

Jan 12 2022

SC Court of Appeals

**From:** [Janet Frisco](#)  
**To:** [Stephanie Smith](#); [Court Of Appeals Filings](#)  
**Cc:** [Stephan Futeral](#); [Young, Roger Law Clerk \(Michael Secrist\)](#); [Price, Bentley Law Clerk \(Aimee Intagliata\)](#); [Griffin, Ryan K. Law Clerk \(Joseph D. Winterstein\)](#)  
**Subject:** Re: Pet Helpers v. Frisco - Court of Appeals Case No. 2022-000021  
**Date:** Wednesday, January 12, 2022 5:20:08 PM

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**Mr. Futeral,**

**There is no 30 day time limit on Rule 60(B)# 3 fraud. It's a year after judgement. I will file a Return to the Motion to Dismiss within ten (10) days if the frivolous motion is not withdrawn by the plaintiff's attorney (see paragraph below from the rule):**

**(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc.** On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:

**(1)** mistake, inadvertence, s, or excusable neglect;

**(2)** newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b);

**(3) fraud, misrepresentation, or other misconduct of an adverse party;**

**(4)** the judgment is void;

**(5)** the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application.

The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than one year after the judgment, order or proceeding was entered or taken. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to set aside a judgment for fraud upon the court. During the pendency of an appeal, leave to make the motion must be obtained from the appellate court. Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review,

are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

On Wednesday, January 12, 2022, 03:51:47 PM EST, Court Of Appeals Filings <ctappfilings@sccourts.org> wrote:

Dear Counsel:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

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**From:** Stephanie Smith [mailto:ssmith@charlestonlaw.net]  
**Sent:** Wednesday, January 12, 2022 3:47 PM  
**To:** Court Of Appeals Filings <ctappfilings@sccourts.org>  
**Cc:** Stephan Futeral <sfuteral@charlestonlaw.net>; Janet Frisco <janetfrisco@yahoo.com>  
**Subject:** Pet Helpers v. Frisco - Court of Appeals Case No. 2022-000021

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Attached please find Respondent Pet Helpers' *Motion to Dismiss* and *Proof of Service* for filing in the above matter. Our office will submit payment for the \$50.00 filing fee by US Mail.

Thank you for your attention to this matter. Should there be any questions or if anything further is needed, please let me know.

Sincerely,

## Stephanie M. Smith

Paralegal

Futeral & Nelson, LLC

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**Due to the increasing spread of COVID variants, our law firm is will be taking the following steps to ensure the safety of our clients and our employees. This means we are limiting face-to-face interaction in the following ways:**

- 1. Effective July 29, 2021 all client meetings will be virtual or by telephone.**
- 2. Effective July 29, 2021 our office will be locked to outside guests.**
- 3. Documents that need to be delivered should be sent electronically, via mail, or slipped under the front door of our office (not the exterior door to our building).**
- 4. If you must come to the office (need something notarized or to prepare for a hearing) we will make special arrangements in advance.**
- 5. If you need to schedule an appointment, a special accommodation, or have any questions, please call us at (843) 284-5500**

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