After receiving and verifying the Designation, Appellant found the issues as stated in its motion and as presented here.

compliance. Rule 209, Rule 210(c), and/or Rule 210(g), SCACR. A Record non-compliant or not certified cannot be served or submitted to this Court.

The Court of Appeals review lower court orders and judgments on the basis of a record limited to the materials in the record when the lower court made the decision under review. This limitation is “fundamental” because appellate courts “lack the means to authenticate documents: and must rely on the lower court’s designation of submitted documents as part of the record. Litigants who disregard this process impair [the courts’] ability to perform [their] appellate function. For this Court to order all designated matter to be included without any ability to authenticate the documents, and after receiving express notice of critical issues regarding Respondents’ Designation; when it received no contention or disagreement from the Respondents that the matter is irrelevant, non-compliant or not before or properly before the lower court<sup>3</sup>; and when it received no contention or disagreement from the Respondents that Appellant would be violating this Court’s rules, is a substantial abuse of discretion and process, and violates Appellant’s due process. U.S. Const. amend. XIV

Further, the Respondents have previously raised issue to the courts that Appellant has violated court rules, all which were unfounded, in an attempt to dismiss this case or a separate case in which one or more of the Respondents are litigants. Now they themselves are violating the rules, plus, along with this Court, attempt to force Appellant to commit an intentional and blatant violation of this Courts’ rules, or an unlawful act, which severely prejudices Appellant and sets Appellant up for imminent failure, including the possible dismissal of this case or waiver of its rights to appeal this matter.

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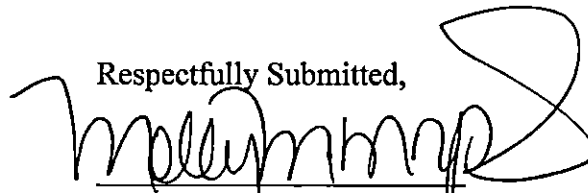
<sup>3</sup> Considering there was no return or contention from Respondents in this critical matter, Appellant’s motion should not have been denied.

Regardless, Appellant asks this Court to direct Respondents to amend their designations to correct any mislabeling or duplication errors as presented in Appellant's motion to prevent any ambiguity or misrepresentation.

Due the above and the severe prejudice to Appellant, Appellant respectfully asks this Court to reconsider and grant Appellant's motion for compliance, and to direct Respondents to amend their briefs and designations accordingly.

If this Court denies Appellant's motion, it asks this Court to address each matter raised in its motion, pursuant Rule 209(a), Rule 209(b), Rule 209(c) and Rule 210(c), and herein, in order to preserve the issues presented for appeal. Appellant respectfully asks a stay of service of the Record on Appeal until this motion is fully adjudicated pursuant this Court's rules and processes and without prejudice to Appellant.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Molly M. Morphew', with a large, stylized flourish extending to the right.

Molly M. Morphew, pro se  
121 Sterling Dr.  
Rincon, GA 31326  
843-514-7299

August 26, 2021

# Exhibit A

94351

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

JUN 24 2021

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

**SC Court of Appeals**

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

Appellate Case No. 2018-002185

Molly M. Morphew, Appellant,

v.

Stephen Dudek, Doreen Cross, David Collins, Allison Williams, First  
Federal, Michael Scarafilo, Susan Nicholson, Carolina One Real Estate,  
Carrie Boyer, Woody Law Firm, Respondents

APPELLANT'S MOTION TO COMPEL COMPLIANCE

Molly M. Morphew, pro se  
.121 Sterling Rd.  
Rincon, GA  
(843) 514-7299

Appellant Molly Morpew (herein "Appellant"), respectfully submits this notice of motion and motion to reverse all orders at issue on appeal due the question of severe prejudice, abuse of discretion and process, or a violation of Appellant's due process in the lower court proceedings.

All matter this Court ordered to be delivered to Appellant has been received and reviewed, resulting in this Appellant's motion. Appellant has received over 1000 pages of matter which the majority of, if not all, is not in the lower court record in this case. The Respondents certified all their matter has been presented to the lower court [for its review and decisions regarding the orders on appeal], but again, that matter has not been filed or is not in the lower court record. Consequently, it raises questions to what was *not* provided to Appellant in those proceedings, but to the lower court<sup>1</sup>; what the judges were considering that was not on the record when making their rulings; and the validity of those orders. Regardless, the contradiction of their certifications of their matter and what is actually in the lower court record raises grave doubt in regards to a full and fair opportunity to defend, due process and fairness to the Appellant in *any* of those proceedings, especially as a pro se litigant. Further, because Appellant has previously raised issue in this appeal as to the lower court's display of partiality in favor of the Respondents and discrimination towards Appellant in the lower court proceedings, there now is no doubt.

Notwithstanding the issue raised above, Appellant has found ambiguity, mislabeling, matter not presented to the lower court, matter to be excluded due to previous Respondent agreement, matter irrelevant to the appeal here or matter that does not exist, and addresses each matter below.

Due to the above, Appellant respectfully asks a stay of service of the Record on Appeal until this motion is fully adjudicated, including that all issues regarding the matter as presented in

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<sup>1</sup> Which is severe prejudice and a critical violation of her due process.

this motion are carefully reviewed and fully adjudicated pursuant this Court's rules and without prejudice to Appellant.

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Appellant filed a motion to amend all Respondents to this appeal's Designation to exclude certain matter and exclusion from the Record. Respondents Stephen Dudek, Doreen Cross, Michael Scarafie, Susan Nicholson, Carolina One Real Estate, Allison Williams, First Federal, Carrie Boyer and Wooddy Law Firm filed a joint motion to dismiss Appellant appeal, with an alternate to amend the Record on Appeal. In response, Appellant filed a motion to strike their motion and to compel the Respondents to comply with this Court's rules in regards to the matter included in the Record. This Court issued an Order denying both motions, but ordering certain matter to be provided to the Appellant<sup>2</sup>. Also included was a blanket order to Appellant to "include all matter designated."

After receiving the matter as ordered, Appellant has discovered many issues and presents them above and below, along with issues it previously addressed, such as matter not preserved for this Court's review, or matter inappropriate, irrelevant or non-existent. Appellant filed this motion.

In regards to *all* Respondents<sup>3</sup> designation of matter (orders, opinions, motions, briefs, complaints, etc. [herein "matter"]), Appellant addresses *each* to provide this Court the avenue for full adjudication of each matter, including the matter delivered recently to Appellant.

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<sup>2</sup> Regardless of matter not in the lower court record, matter not in her possession, non-existent matter or matter Appellant could not locate, or matter that was not identified in an appropriate manner which caused confusion and ambiguity.

<sup>3</sup> Respondent David Collins, pro se, did not respond to Appellants' Motion for Extension and Amendment of Respondents' Designation of Matter, Collins was not a participant in the Joint Motion to Dismiss and Collins was not called out in this Court's order, therefore cannot be provided relief since he did not object to amending his Designation nor was he before the court requesting relief. To provide relief when no response, objections, arguments or request for relief was presented or warranted is an abuse of discretion. Collins has not raised issue

("In reviewing a grant of summary judgment, the appellate court is limited to the evidence that was before the trial court and applies the same standard of review as did the trial court"). 5 Am.Jur.2d Appellate Review § 700 (1995)(in *Wells v. City of Lynchburg*, 501 SE 2d 746 - SC: Court of Appeals 1998)

SCACR Rule 209(a), "...shall also serve on all parties to the appeal a Designation of Matter to be Included in the Record on Appeal which *shall set forth with specificity those parts of the transcript, pleadings, orders, exhibits, or other materials which he proposes to include in the record on appeal.* (emphasis added)

SCACR Rule 209(b), "The Designation must clearly identify what the party desires to have included in the Record on Appeal, and the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [See Rule 210(c)]. A party shall not include any matter in his Designation which is not relevant to the appeal."

Rule 208(b)(4), SCACR, "The brief shall contain references to the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [see Rule 201(c)] to support the salient facts alleged. References shall also be made to where relevant objections and rulings occurred in the transcript. In the initial briefs, these references should be to the page and line number of the transcript prepared by the court reporter or by the page of the material to be referenced; e.g., Answer p. 7, Motion for Judgment p. 2, Transcript p. 231. Intelligible abbreviations may be used. After the Record on Appeal is prepared, these references shall be revised as provided by Rule 211(b)(1).

Rule 210(c), SCACR ("The Record *shall not . . . include matter which was not presented to the lower court or tribunal.*") (emphasis added)

Rule 210(h), SCACR (limiting appellate review to facts appearing in the Record on Appeal).

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or objected to the Record served. Collins now waives any right to object to amending his Designation as provided herein and pursuant SCACR Rule 208, 209 and 210.

**1. DESIGNATION OF MATTER OF RESPONDENTS STEPHEN DUDEK, DOREEN CROSS, MICHAEL SCARAFILE, SUSAN NICHOLSON AND CAROLINA ONE REAL ESTATE:**

**a) AS TO ITEMS 2, 3, 4, 5, 10, 11, 13, 17, 18, 19, 20, 21, 22, 24, AND 25**

Respondents filed a [joint] motion to dismiss appeal, and the Respondents have identified items included in their designations of matter but omitted from the record served. (Att. A)

Those items being: 2, 3, 4, 5, 10, 11, 13, 17, 18, 19, 20, 21, 22, 24, and 25 (Att. B, Ex. D).

#2, Order, June 14, 2017 Case No. 2013-CP-18-183

- Order not on appeal in this case;
- Matter was not presented to the lower court in this case, therefore cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- "New" matter in this case;
- Not an issue raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Respondents fail to argue or specifically argue or point to any specific part of that matter to support any issue Appellant has on appeal;
- Respondents certify this matter was presented and considered by the lower court but where the matter is not in the lower court record and/or not presented to Appellant in the lower court proceedings in regards to the motions/orders on appeal;
- Such presents a void order or critical prejudice and violation of substantive and procedural rights and due process towards Appellant;

- Matter not preserved for appellate review;
- Matter cannot be presented or considered to this Court.

#3. Order, May 17, 2017, Case No. 2013-CP-18-183

- Order not on appeal in this case;
- Matter was not presented to the lower court in this case, therefore cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- "New" matter in this case;
- Not an issue raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Respondents fail to argue or specifically argue or point to any specific part of that matter to support any issue Appellant has on appeal;
- Respondents certify this matter was presented and considered by the lower court but where the matter is not in the lower court record and/or not presented to Appellant in the lower court proceedings in regards to the motions/orders on appeal;
- Such presents a void order or critical prejudice and violation of substantive and procedural rights and due process towards Appellant;
- Matter not preserved for appellate review;
- Matter cannot be presented or considered to this Court.

#4. Opinion No. 2020-UP-151, Appellate Case No. 2017-1393

- Opinion not on appeal in this case;

- The matter was neither presented to the lower court, filed or presented as evidence at a hearing in this case. In fact, this matter was issued almost 2 years *after* the lower court hearing and any order on appeal in this case. Matter not presented to or considered by the lower court in this case cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- Matter was not presented to the lower court in this case, therefore cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- "New" matter in this case;
- Not an issue raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Respondents fail to argue or specifically argue or point to any specific part of that matter to support any issue Appellant has on appeal;
- Respondents certify this matter was presented and considered by the lower court but where the matter is not in the lower court record and/or not presented to Appellant in the lower court proceedings in regards to the motions/orders on appeal;
- Such presents a void order or critical prejudice and violation of substantive and procedural rights and due process towards Appellant;
- Matter not preserved for appellate review;
- Matter cannot be presented or considered to this Court.

#5, Order Denying Reconsideration, August 24, 2020; Appellate Case No. 2017-1393

- Order not on appeal in this case;
- Matter not presented to Appellant in this case in the lower court proceedings;
- The matter was neither presented to the lower court, filed or presented as evidence at a hearing in this case. In fact, this matter was issued almost 2 years after the lower court hearing and any order on appeal in this case. Matter not presented to or considered by the lower court in this case cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- Matter was not presented to the lower court in this case, therefore cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- "New" matter in this case;
- Not an issue raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Respondents fail to argue or specifically argue or point to any specific part of that matter to support any issue Appellant has on appeal;
- Respondents certify this matter was presented and considered by the lower court but where the matter is not in the lower court record and/or not presented to Appellant in the lower court proceedings in regards to the motions/orders on appeal;

- Such presents a void order or critical prejudice and violation of substantive and procedural rights and due process towards Appellant;
- Matter not preserved for appellate review;
- Matter cannot be presented or considered to this Court.

**#13, Final Brief, Appellate Case No. 2014-002633, Final Brief**

- Brief not on appeal in this case;
- Matter was not presented to the lower court in this case, therefore cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- "New" matter in this case;
- Not an issue raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Respondents fail to argue or specifically argue or point to any specific part of that matter to support any issue Appellant has on appeal;
- Respondents certify this matter was presented and considered by the lower court but where the matter is not in the lower court record and/or not presented to Appellant in the lower court proceedings in regards to the motions/orders on appeal;
- Such presents a void order or critical prejudice and violation of substantive and procedural rights and due process towards Appellant;
- Matter not preserved for appellate review;
- Matter cannot be presented or considered to this Court.

**#17, Case No. 2013-CP-18-183, Order, May 17, 2017**

- Order not on appeal in this case;
- Matter was not presented to the lower court in this case, therefore cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- "New" matter in this case;
- Not an issue raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Respondents fail to argue or specifically argue or point to any specific part of that matter to support any issue Appellant has on appeal;
- Respondents certify this matter was presented and considered by the lower court but where the matter is not in the lower court record and/or not presented to Appellant in the lower court proceedings in regards to the motions/orders on appeal;
- Such presents a void order or critical prejudice and violation of substantive and procedural rights and due process towards Appellant;
- Matter not preserved for appellate review;
- Matter cannot be presented or considered to this Court.

#18, Case No. 2013-CP-18-183, Order, June 14, 2017

- Order not on appeal in this case;
- Matter was not presented to the lower court in this case, therefore cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");

- “New” matter in this case;
- Not an issue raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Respondents fail to argue or specifically argue or point to any specific part of that matter to support any issue Appellant has on appeal;
- Respondents certify this matter was presented and considered by the lower court but where the matter is not in the lower court record and/or not presented to Appellant in the lower court proceedings in regards to the motions/orders on appeal;
- Such presents a void order or critical prejudice and violation of substantive and procedural rights and due process towards Appellant;
- Matter not preserved for appellate review;
- Matter cannot be presented or considered to this Court.

#19, Appellate Case No. 2017-1393, Final Brief

- Brief not on appeal in this case;
- Matter was not presented to the lower court in this case, therefore cannot be considered in this Court’s review or included in the record on appeal. Rule 210(c), SCACR (“The Record shall not . . . include matter which was not presented to the lower court or tribunal.”);
- “New” matter in this case;
- Not an issue raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Respondents fail to argue or specifically argue or point to any specific part of that matter to support any issue Appellant has on appeal;

- Respondents certify this matter was presented and considered by the lower court but where the matter is not in the lower court record and/or not presented to Appellant in the lower court proceedings in regards to the motions/orders on appeal;
- Such presents a void order or critical prejudice and violation of substantive and procedural rights and due process towards Appellant;
- Matter not preserved for appellate review;
- Matter cannot be presented or considered to this Court.

#20, Appellate Case No. 2017-1393, Opinion No. 2020-UP-151:

- This is a DUPLICATE of matter #4.
- Appellant argument #4 repeated here word for word.

#21, Appellate Case No. 2017-1393, Order Denying Reconsideration, August 24, 2020

- This is a DUPLICATE of matter #5.
- Appellant argument #5 repeated here word for word.

#22, Case No. 2017-CP-18-987, Complaint

- Complaint not on appeal in this case;
- Matter was not presented to the lower court in this case, therefore cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- "New" matter in this case;
- Not an issue raised by Appellant in its Initial Brief or on appeal or argued in this case;

- Respondents fail to argue or specifically argue or point to any specific part of that matter to support any issue Appellant has on appeal;
- Respondents certify this matter was presented and considered by the lower court but where the matter is not in the lower court record and/or not presented to Appellant in the lower court proceedings in regards to the motions/orders on appeal;
- Such presents a void order or critical prejudice and violation of substantive and procedural rights and due process towards Appellant;
- Matter not preserved for appellate review;
- Matter cannot be presented or considered to this Court.

#24, Appellate Case No. 2018-000507, Final Brief

- Brief not on appeal in this case;
- Matter was not presented to the lower court in this case, therefore cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- "New" matter in this case;
- Not an issue raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Respondents fail to argue or specifically argue or point to any specific part of that matter to support any issue Appellant has on appeal;
- Respondents certify this matter was presented and considered by the lower court but where the matter is not in the lower court record and/or not presented to Appellant in the lower court proceedings in regards to the motions/orders on appeal;

- Such presents a void order or critical prejudice and violation of substantive and procedural rights and due process towards Appellant;
- Matter not preserved for appellate review;
- Matter cannot be presented or considered to this Court.

#25, Appellate Case No. 2018-000507, Opinion No. 2020-UP-150

- Opinion not on appeal in this case;
- The matter was neither presented to the lower court, filed or presented as evidence at a hearing in this case. In fact, this matter was issued almost 2 years after the lower court hearing and any order on appeal in this case. Matter not presented to or considered by the lower court in this case cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- Matter was not presented to the lower court in this case, therefore cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- "New" matter in this case;
- Not an issue raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Respondents fail to argue or specifically argue or point to any specific part of that matter to support any issue Appellant has on appeal;

- Respondents certify this matter was presented and considered by the lower court but where the matter is not in the lower court record and/or not presented to Appellant in the lower court proceedings in regards to the motions/orders on appeal;
- Such presents a void order or critical prejudice and violation of substantive and procedural rights and due process towards Appellant;
- Matter not preserved for appellate review;
- Matter cannot be presented or considered to this Court.

**b) AS TO ITEMS 14, 15, 16, AND 23:**

- Matter was not presented to the lower court in this case, therefore cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- "New" matter in this case;
- Not an issue raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Respondents fail to argue or specifically argue or point to any specific part of that matter to support any issue Appellant has on appeal;
- Respondents certify this matter was presented and considered by the lower court but where the matter is not in the lower court record and/or not presented to Appellant in the lower court proceedings in regards to the motions/orders on appeal;
- Such presents a void order or critical prejudice and violation of substantive and procedural rights and due process towards Appellant;
- Matter not preserved for appellate review;

- Matter cannot be presented or considered to this Court.

**c) AS TO ITEM 26:**

- The Motion or matter was withdrawn, therefore not part of the lower court record.
- The matter was not presented to, or considered by, the lower court and it is not in the lower court record, in this case; therefore, not preserved for appellate review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- Further, Respondents' attorney agreed prior to this Court's order it cannot be included as it was not presented to the lower court or in the lower court record.

**d) AS TO ITEM 29:**

- The Deposition is not on appeal in this case;
- A deposition is a pre-trial discovery process, not a court proceeding, therefore not considered part of the public record or record in the lower court, but become so when FILED with the court;
- Deposition and exhibits in its entirety were not filed with the lower court in this case nor presented to the lower court in this case, therefore are not part of the lower court record. Consequently, this matter must be removed from the Respondents' Designation.
- The 'entire' deposition was not presented to the lower court or in the record in the lower court, only parts of it, therefore the deposition and its exhibits in their entirety is improper and not preserved for appellate review in Respondents' motions or included in the record on appeal.

- For those parts or exhibits that have been included in the lower court record, filed or presented to the court by Respondents or included in the Designation, that matter was included in the record served.
- Issue not raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Therefore, this matter [in its entirety] cannot be presented or considered in this case by this Court.

**e) AS TO ITEM 32**

Appellant has added the 3 (three) transcripts to the pending, amended record.

**f) AS TO ITEMS 1, 6, 7, 8, 9, 12, 27, 28, 30 AND 31**

Though the matter was in the record served and these Respondents did not raise issue to this matter in their motion, Appellant specifically addresses this matter due to this Court's order.

- Matter as referenced in Respondents' Designation already included in the record previously served

**2. DESIGNATION OF MATTER OF RESPONDENTS CARRIE BOYER AND WOODY LAW FIRM**

**a) AS TO ITEMS 12, 14, 16, 20, EXHIBITS TO 26, EXHIBITS TO 29, 34, A LEGIBLE COPY OF EXHIBIT F-1 TO ITEM 28**

Respondents filed a motion to dismiss Appellant's appeal, and the Respondents have identified items included in their designations of matter but omitted from the record served. (Att. A, minus exhibits). Those items being: 12, 14, 16, 20, Exhibits to 26, Exhibits to 29, 34, a legible copy of Exhibit F-1 to item 28. (Att. B, Ex. B).

#12, Dudek and Cross's Memorandum in Support of Motion to Dismiss with all Exhibits (Case No. 2016-CP-26-01706)

- After receiving this ‘matter’ from their co-respondents, it has been discovered it is not part of the appeal, but a separate motion filed in 2018 that was never scheduled for a hearing, heard or ruled on by the lower court. Meaning, Appellant has not *“appealed the partial grant of this motion”* as stated by Respondents because there was never a ‘partial grant’ of this motion.
- The matter was not presented or considered by the lower court nor ruled on, let alone granted or denied to even be appealed; Matter not presented to or considered by the lower court in this case cannot be considered in this Court’s review or included in the record on appeal. Rule 210(c), SCACR (“The Record shall not . . . include matter which was not presented to the lower court or tribunal.”);
- Motion or matter not on appeal in this case;
- Matter was not presented to the lower court in this case, therefore cannot be considered in this Court’s review or included in the record on appeal. Rule 210(c), SCACR (“The Record shall not . . . include matter which was not presented to the lower court or tribunal.”);
- “New” matter in this case;
- Not an issue raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Respondents fail to argue or specifically argue or point to any specific part of that matter to support any issue Appellant has on appeal;
- Respondents certify this matter was presented and considered by the lower court but where the matter is not in the lower court record and/or not presented to Appellant in the lower court proceedings in regards to the motions/orders on appeal;

- Such presents a void order or critical prejudice and violation of substantive and procedural rights and due process towards Appellant;
- Matter not preserved for appellate review;
- Matter cannot be presented or considered to this Court.

#14, Order granting in part and denying in part Allison Williams and First Federal's Motion to Dismiss (Case No. 2016-CP-26-01706)

- Matter as referenced in Respondents' Designation was already in record previously served
- No Appellant failure

#16, Order granting in part and denying in part Carrie Boyer and Woody Law Firm's Motion to Dismiss (Case No. 2016-CP-26-01706)

- Matter as referenced in Respondents' Designation was already in record previously served
- No Appellant failure

#20, Carrie Boyer and Woody Law Firm's Motion to Alter or Amend Order granting in part and denying in part their Motion to Dismiss (Case No. 2016-CP-26-01706)

- Oversight by Appellant

Exhibits to #26 (#26 being Allison Williams' and First Federal's Memorandum in Support of their Motion for Summary Judgment) (Case No. 2016-CP-26-01706)

- Matter was not presented to the lower court in this case, therefore cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");

- “New” matter in this case;
- Respondents certify this matter was presented and considered by the lower court but where the matter is not in the lower court record and/or not presented to Appellant in the lower court proceedings in regards to the motions/orders on appeal;
- Such presents a void order or critical prejudice and violation of substantive and procedural rights and due process towards Appellant;
- Matter not preserved for appellate review;
- Matter cannot be presented or considered to this Court.

On this Court’s order, Respondents recently provided those alleged exhibits to Appellant, but after review, Appellant could find no evidence this matter was presented to or included in the lower court record. It’s clear the exhibits are not in the lower court record nor presented to the lower court [or Appellant] in this case. The exhibits were not filed with their motion or filed with their separate memorandum; the exhibits were not presented to Appellant prior to the hearing nor presented to the lower court in the hearing. Appellant argues matter not presented to the lower court in this case regarding the Respondents’ motion and corresponding order for Summary Judgment is not preserved for appellate review and cannot be properly included in their Designation or the Record. Further, Respondents certify the matter was presented for lower court review, therefore order is void.

Still, if this Court demands these exhibits be included in their Designation in regards to their motion for summary judgement, Appellant objects and argues the exhibits cannot be included unless Summary Judgment is reversed and/or voided and remanded back to the lower court for further proceedings to allow Respondents to properly present them and Appellant to properly address them in the lower court, as according to the rules of this Court and due process.

Exhibits to #29 (#29 being Dudek, Cross, Nicholson, Scarafile and Carolina One's Memorandum in Support of Motion for Summary Judgment) (Case No. 2016-CP-26-01706)

- Matter was not presented to the lower court in this case, therefore cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- "New" matter in this case;
- Respondents certify this matter was presented and considered by the lower court but where the matter is not in the lower court record and/or not presented to Appellant in the lower court proceedings in regards to the motions/orders on appeal;
- Such presents a void order or critical prejudice and violation of substantive and procedural rights and due process towards Appellant;
- Matter not preserved for appellate review;
- Matter cannot be presented or considered to this Court.

On this Court's order, Respondents recently provided those alleged exhibits to Appellant, but after review, Appellant could find no evidence this matter was presented to or included in the lower court record. It's clear the exhibits are not in the lower court record nor presented to the lower court [or Appellant] in this case. The exhibits were not filed with their motion or filed with their separate memorandum; the exhibits were not presented to Appellant prior to the hearing nor presented to the lower court in the hearing. Appellant argues matter not presented to the lower court in this case regarding the Respondents' motion and corresponding order for Summary Judgment is not preserved for appellate review and cannot be properly included

in their Designation or the Record. Further, Respondents certify the matter was presented for lower court review, therefore order is void.

Still, if this Court demands these exhibits be included in their Designation in regards to their motion for summary judgement, Appellant objects and argues the exhibits cannot be included unless Summary Judgment is reversed and/or voided and remanded back to the lower court for further proceedings to allow Respondents to properly present them and Appellant to properly address them in the lower court, as according to the rules of this Court and due process.

#34, Order granting David Collins' Motion for Summary Judgment (Case No. 2016-CP-26- 01706)

After receiving this matter as ordered by this Court to be provide to Appellant, it is admitted by Respondents they labeled this matter incorrectly. The correct matter was already in the record served. Further, Appellant argues that because of their error and that they failed to, and this Court's refusal to compel them to, specifically identify their matter per the court rules, Appellant was unable to find nor include the non-existent "Order granting David Collins' Motion for Summary Judgment" matter in the record, and such is not an Appellant failure as presented by Respondents.

Regardless, nowhere in the record did these Respondents present this matter to the lower court for that court to consider their motions, therefore this matter cannot be included in their designation or presented to this court for review regarding these Respondents motions.

#28, a legible copy of Exhibit F-1 (with #28 being Woody Law Firm and Carrie Boyer's Memorandum in Support of their Motion for Summary Judgment with Exhibits (Case No. 2016-CP-26- 01706)

After careful consideration of the matter received as ordered by this Court, Appellant has found that the matter (Exhibit F-1) in the lower court record is not only illegible but totally

indecipherable. In fact, the exhibit is blacked out.

Moreover, receiving the 'alleged' document from the Respondents does not validate or confirm the document received is what is, or is not, in the lower court record. Since the document provided is not in the lower court record and Appellant is unable to confirm what was reviewed by the lower court in its decision granting Summary Judgment, in order to preserve the recently presented document or 'new matter' for this Court's review in regards to Respondents' motion for summary judgment, it will need to be properly presented to the lower court first. Meaning, their motion for Summary Judgment reversed or voided and remanded back to the lower court for further proceeding in order to preserve the document provided here for appellate review in regards to their motion for summary judgment. To do any less, would create a void order or ambiguity in the order now on appeal, and would be a violation of this Court's rules and due process.

**b) AS TO ITEM 4**

- The Deposition is not on appeal in this case;
- A deposition is a pre-trial discovery process, not a court proceeding, therefore not considered part of the public record or record in the lower court, but become so when FILED with the lower court;
- Deposition and exhibits in its entirety were not FILED with the lower court in this case nor presented to the lower court in this case, therefore are not part of the lower court record. Consequently, this matter must be removed from the Respondents' Designation;

- The ‘entire’ deposition was not presented to the lower court or in the record in the lower court, only parts of it, therefore the deposition and its exhibits in their entirety is improper and not preserved for appellate review in Respondents’ motions or inclusion in the record on appeal;
- For those parts or exhibits that have been included in the lower court record, filed or presented to the court by Respondents *and* included in their Designation, that matter was included in the record served;
- Issue not raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Therefore, this matter cannot be presented or considered in this case by this Court.

**c) AS TO ITEMS 5, 6, 7, 8, 9, 10, 11, 13, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 30, 31, 32, 33, 35, 36, 37, 38**

Though the matter was in the record served and these Respondents did not raise issue to this matter in their motion, Appellant specifically addresses this matter due to this Court’s order.

- Matter as referenced in Respondents’ Designation already included in the record previously served

**d) AS TO ITEMS 1, 2, 3 AND 27**

- Matter is proper

**3. DESIGNATION OF MATTER OF RESPONDENTS ALLISON WILLIAMS AND FIRST FEDERAL**

**a) AS TO ITEMS 10, 11, 18, 22, 26, and 30**

Respondents filed a motion to dismiss Appellant’s appeal, and the Respondents have

identified items included in their designations of matter but omitted from the record served. (Att.

A)

Those items being: 10, 11, 18, 22, 26, and 30. (Att. B, Ex. A)

#10. Transcript of Hearing on Defendants' Motions to Dismiss (November 7, 2016)

- Proper matter

#11. Trial Court Order granting in part and denying in part Allison Williams and First Federal's Motion to Dismiss

- Matter as referenced in Respondents' Designation already included in the record previously served
- No Appellant failure

#18. Transcript of Deposition of Molly Morphew (with Exhibits)

- The Deposition is not on appeal in this case;
- A deposition is a pre-trial discovery process, not a court proceeding, therefore not considered part of the public record or record in the lower court, but become so when FILED with the lower court;
- Deposition and exhibits in its entirety ("matter") were not FILED with the lower court in this case nor presented to the lower court in this case, therefore are not part of the lower court record. Consequently, this matter must be removed from the Respondents' Designation;
- The 'entire' deposition was not presented to the lower court or in the record in the lower court, only parts of it, therefore the deposition and its exhibits in their entirety is improper and not preserved for appellate review in Respondents' motions or inclusion in the record on appeal;

- For those parts or exhibits that have been included in the lower court record, filed or presented to the court by Respondents *and* included in the Designation, that matter was included in the record served;
- Issue not raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Therefore, this matter cannot be presented or considered in this case by this Court.

#22, Allison Williams' and First Federal's Memorandum in Support of their Motion for Summary Judgment

- Matter as referenced in Respondents' Designation already included in the record previously served
- No Appellant failure

#26, Transcript of Hearing on Defendants' Motions for Summary Judgment (October 1, 2018)

- Proper matter

#30, Order granting David Collins' Motion for Summary Judgment

- Mislabeled matter
- Designations and Briefs required to be amended

After receiving this matter as ordered by this Court to be provide to Appellant, it is admitted by Respondents they labeled this matter incorrectly. The correct matter was already in the record served. Further, Appellant argues that because of their error and that they failed to, and this Court's refusal to compel them to, specifically identify their matter per the court rules, Appellant was unable to find nor include the non-existent "Order granting David Collins' Motion for Summary Judgment" matter in the record, and such is not an Appellant failure as presented by Respondents.

**b) AS TO ITEM #8 (DUDEK AND CROSS'S MEMORANDUM IN SUPPORT OF MOTION TO DISMISS)**

Though these Respondents did not raise issue in their motion to this matter, Appellant specifically addresses this matter due to this Court's order, and to allow this Court a full and proper review of the matter at issue.

- After receiving this 'matter' from their co-respondents, it has been discovered the matter is not a "memorandum in support of Motion to Dismiss" but a *motion* filed in 2018 that was never scheduled for a hearing, heard or ruled on by the lower court and is not part of this appeal. Meaning Appellant has not "*appealed the partial grant of this motion*", as incorrectly stated to this Court by Respondents, because there was never a 'partial grant' of this motion;
- The matter was not presented or considered by the lower court nor ruled on, let alone granted or denied to even be appealed; Matter not presented to or considered by the lower court in this case cannot be considered in this Court's review or included in the record on appeal. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- Matter not presented to Appellant in the lower case proceeding;
- If the matter was presented to the lower court [in any Respondent proceeding] as certified by Respondents, but that matter was not presented to Appellant in those same proceedings, then critical prejudice and a void order.
- Motion or matter not on appeal in this case;

- Not an issue raised by Appellant in its Initial Brief or on appeal or argued in this case;
- Therefore, this matter or its issue cannot be presented or considered in this case by this Court.
- This matter must be removed from Respondents' Designation.
- Appellant argues the failure of the Respondents to comply with Rule 209, SCRACP, to clearly identify all matter they desire to include in the Record, and Rule 210, SCRACP, shall not include matter which was not presented to the lower court or tribunal, and this Court's refusal to order compliance as requested by Appellant in its previous motion, this issue would have been known and could have been raised prior to this motion now submitted.

**c) AS TO ITEM 23**

Though these Respondents did not raise issue or specific issue to this matter or specifically to the illegible Exhibit F-1 in their motion, Appellant specifically addresses this matter due to this Court's order, and to allow this Court a full and proper review of the matter at issue.

- Exhibit F-1 is a blacked out page, and is what is in the lower court record;
- The document provided by Respondents has not been filed or included in the lower record;
- Therefore, the matter is not preserved for appellate review.
- Further, since the matter is not in the lower court record, and it is impossible to now determine without a question to what was presented and how it was

presented to the lower court for review of Respondents' motion, the order on appeal is void.

After careful consideration, Appellant has found the alleged Exhibit F-1 is not in the lower court record. What *is* in the record is not only illegible but totally indecipherable. The document in the lower court record is actually blacked out.

Receiving the alleged 'legible' document does not validate or confirm the document provided to Appellant is what is actually in the lower court record or what was presented, if any document at all. Since the document provided is not in the lower court record, and Appellant is unable to confirm what was reviewed by the lower court in its decision granting Summary Judgment or motion to dismiss, that order is void.

In order to prevent a void order and/or a violation of the courts' rules and Appellant's due process or preserve the recently presented document or 'new matter' for this Court's review in regards to Respondents' motion for summary judgment or motion to dismiss, it will need to be properly presented to the lower court first. Meaning, their motion for Summary Judgment or motion to dismiss is required to be reversed and remanded back to the lower court for further proceedings. To do any less, would allow a void order, create ambiguity in the order(s) now on appeal, a violation of this Court's rules and due process, and abuse of discretion.

**d) AS TO ITEM 24**

Though these Respondents did not raise issue or specific issue to this matter in their motion, Appellant explicitly addresses this matter due to this Court's order.

- Exhibits were not filed in the lower court;

- Matter or exhibits were not presented to or considered by the lower court in this case; Matter not presented to or considered by the lower court in this case cannot be considered in this Court's review or included in the record on appeal Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.");
- Matter was not included in its motion or included in its serving or filing of its motion or at the hearing. Further, those exhibits were not presented to Appellant in the lower court proceeding.
- Respondents certify the matter was presented or considered by the lower court in review of their motion(s).
- A ruling based on evidence or exhibits not in the record or not provided to Appellant in the lower court proceeding(s) is a critical prejudice and violation of due process and the lower courts' discretion, and such order is void.

Appellant could find no evidence this matter was presented or included in the lower court record. It is clear the exhibits are not in the lower court record nor presented to the lower court or Appellant in this case. The exhibits were not filed with their motion or filed with their separate memorandum; the exhibits were not presented to Appellant prior to the hearing nor presented to the lower court in the hearing. Matter not filed in the lower court record or presented to the Appellant or the lower court in this case regarding the Respondents' motion and corresponding order for Summary Judgment or motion to dismiss is not preserved for appellate review, notwithstanding the order(s) on appeal are void due to critical prejudice and violation of due process and the lower courts' discretion.

Regardless, the exhibits cannot be included in the Designation unless the applicable ruling is reversed and remanded back to the lower court for further proceedings to allow Respondents to properly present them and Appellant to properly address them in the lower court, as according to the rules of this Court and due process.

e) **AS TO ITEM 25**

Though these Respondents did not raise issue or specific issue to this matter in their motion, Appellant specifically addresses this matter due to this Court's order.

- Appellant could locate no 'Memorandum' filed or in the lower court records, and this item appears to be a repeat of #7

f) **AS TO ITEMS 1, 2, 3, 4, 5, 9, 12,13, 14, 15, 16, 17, 19, 20, 21, 27, 28, 29**

Though the matter was in the record served and these Respondents did not raise issue to this matter in their motion, Appellant specifically addresses this matter due to this Court's order.

- Matter as referenced in Respondents' Designation was already included in the record served

**4. DESIGNATION OF MATTER OF RESPONDENT COLLINS**

Appellant filed a motion to amend all Respondents to this appeal's Designation to exclude certain matter and exclusion from the Record. Respondent David Collins (herein "Collins") did not respond or object to Appellant's request. All co-respondents filed a motion to dismiss the appeal. Appellant filed a motion to strike their motion and compel all Respondents in this appeal to comply with the rules of this court regarding Designation and the Record. Collins did not respond or object to Appellant's motion. This Court denied both Appellants and co-

respondents' motions, but ordered co-Respondents to provide certain matter to Appellant, and for Appellant to include all matter they designated in the Record.

Appellant received over 1000 pages of matter, and once reviewed and researched, discovered most of the matter to be absent from the lower court record, meaning the matter was not presented to the lower court in this case. In addition, there were errors in labeling the matter.

Collins did not respond or object. Collins did not respond to Appellants' Motion for Extension and Amendment of Respondents' Designation of Matter, Collins was not a participant in the Joint Motion to Dismiss, and Collins was not called out in this Court's order, therefore cannot be provided relief. To provide relief when no response, objections, arguments or request for relief was presented or warranted is an abuse of discretion.

Further, none of Collins' matter, except #12 and #2 (Motion to Dismiss filed by counsel for Respondent Collins in September 2016) was filed or presented to the lower court by Collins or in the record, therefore all the matter he designated, except #2 and #12, cannot be considered by this Court for review in regards to Collins. (Att. B, Ex. C)

Matter not filed in the lower court record or presented to the Appellant or the lower court in this case regarding the Respondents' motion or alleged motions and corresponding order(s) regarding his default or motion to dismiss is not preserved for appellate review, notwithstanding the contradiction of his Designation certification, the order(s) on appeal are void due to critical prejudice and violation of due process and the lower courts' discretion.

Regardless, the exhibits cannot be included in the Designation unless the applicable ruling is reversed and remanded back to the lower court for further proceedings to allow Respondents to properly present them and Appellant to properly address them in the lower court, as according to the rules of this Court and due process.

a) **AS TO ITEM 3, 11**

- Matter is proper as these orders on appeal by Appellant.
- Collins has not appealed any order or ruling.

b) **AS TO ITEM 1**

- Respondent provided no clarification in its Designation as to which matter he was Addressing;
- Regardless, Collins did not file or present the matter to the Appellant or lower court in regards to his applicable motions or orders;
- Therefore, matter not presented by Respondent in the lower court is not preserved for appellate review in this case.
- Collins did not answer the Summons and Complaint in this case;
- Collins is in default;
- The orders in regards to Collins are void or his matter designated cannot be considered by this Court for review in regards to the applicable motions or orders.

c) **AS TO ITEMS 2**

- Matter proper

d) **AS TO ITEMS 4, 7, 8, 10**

- Collins submitted a certification that he properly presented his designations to the lower court;
- Collins did not file or present the matter to the Appellant or lower court in regards to his applicable motion or in *any* filing or proceeding;

- Therefore, any motion and its applicable order in which Respondent represents he presented this matter to the court, and that matter is not in the record in regards to his motion, or alleged 'motions', those orders are void or matter designated cannot be considered by this Court for review in regards to the applicable motions or orders.

e) AS TO ITEM 5

- Invalid document- as it was signed AND filed only by Respondent but contained no counsel signature and was never remedied by counsel, even when proper notice given to counsel. Rule 11(a), SCRPC.

- The response is invalid, therefore not considered in the lower court record and not presented or considered by the lower court. Matter not valid or essentially 'non-existent' in the lower court record, not proper and/or not presented or considered by the lower court in this case is not preserved for appellate review.

"Every pleading, motion or other paper of a party represented by an attorney shall be signed in his individual name by at least one attorney of record who is admitted to practice law in South Carolina, and whose address and telephone number shall be stated." "If a pleading, motion or other paper is not signed or does not comply with this Rule, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. Rule 11(a), SCRPC.

- Collins submitted a certification that he properly presented his designations to the lower court;

- Collins *could not* present the matter to the Appellant *or* lower court in regards to his applicable motion, or alleged 'motions', or in *any* filing or proceeding;
- Therefore, any motion and its applicable order in which Respondent represents he presented this matter to the court, and that matter is not in the record in regards to his motion, or alleged 'motions', those orders are void or matter designated cannot be considered by this Court for review in regards to the applicable motions or orders.

**f) AS TO ITEM 6**

- Repeat argument #5 above.
- As the matter is invalid and not considered in the lower court record, no Answer has ever been filed by Collins, therefore Collins is in default, and any subsequent order, including relieving Collins in default, or granting summary judgment or an alleged motion to dismiss, is void.

**g) AS TO ITEM 9, Order Denying Motion to hold Respondent Collins in Default, Feb 23, 2018)**

- No such matter in the lower court record;
- No such order on appeal in this case;
- Collins certifies his Designation was presented or considered by the lower court, but the matter is not in the record and the matter was not provided to Appellant;
- Matter which is not in the lower court record is not preserved for appellate review;
- Any ruling by the lower court in which this non-existent matter is referenced or considered is void.

**h) AS TO ITEM 12**

- There is only one (1) Order Granting Respondents' Collins Motion to Dismiss<sup>4</sup> (dated November 15, 2018) in the lower court record;
- The lower court *allegedly* converted a pending "Joint Motion to Dismiss" to Summary Judgment in favor of Collins;
- There is no pending motion to dismiss or joint motion to dismiss in which Respondent Collins is a party;
- The Order is on appeal for being void, as there was no 'pending' Respondent Collins Motion to Dismiss, let alone 'joint' motion to dismiss, in the record in which the lower court could 'convert to summary judgment', among other issues raised by Appellant in this appeal in regards to the Order and this conversion.

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On this Court's order Respondents, minus Respondent Collins, recently provided to Appellant alleged exhibits, documents or clarification as to their Designations. After review of said matter and the Designations as a whole, Appellant found much of their matter could not be found in the lower court record or that the matter is irrelevant to the appeal in this case, or that the matter was not presented to the lower court in the applicable proceeding by Respondents, therefore pursuant the rules of this Court, due process and prejudice such matter was not preserved for appellate review or cannot be considered by this Court. Consequently, said matter cannot be properly included in their Designation(s). Further, there are over a 1000 pages of matter not filed

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<sup>4</sup> Collins Designation #3 is an Order Granting In Part and Denying in Part Defendants' Motion to Dismiss

or in the lower court record and contrary to the Respondents certification all matter has been presented to the lower court for consideration. This raises issues critical to due process, abuse of discretion, prejudice to Appellant, *and* questions the validity of the orders.

The Appellant has the burden of providing a proper record, and any failing of that burden, including failure to address any violation or failure of the rules by *any* litigant or this court, would be prejudicing oneself and/or waiving Appellant's rights or rights to appeal in this matter.

Due the reasons above and herein, void orders, and critical prejudice to Appellant, Appellant requests this Court to reverse all orders on appeal and remand back to the lower court for further proceedings to prevent void orders, ambiguity in the proceedings, abuse of discretion, or allow Respondents the opportunity to present all matter properly to the lower court and to Appellant, for a full and fair opportunity to defend.

There can be no void orders in the record, questions, ambiguity or inappropriate or irrelevant matter in, or between, the lower court records, what was reviewed or presented to the courts and Appellant, or in their Briefs, Designations or Record. Further, even if a document or another case was 'mentioned' or 'argued' in a Brief submitted to this court, any matter, issue or documented evidence not filed or presented *first* to the lower court for review or consideration has not been preserved for this Court's review in the same on appeal here, therefore cannot be included in the Designations. The mere mention or one sentence argument does not present an issue on appeal for consideration of this court See *Englert, Inc. v. Netherlands Ins. Co.*, 315 S.C. 300, 304 n.2, 433 S.E.2d 871, 873 n.2 (Ct. App. 1993) (noting a one sentence argument is too conclusory to present any issue on appeal).

Additionally, though this Court issued an Order to include all items listed in Respondents' Designation, despite Appellant's objection to the matter being contrary to the rules or non-existent,

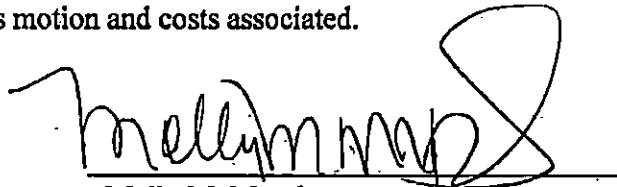
it appears the Court ruling is in violation of the rules [No rules, case law or explanation was contained in their order]. Specifically, it appears this Court ruled as such 'just because the matter is listed in the Respondents' Designations of Matter'. Consequently, Appellant has detailed *each* matter to be addressed by this Court, including the matter delivered recently to Appellant. Until such time all matter is appropriately and fully addressed, and because the matter in question is directly related to the contents or format of the Briefs and the contents of the Designation and Record and/or validity of the orders on appeal, Appellant asks for a stay in this appeal, including a stay in the service of the Record.

Regardless, such matter cannot be included in the Designations unless the applicable rulings or orders are reversed and remanded back to the lower court for further proceedings to allow Respondents to properly present them and Appellant to properly address them in the lower court, as according to the rules of this Court and due process. Otherwise, prejudice or severe prejudice occurs, notwithstanding violations of court rules and abuse of court process.

The failure of the Respondents to comply with Rule 208(b)(4), where their briefs shall contain references to the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [see Rule 201(c)] to support the salient facts alleged, Rule 209, SCRACP, to clearly identify all matter they desire to include in the Record, and Rule 210, SCRACP, they *shall not include matter which was not presented to the lower court or tribunal*, along with this Court's refusal to order compliance of the rules as requested by Appellant in its previous motion, many of these issues would have been known and could have been raised prior to this motion now submitted. Meaning, if the court rules and processes were followed as required in the first place, there would not be this delay and Appellant's motion would not have to

be filed. The delay in this case and the substantial burden and costs to Appellant is not caused by Appellant.

Due to the above Appellant respectfully requests 1) a stay of this appeal until this matter is fully and properly adjudicated; 2) the orders on appeal reversed and remanded back to the lower court and, 3) costs or sanctions against Respondents due their failures or violations of the rules in this matter and for the bringing of this motion and costs associated.

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

Molly M. Morpew, pro se  
121 Sterling Rd.  
Rincon, GA  
(843) 514-7299

June 18, 2021

# Exhibit B

**IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals**

**APPEAL FROM DORCHESTER COUNTY**  
Deadra L. Jefferson, Circuit Court Judge  
Edgar W. Dickson, Circuit Court Judge  
Maite Murphy, Circuit Court Judge

**RECEIVED**  
**Jun 25 2020**  
**SC Court of Appeals**

Case No.: 2016-CP-18-01706  
Appellate Case No.: 2018-002185

**Molly M. Morphew, ..... Appellant**

**v.**

**Stephen Dudek, Doreen Cross, David Collins,  
Allison Williams, First Federal, Michael Scarafife,  
Susan Nicholson, Carolina One Real Estate,  
Carrie Boyer, and Woody Law Firm, ..... Respondents**

**RESPONDENTS ALLISON WILLIAMS' AND FIRST FEDERAL'S DESIGNATION OF  
MATTER FOR THE RECORD ON APPEAL**

- 1. Summons and Complaint**
- 2. Allison Williams and First Federal's Motion to Dismiss**
- 3. Dudek and Cross' Notice of Motion and Motion to Dismiss and Motion for Sanctions**
- 4. Michael Scarafife, Susan Nicholson, Carolina One Real Estate and David Collins'  
Motion to Dismiss**
- 5. The Woody Law Firm and Carrie Boyers' Motion to Dismiss**
- 6. Allison Williams and First Federal's Memorandum in Support of their Motion to Dismiss**
- 7. Appellant's Memorandum in Opposition to Allison Williams and First Federal's Motion  
to Dismiss**

8. **Dudek and Cross's Memorandum in Support of Motion to Dismiss**
9. **The Woody Law Firm and Carrie Boyers' Memorandum in Support of Motion to Dismiss**
10. **Transcript of Hearing on Defendants' Motions to Dismiss (November 7, 2016)**
11. **Trial Court Order granting in part and denying in part Allison Williams and First Federal's Motion to Dismiss**
12. **Trial Court Order granting in part and denying in part Dudek and Cross's Motion to Dismiss**
13. **Trial Court Order granting in part and denying in part Carrie Boyer and Woody Law Firm's Motion to Dismiss**
14. **Trial Court Order granting in part and denying in part Michael Scarafiles Motion to Dismiss**
15. **Allison Williams and First Federal's Motion to Alter or Amend Order granting in part and denying in part Allison Williams and First Federal's Motion to Dismiss**
16. **Amended Order granting in part and denying in part Allison Williams and First Federal's Motion to Dismiss**
17. **Answer of Allison Williams and First Federal to Complaint**
18. **Transcript of Deposition of Molly Morphew (with Exhibits)**
19. **Allison Williams' and First Federal's Motion for Summary Judgment**
  - a. **Exhibit A – Order dated November 6, 2014 (C.A. No. 2013-CP-18-0074)**
  - b. **Exhibit B – Order Granting Defendants' Motion to Dismiss (C.A. No. 2017-CP-18-00987)**
  - c. **Exhibit C – Excerpts from deposition of Molly Morphew**
20. **Woody Law Firm and Carrie Boyer's Motion for Summary Judgment (with Exhibits)**

21. Dudek and Cross's Motion for Summary Judgment
22. Allison Williams' and First Federal's Memorandum in Support of their Motion for Summary Judgment
  - a. Exhibit A – Order dated November 6, 2014 (C.A. No. 2013-CP-18-0074)
  - b. Exhibit B – First Federal Letter dated January 3, 2013
  - c. Exhibit C – First Federal Letter dated January 31, 2013
  - d. Exhibit D – Molly Morphew Initial Brief dated February 4, 2015
  - e. Exhibit E – Excerpts of Deposition of Molly Morphew
  - f. Exhibit F - Order Granting Defendants' Motion to Dismiss (C.A. No. 2017-CP-18-00987)
23. Woody Law Firm and Carrie Boyer's Memorandum in Support of their Motion for Summary Judgment (with Exhibits)
24. Dudek and Cross's Memorandum in Support of Motion for Summary Judgment (with Exhibits)
25. Appellant's Memorandum in Opposition to Bank Respondents' Motion for Summary Judgment
26. Transcript of Hearing on Defendants' Motions for Summary Judgment (October 1, 2018).
27. Order granting Allison Williams' and First Federal's Motion for Summary Judgment
28. Order granting Dudek and Cross's Motion for Summary Judgment
29. Order granting Woody Law Firm and Carrie Boyer's Motion for Summary Judgment
30. Order granting David Collins' Motion for Summary Judgment

I certify that this designation contains no matter that is irrelevant to this appeal.

GALLIVAN, WHITE & BOYD, P.A.

/s/ Amy L. B. Hill

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*Attorneys for Defendants South State Bank,  
National Association, formerly known as  
CenterState Bank, N.A., as successor in  
interest by merger of South State Bank,  
formerly known as SCBT formerly known as  
SCBT, successor in interest to First Federal  
and Allison Williams*

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Appellate Case No. 2018-002185  
Case No. 2016-CP-26-01706.

**RECEIVED**

**Jun 25 2020**

**SC Court of Appeals**

Molly Morphew.....Appellant,

v.

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

**RESPONDENTS CARRIE BOYER AND WOODY LAW FIRM'S  
DESIGNATION OF MATTER FOR INCLUSION IN THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Respondents Carrier Boyer and Woody Law Firm designate the following items for inclusion in the Record on Appeal:

1. Transcript of Hearing dated November 7, 2016
2. Transcript of Hearing dated May 29, 2018
3. Transcript of Hearing dated October 1, 2018
4. Transcript of Deposition of Molly Morphew with Exhibits
5. Summons and Complaint
6. Amended Answer of Defendants Carrier Boyer and Woody Law Firm
7. Allison Williams and First Federal's Motion to Dismiss
8. Dudek and Cross' Notice of Motion and Motion to Dismiss and Motion for Sanctions
9. Michael Scarafile, Susan Nicholson, Carolina One Real Estate and David Collins' Motion to Dismiss

10. The Woody Law Firm and Carrie Boyers' Motion to Dismiss
11. Allison Williams and First Federal's Memorandum in Support of their Motion to Dismiss with all Exhibits
12. Dudek and Cross's Memorandum in Support of Motion to Dismiss with all Exhibits
13. The Woody Law Firm and Carrie Boyer's Memorandum in Support of Motion to Dismiss with all Exhibits
14. Order granting in part and denying in part Allison Williams and First Federal's Motion to Dismiss
15. Order granting in part and denying in part Dudek and Cross's Motion to Dismiss
16. Order granting in part and denying in part Carrie Boyer and Woody Law Firm's Motion to Dismiss
17. Order granting in part and denying in part Scarafife, Nicholson, Carolina One and Collins' Motion to Dismiss
18. Allison Williams and First Federal's Motion to Alter or Amend Order granting in part and denying in part their Motion to Dismiss
19. Amended Order granting in part and denying in part Allison Williams and First Federal's Motion to Dismiss
20. Carrie Boyer and Woody Law Firm's Motion to Alter or Amend Order granting in part and denying in part their Motion to Dismiss
21. Amended Order granting in part and denying in part Carrie Boyer and Woody Law Firm's Motion to Dismiss
22. Allison Williams' and First Federal's Motion for Summary Judgment with Exhibits
23. Woody Law Firm and Carrie Boyer's Motion for Summary Judgment
24. Woody Law Firm and Carrie Boyer's Amended Motion for Summary Judgment
25. Dudek, Cross, Nicholson, Scarafife and Carolina One's Motion for Summary Judgment
26. Allison Williams' and First Federal's Memorandum in Support of their Motion for Summary Judgment with Exhibits
27. Plaintiff's Response to First Federal's Motion for Summary Judgment with Exhibits

28. Woody Law Firm and Carrie Boyer's Memorandum in Support of their Motion for Summary Judgment with Exhibits
29. Dudek, Cross, Nicholson, Scarafie and Carolina One's Memorandum in Support of Motion for Summary Judgment with Exhibits
30. Order filed May 31, 2018 by Judge Dickinson
31. Order granting Allison Williams' and First Federal's Motion for Summary Judgment
32. Order granting Dudek, Cross, Nicholson, Scarafie and Carolina One's Motion for Summary Judgment
33. Order granting Woody Law Firm and Carrie Boyer's Motion for Summary Judgment
34. Order granting David Collins' Motion for Summary Judgment
35. Morpew's Motion to Deem Defendant Cross' Admissions Admitted
36. Morpew's Motion to Compel Defendant Cross
37. Morpew's Motion to Deem Admission's Admitted as to First Federal
38. Morpew's contract with Sellers

I certify that this designation contains no matter which is irrelevant to this appeal.

[Signature Page to Follow]

COLLINS & LACY, P.C.

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**ATTORNEYS FOR RESPONDENTS  
CARRIE BOYER AND WOODY  
LAW FIRM**

Murrells Inlet, South Carolina  
June 25, 2020

THE STATE OF SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY

Molly Morphey, Appellant

v.

Stephan Dudak, Doreen Cross, David Collins,  
Allison Williams, First Federal, Michael Scarafie,  
Susan Nicholson, Carolina One Real Estate,  
Carrie Boyer, Woody Law Firm, Respondents

**RECEIVED**

Jul 27 2020

SC Court of Appeals

Appellate Case No. 2018-002185

Respondent David Collins' Designation of Matter For the Record

1. Summons and Complaint

2. Motion to Dismiss filed by counsel for Respondent David Collins

3. Order of the Honorable Deadra Jefferson filed January 31, 2017

4. Motion and Application for Entry of Default filed by the Appellant on November 27, 2017.
5. Return to Motion filed by Respondent David Collins
6. Answer of respondent David Collins filed on December 19, 2017
7. Order relieving Counsel for Respondent David Collins
8. Appellants motion to Strike Collins Answer
9. Order Denying Motion to hold Respondent Collins in Default dated February 23, 2018
10. 2<sup>nd</sup> Motion to Hold Collins in Default filed by Appellant on April 4, 2018.
11. Order of Court filed November 13, 2018, Denying Appellants 2<sup>nd</sup> Motion to Hold Respondent Collins in Default.
12. Order granting Respondent Collins Motion to Dismiss.



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394 Hoff Avenue  
Charleston, SC 29407  
843-224-3779  
Davidcollins43@gmail.com

**IN THE STATE OF SOUTH CAROLINA**  
**In the Court of Appeals**

**APPEAL FROM DORCHESTER COUNTY**  
Deadra L. Jefferson, Circuit Court Judge  
Edgar W. Dickson, Circuit Court Judge  
Maite Murphy, Circuit Court Judge

**RECEIVED**

**Aug 27 2020**

**SC Court of Appeals**

Case No.: 2016-CP-18-01706  
Appellate Case No.: 2018-002185

Molly M. Morphew, ..... Appellant

v.

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

**DESIGNATION OF MATTER OF RESPONDENTS STEPHEN DUDEK, DOREEN  
CROSS, MICHAEL SCARAFILE, SUSAN NICHOLSON AND CAROLINA ONE REAL  
ESTATE**

In addition to the documents and filings that the Appellant and the other Respondents have designated, the above Respondents request that the Appellant include the following in the Record on Appeal:

1. Case No. 2017-CP-18-987, Order, February 21, 2018
2. Case No. 2013-CP-18-183, Order, June 14, 2017
3. Case No. 2013-CP-18-183, Order, May 17, 2017
4. Appellate Case No. 2017-1393, Opinion No. 2020-UP-151
5. Appellate Case No. 2017-1393, Order Denying Reconsideration, August 24, 2020
6. Case No. 2016-CP-18-1706, Complaint
7. Case No. 2013-CP-18-183, Morphew Complaint
8. Case No. 2013-CP-18-183, Dudeks Complaint
9. Case No. 2013-CP-18-183, Order, November 6, 2014
10. Appellate Case No. 2014-002633, Record, p. 291
11. First Federal File, with Transmittal Letter

12. Case No. 2013-CP-18-183, Pleading Statement, September 10, 2014
13. Appellate Case No. 2014-002633, Final Brief
14. Appellate Case No. 2014-002633, Opinion No. 17-CP-019
15. Appellate Case No. 2014-002633, Pet. to Dismiss Rehearing, Order, February 15, 2017
16. Appellate Case No. 2014-002633, Remittitur, February 15, 2017
17. Case No. 2013-CP-18-183, Order, May 17, 2017
18. Case No. 2013-CP-18-183, Order, June 14, 2017
19. Appellate Case No. 2017-1393, Final Brief
20. Appellate Case No. 2017-1393, Opinion No. 2020-UP-151
21. Appellate Case No. 2017-1393, Order Denying Reconsideration, August 24, 2020
22. Case No. 2017-CP-18-987, Complaint
23. Case No. 2017-CP-18-987, Order, February 21, 2018
24. Appellate Case No. 2018-000507, Final Brief
25. Appellate Case No. 2018-000507, Opinion No. 20-UP-150
26. Case No. 2018-CP-18-1661, Amended Complaint
27. Case No. 2016-CP-18-1706, Order Partially Dismissing Carolina One, January 31, 2017
28. Case No. 2016-CP-18-1706, Order Partially Dismissing Dudeks, January 31, 2017
29. Entire Morhew Transcript, January 16, 2018, including all exhibits
30. Case No. 2016-CP-18-1706, Memo in Support of S.J., May 29, 2018;
31. Case No. 2016-CP-18-1706, Order Granting S.J., November 15, 2018
32. Full transcripts from all hearing held in 2016-CP-18-1706

I certify that this designation contains no matter which is irrelevant to this appeal.

SMITH | CLOSSER | WHEELER, P.A.

s/Samuel M. Wheeler

---

Samuel M. Wheeler (SC Bar No.: 101008)  
7455 Cross County Road, Suite 1  
P.O. Box 40578  
Charleston, SC 29423-0578  
843-760-0220

August 27, 2020

*Attorneys for Respondents Stephen Dudek, Doreen Cross,  
Michael Scarafile, Susan Nicholson, and Carolina One  
Real Estate*

Samuel Melvil Wheeler, Esquire  
David Collins

# Exhibit C

# The South Carolina Court of Appeals

Molly Morphew, Appellant,

v.

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

Appellate Case No. 2018-002185

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## ORDER

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Appellant's motion to compel compliance is denied. Appellant shall serve a record on appeal that complies with prior orders of this court and the South Carolina Appellate Court Rules within thirty days of the date of this order. Failure to comply may result in the dismissal of this appeal.

  
FOR THE COURT

Columbia, South Carolina

cc:

Molly Morphew  
Steven L. Smith, Esquire  
Amy Lynn Neuschafer, Esquire  
Amy L.B. Hill, Esquire  
Jordan Michael Crapps, Esquire  
Laura Ruth Baer, Esquire  
Robert McNair Peele, III, Esquire

**FILED**  
**Aug 16 2021**

**RECEIVED**  
AUG 31 2021  
SC Court of Appeals

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

Appellate Case No. 2018-002185

Molly M. Morpew, Appellant

v.

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

CERTIFICATE OF SERVICE

I, Molly M. Morpew, Appellant for said case, hereby certify that I have, on this date indicated below, served counsel below with an APPELLANT'S NOTICE OF MOTION AND 59(e) MOTION TO RECONSIDER AND AMEND ORDER, by mailing a copy of same via United States Mail, postage prepaid and return address clearly indicated on said envelope, to counsel at the following address:

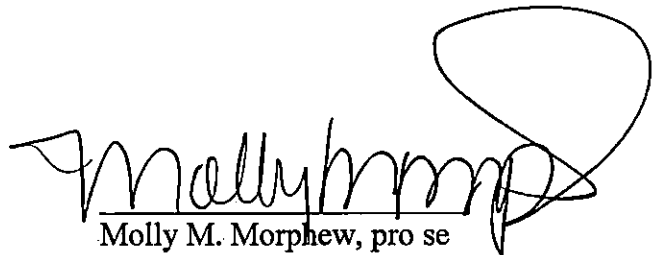
**Steven L. Smith, Esquire**  
**P.O. Box 40578**  
**Charleston, SC 29423-0578**  
**Attorney for Respondents:**  
Stephen Dudek  
Doreen Cross  
Susan Nicholson

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

Michael Scarafile  
Carolina One

**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  
Bank)



Molly M. Morphey, pro se

August 26, 2021

**RECEIVED**

AUG 31 2021

**SC Court of Appeals**

August 26, 2021

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

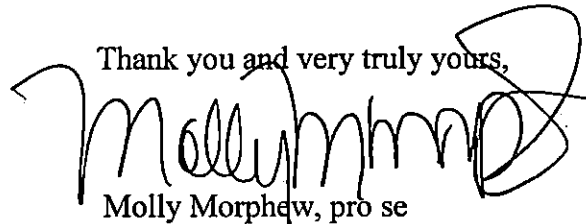
Re: Appellate Case No. 2018-002185  
Molly M. Morpew v. Stephen Dudek, Doreen Cross, et al.

Dear Ms. Kitchings:

Please find enclosed an original and six (6) copies of APPELLANT'S 59(e) MOTION TO RECONSIDER AND AMEND ORDER 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 Morpew', with a large, stylized flourish extending from the end of the signature.

Molly Morpew, pro se

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