

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

January 27, 2015

To: Mr. Reginald Johnson, 1774 Big Valley Lane, Stone Mountain, Georgia 30083

Docket Number: A15A0883 **Style:** Reginald Johnson v. Wells Fargo Bank, et al.

Your document(s) is (are) being returned for the following reason(s).

1. ☐ Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 **Please be advised that your pauper's affidavit should be notarized by a notary public.**
2. ☐ A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. ☐ No Certificate of Service or an improper Certificate of Service accompanied your document(s). Rule 6
5. ☐ Your Certificate of Service did not include the complete name and mailing address of each opposing party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
6. ☐ There were an insufficient number of copies of your document. Rule 6.
7. ☐ Your document exceeds page limits. Rules 24 (f) and 27 (a)
8. ☐ Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. ☐ Letter briefs and letter cites are not permitted. Rule 27 (b)
10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)
11. ☐ Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12. ☐ Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. ☐ The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. ☒ **Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)**
15. ☐ Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. ☐ Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. ☐ The Motion to Supplement has not been granted.
18. ☒ **Other: I have enclosed a copy of the Court's Rules for your review.**

For Additional information, please go to the Court's website at: www.gaappeals.us



2014

Georgia Court of Appeals

R U L E S

Last Update: October 21, 2014

COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

REGINALD JOHNSON
Appellant

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CASE NO
A15A0883

WELLS FARGO BANK, N.A. A/K/A
WELLS FARGO DEALER SERVICES
Appellee

FILED IN OFFICE
JAN 27 2015
CLERK, COURT OF
APPEALS OF GEORGIA

RECEIVED IN OFFICE
2015 JAN 27 PM 12:44
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COURT OF APPEALS OF GA

APPELLANT'S BRIEF

NOW COMES APPELLANT, REGINALD JOHNSON, PRO SE, in the above
styled action and files this, his appellant's Brief and show the Court as follows:

ENUMERATION OF ERRORS

On April 25, 2014 the Appellee, Wells Fargo Bank, N.A. A/K/A Wells Fargo Dealer Services was properly served by a Gwinnett county deputy the Statement of Claim filed by Appellant, Reginald Johnson, (See attached Exhibit A). Appellee failed to file an answer within the 30 days allowed pursuant to O.C.G.A sec 15-10-43(c) (See attached Exhibit B, Answer file July 8, 2014). Appellee also failed to open the default by filing an answer and payment of costs within 15 days of default pursuant to O.C.G.A sec 15-10-43(d). Appellant received the Appellee answer one day before a set Default hearing date for which all that was to be required was for the Appellant to prove damages (See attached Exhibit C) pursuant to O.C.G.A sec 15-10-43(d). The Appellee is only allowed to submit evidence at that hearing on the issue of the amount of damage pursuant to O.C.G.A sec 15-10-43(d). At the hearing the Appellee asked that a Default be open because Appellant did not pay the \$103 required to file the Statement of Claim (See attached Exhibit B page 3). After Appellant pointed out to the courts that said fee was in fact paid (See attached Exhibit D) on April 24, 2014 at the time of filing and is required before filing the case and is part of the court's record and Default hearing should go

forward, the Honorable Magistrate Court Judge James A. Hinkle in an act of complete Judicial Supremacy, ignoring the rule of law, ignoring the court's responsibility of fairness and without even allowing the Appellant a chance to prepare a response set a trial date and allowed an unlawful answer to be submitted. Judge Hinkle did not even give a reason for this unlawful ruling in his order (See attached Exhibit E).

Appellant, in an effort to make his objection to this miscarriage of justice, part of the court records, filed a motion for reconsideration (See attached Exhibit F). On August 7, 2014 the courts again ignoring the rule of law ruled against Appellant, never addressing the argument put forward by the Appellant (See attached Exhibit G).

On October 6, 2014 the Honorable Superior Court Judge Timothy R. Hamil ruled that the Appellee, although having two prior hearing, one on July 10, 2014 and another on August 7, 2014 and original service served on April 25, 2014, was not given fair notice of Appellant's claim (See attached Exhibit H). The Honorable Superior Court Judge Timothy R. Hamil never addressed the Appellant claim of unfairness.

This is a simple case. The Appellee, a bank, placed forced coverage insurance on the vehicle (See Exhibit I) that Appellant had financed with Appellee. Appellant was charged and paid \$1,999 for said policy (See Exhibit J). There was a valid claim made by Appellant on this policy. The insurance company only paid an estimate of the claim (See Exhibit O) and did not pay the actual damages of \$8,537.33 (See Exhibit L). The Appellant is asking actual damages of \$8,537.33 plus tow charges of \$110 (See Exhibit N) plus finance fees of \$118 associated with loan acquired to pay actual damages (See Exhibit K). Appellant is also asking for repainting fees of \$1,564.35 (See Exhibit S) and violations of the Fair Credit Reporting Act, section 623 damages of \$3,000 for reporting late payments on Appellant's credit report (See Exhibit T) for a total of \$13,329.68 plus court fees.

This 27th day of January 2015

Respectfully Submitted

Reginald Johnson

Reginald Johnson

Pro Se

1774 Big Valley Lane Stone Mountain, Ga. 30083

(404) 313-2729

COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

REGINALD JOHNSON,

Appellant,

vs.

WELLS FARGO BANK, N.A. A/K/A

WELLS FARGO DEALER SERVICES,

Appellee

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CASE NO

A15A0883

CERTIFICATE OF SERVICE

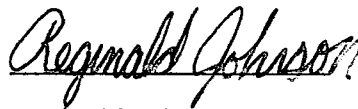
I hereby certify that I have served a copy of the above and foregoing **APPELLANT'S BRIEF** upon Appellee's attorney listed below by deposition a true copy of same in the United States Mail, in a properly addressed envelope with adequate postage thereon as follows:

Lefkoff, Rubin, Gleason & Russo, P.C.

5555 Glenridge Connector, Suite 900

Atlanta, Ga. 30342

This 27th day of January 2015



Reginald Johnson

Pro Se

1774 Big Valley Lane

Stone Mountain, Ga.30083

(404) 313-2729

COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

REGINALD JOHNSON,

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Appellant,

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vs.

*

CASE NO

WELLS FARGO BANK, N.A. A/K/A

*

A15A0883

WELLS FARGO DEALER SERVICES,

*

Appellee

*

AFFIDAVIT OF REGINALD JOHNSON

1.

My name is Reginald Johnson, and I am competent in all respects to testify regarding matters set forth herein. I am the Appellant in the above styled action and I give this affidavit voluntarily in support of this Brief. I have personal knowledge of the facts stated herein and know them to be true.

2.

I, Appellant, Reginald Johnson, certify that all statements included in the Brief are true.

This 27th day of January 2015



Reginald Johnson

Pro Se

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Stone Mountain, Ga.30083

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