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Jan 31 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Perry H. Gravely
The Honorable Robin B. Stilwell
Circuit Court Judges

Appellate Case No. 2019-01565
Circuit Court Case No. 2017-CP-23-8016

Wells Fargo Bank, N.A..... Respondent,

v.

Michelle Hodges, Individually; Michelle Hodges, as Personal
Representative of the Estate of Ruth Ladson Witherspoon; Stanley
Witherspoon; SC Housing Corp.; Twin Creeks Homeowners
Association, Inc.,..... Defendants.

of whom

Michelle Hodges, Individually and as the Personal Representative
of the Estate of Ruth Ladson Witherspoon is the..... Appellant.

WELLS FARGO’S OPPOSITION TO APPELLANT’S MOTION TO AMEND NOTICE OF
APPEAL

WOMBLE BOND DICKINSON (US) LLP

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Attorneys for Respondent Wells Fargo Bank, N.A.

Columbia, South Carolina
January 31, 2022

Wells Fargo respectfully opposes Ms. Hodges’ “Notice and Motion for Leave to Amend Notice of Appeal” due to the fact that her latest motion is a procedurally improper attempt to amend her Final Brief which this Court has already determined it will proceed with. Rules 203 and 211, SCACR. If Ms. Hodges seeks to supplement the record, the order she seeks to include is the very order this appeal stems from, is already part of the record on appeal, and is also procedurally improper pursuant to Rules 203 and 210(b), SCACR.

Ms. Hodges’ filed her notice of Appeal over two years ago on September 16, 2019. Ms. Hodges finally filed her Final Brief on January 22, 2021.¹ Since that time, Ms. Hodges has sought leave to amend her Final brief twice, and this Court, by letter dated June 14, 2021, made Ms. Hodges aware that it would proceed with Ms. Hodges Final Brief filed on January 22, 2021.

Ms. Hodges’ filed the record on appeal over ten months ago on March 12, 2021. Likewise, Wells Fargo filed its Final brief and Supplemental Record on Appeal on March 30, 2021. Despite the progress of this appeal, and the non-stop filing of deficient motions to prolong this appeal, Ms. Hodges now seeks to prolong this appeal with yet another deficient motion this time to supplement the record with an order that is already in the record she submitted:

¹ On November 6, 2020, this Court granted Ms. Hodges’ Motion to amend her Initial Brief.



Greenville Common Pleas

Case Caption: Wells Fargo Bank NA vs. Michelle Hodges , defendant, et al
Case Number: 2017CP2308016
Type: Order/Summary Judgment

So Ordered

s/ Honorable Perry H. Gravely, #2755

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(R. p. 7-17; August 7, 2019 Order)

After more than *forty* deficiency letters, Ms. Hodges is well aware of the fact that motions require filing fees and proof of service. Despite knowing what is required to file a motion, and this Court's numerous issuances of prompt deficiency letters, Ms. Hodges has continuously ignored this Court's Rules and delayed the appellate process. As this Court is well aware, Ms. Hodges has been a serial filer of frivolous documents and other materials that do not comply with the Appellate Court Rules and that appear designed to do little more than indefinitely delay this matter from ever reaching a conclusion. The C-Track docket for this straightforward appeal presently contains more than *forty* entries that chronicle a constant refusal by Ms. Hodges to follow the Court's rules or to abide by its frequent deficiency letters. The instant motion to amend her Final Brief and supplement the record with an order already in the record highlights the intent to

lure the Court into issuing unlimited deficiency letters and continue down this slippery slope of prolonging the appeal by filing insufficient documents.

To date, Ms. Hodges' filings with the Court have resembled a tennis match in which Ms. Hodges serves an incomplete document, the Court returns a deficiency letter, and Ms. Hodges serves up another incomplete document. Due to the latest duplicative and procedurally improper filing, and numerous motions and resulting deficiency letters, Wells Fargo respectfully requests the Court deny Ms. Hodges' motion and, respectfully, dismiss this appeal for failure to comply with the Appellate Court Rules and the numerous deficiency letters and warnings that the Court has previously provided to her.

Respectfully submitted,

WOMBLE BOND DICKINSON (US) LLP

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CERTIFICATE OF SERVICE

I, the undersigned employee of the law offices of Womble Bond Dickinson (US) LLP, attorneys for Wells Fargo Bank, NA, do hereby certify that I have served the parties identified below with a copy of the pleading(s) specified below by United States mail, postage prepaid, at the address(es) identified below:

Pleading(s): Wells Fargo's Opposition to Appellant's Motion to Amend Notice of Appeal

Parties Served:
Michelle Hodges
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Michelle Hodges
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Deborah P. Stout

By: _____

January 31, 2022



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January 31, 2022

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RECEIVED
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SC Court of Appeals

Re: Wells Fargo Bank, N.A. v. Michelle Hodges
Appellate Case No.: 2019-001565

Dear Ms. Kitchings:

We represent Wells Fargo Bank in the above-captioned appeal. Attached please find for filing Wells Fargo's Opposition to Appellant's Motion to Amend Notice of Appeal in the above-referenced matter.

Please do not hesitate to contact us with any questions.

Best regards,

Womble Bond Dickinson (US) LLP

By: /s/ Bryant S. Caldwell

cc: Michelle Hodges