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Jan 24 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas, 9th Circuit Court

The Honorable Bentley D Price,
The Honorable R. Kirk Griffin
The Honorable Judge Robert Bonds

Court of Appeals Case No. 2022-000021

Family Court Case No. 2021-CP-10-2682

Pet Helpers, Inc..... Respondent
Janet L. Frisco.....Appellate

RETURN TO THE MOTION TO DISMISS

The appellate requests a Return to the Motion to Dismiss pursuant to Rule 60, SCARCR that states:
(b)when mistakes, inadvertence; excusable neglect; newly discovered evidence, fraud, etc. on motion and upon such terms are just, the court may relieve a party or his legal representative from a final judgement, order or proceeding for the following:

3) fraud, misrepresentation, or other misconduct of an adverse party.

The motion shall be made within a reasonable time and for reasons (1), (2), and (3) not more than one year after judgement, order or proceeding was entered or taken.

ARGUMENT

1. THIS COURT SHOULD NOT DISMISS THE APPEAL BECAUSE THE APPEAL WAS NOT SUBJECT TO THE THIRTY (30) DAY TIME LIMIT PERSUANT TO RULE 240 SCACR, BUT WAS FILED PERSUANT TO RULE 60 (b) 3 WHICH ALLOWS UP TO ONE (1) YEAR TO APPEAL A JUDGEMENT OR ORDER IN CASES OF FRAUD, MISREPRESENTATION, OR OTHER MISCONDUCT OF AN ADVERSE PARTY. SC Judicial Branch (sccourts.org)

2. THIS COURT HAS JURISDICTION OVER THE APPEAL BECAUSE THERE WAS "ABUSE OF DISCRETION" IN THE LOWER COURT THAT RENDERED DECISIONS FOR A CLEARLY IMPROPER PURPOSE WHEREAS INFORMATION WAS WITHHELD DURING HEARINGS THAT DEPRIVED DEFENDANT FROM RIGHT TO OBTAIN EVIDENCE OF THE UNREDACTED ADOPTION CERTIFICATE OF TOBY A.K.A. "SLIM JIM" MAY 8, 2021 THAT WOULD HAVE PROVED THE ADOPTION WAS STAGED BY THE PLAINTIFF IN ORDER TO SOLICIT DONATIONS UNDER THE FALSE PRETENSE THE CANINE HAD BEEN LEGITIMATELY ADOPTED.
3. THE PLAINTIFF'S LAWYER COMMITTED FRAUD UPON THE COURT WITH SPECIFICITY SCRPC RULE 9(B) CHEWNING V FORD MOTOR CO. 35 F SUPP 2d 487 (D.S.C. 1998). RELIEF FOR FRAUD UPON THE COURT IS NOT SUBJECT TO THE ONE YEAR TIME LIMIT. PLAINTIFF'S LAWYER SUBVERTED THE INTEGRITY OF THE COURT ITSELF AND THIS MAY ALSO HAVE INVOLVED FRAUD PERPETUATED BY OFFICERS OF THE COURT IN RENDERING JUDGEMENTS AND ORDERS WITHOUT ALLOWING DEFENDANT TO BE HEARD PRIOR TO THEIR DECISIONS, HILTON HEAD CTR. OF S.C. VS PUBLIC SERVICES. COMMN, 294 S.C. 9, 11, 362 S.E. 2ND 176, 177 (1987).
4. "RELIEF IS GRANTED FOR EXTRINSIC FRAUD ON THE THEORY THAT BECAUSE THE FRAUD PREVENTED A PARTY FROM EXHIBITING AND TRYING HIS CASE, THERE HAS NEVER BEEN A REAL CONTEST BEFORE THE COURT ON THE SUBJECT MATTER OF THE ACTION." ID.

CONCLUSION

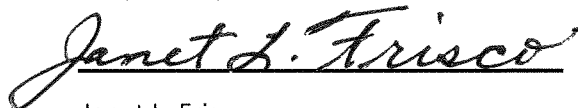
Appellant's appeal notice was filed timely and Appellate Court has jurisdiction because it was filed under SCRPC Rule 60(B) 3 which allows up to one year to appeal a judgement from a lower court and beyond one year when fraud upon the court is involved. Plaintiff based their Motion to Dismiss exclusively on the (30) thirty-day time limit under SCRPC Rule 240 which does not apply under circumstances of fraud or other misconduct of an adverse party therefore the Respondent's Motion to Dismiss should not be granted by this court.

RELIEF REQUESTED

- A. ALL RESTRAINING ORDERS SHOULD NOT HAVE RECOGNITION AND BE REPEALED.
- B. PAST AND PRESENT SANCTIONS BE REVOKED AND/OR REFUNDED.
- C. PLAINTIFFS MUST SURRENDER THE UNREDACTED ADOPTION CERTIFICATE TO THE COURTS AND VALIDITY OF THE ADOPTION INVESTIGATED.

DATED: 1/21/22

Respectfully submitted,



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Appellant, Pro Se
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PROOF OF SERVICE

I certify that I have serve the Respondent's *RETURN TO THE MOTION TO DISMISS* by delivering same via email and United States Regular Mail, postage prepaid on the 21st day of January 2022 addressed to the Respondent's legal representative as follows:

Stephan V. Futeral
1004 Anna Knapp Blvd., Suite 3
Mount Pleasant, South Carolina 29465
sfuteral@charlestonlaw.net


Janet L. Frisco, Pro Se