

November 1, 2021

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S.C. SUPREME COURT

Via Electronic Filing

The Honorable Patricia A. Howard
Clerk of Court
Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201
supctfilings@sccourts.org

RE: JPMorgan Chase Bank v. Fritz A. Timmons
Appellate Case No. 2021-001092
Our File No. 011281/02585

Dear Ms. Howard:

I represent respondent JPMorgan Chase Bank, National Association (“Chase”) in the above-referenced matter. We received a motion filed by the petitioner, Mr. Timmons, dated October 22, 2021. Although Mr. Timmons styles the motion as a “Motion to Strike and Disregard Order of Oct. 1 2021,” the motion is, in substance and effect, a petition for rehearing from the Court’s October 1, 2021 order dismissing Mr. Timmons’ petition for a writ of certiorari. Because the motion is a petition for rehearing, Chase does not intend to respond to the motion unless the Court directs it to do so pursuant to Rule 242(a), SCACR.

Moreover, Rule 242(a) prohibits the filing of a petition for rehearing from an order denying a petition for a writ of certiorari, and the motion is untimely because it was not “actually received” by the Court until 25 days after the dismissal order. The Court should therefore reject the motion as improper and should direct the Court of Appeals to issue the remittitur.

Please let us know if the Court requires a substantive response to the motion. In the absence of a request by the Court, we do not intend to submit any additional filings in this dismissed matter. Thank you for your consideration of this letter.

The Honorable Patricia A. Howard
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Sincerely,

s/ Nicholas A. Charles

Nicholas A. Charles

cc: Fritz Timmons (via U.S. Mail)
P.O. Box 367
Hartsville, SC 29551