



## Court of Appeals of Georgia

June 4, 2015

TO: Ms. Lorna Nembhard, 6422 Wedgeview Drive, Tucker, Georgia 30084

RE: **A15A1472. Lorna Nembhard v. JPMorgan Chase Bank, N.A., et al.**

### CHECK RETURN

- Your check number \_\_\_\_\_ in the amount of \_\_\_\_\_ written on the account of your firm for the filing fee in \_\_\_\_\_ is enclosed. Please be advised that this Court is returning your check since the filing fee was already paid by \_\_\_\_\_.

### ~~CASE STATUS - DISPOSED~~

- The referenced appeal was dismissed on April 30, 2015. The remittitur issued on May 15, 2015, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

**I am returning your documents to you.**

### CASE STATUS - PENDING

- The above referenced appeal is pending in your name before this Court. The appeal was docketed in the \_\_\_\_\_ Term and a decision must be rendered by the Court by the end of the \_\_\_\_\_ Term which ends on \_\_\_\_\_.

### APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

- To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.

A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the \$80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.

Enclosed, please find a copy of the Rules of the Court of Appeals for your review.

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APPEALS # A15A1472

IN THE COURT OF APPEALS FOR THE STATE OF GEORGIA

LORNA NEMBHARD,  
Pro se Petitioner,  
V.

JPMORGAN CHASE BANK, N.A. , et al.,  
MARTIN & BRUNAVS (LAW FIRM)  
Respondents,

On Application for Direct Appeal from the Superior Court of Gwinnett  
County's Judges Final Incomplete Order In; Case # 13A09220

APPELLANT'S MOTION OF NOTICE TO APPEAL TO  
THE SUPREME COURT  
OF UNITED STATES

Lorna Nembhard  
Pro se  
6422 Wedgeview Drive  
Tucker, Georgia 30084  
678-755-1007

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**I. JURISDICTION OF NOTICE TO APPEAL**

The State of Georgia Court of Appeals has jurisdiction pursuant to Article II Appellate Practice, 28 U.S.C. §2342, 28 U.S.C. § 1332 is applicable due to diverse jurisdiction in the manner that Petitioner is completely domiciled in the State of Georgia where her residence exists and the Respondent J.P. Morgan Chase Bank Corporate Office & Headquarters is at 270 Park Avenue New York, NY. 28 U.S.C. § 1291 O.C.G.A. § 5-6-33, O.C.G.A. § 5-6-35, Georgia Constitution Article I, §I¶1, and Georgia Constitution Article VI, §V, ¶ II.

The Appeals Court of Georgia entered its judgment contrary to Rules governing Rules 7, 9(d), O.C.G.A. § 5-6-35 **OF A FINAL ORDER**, Rule 35, 37, 38(a) and (b) 39 after agreeing withholding the judgment from Appellant to blind her against any possible challenges . Therefore, the Supreme Court of the United States has jurisdiction pursuant to Article III, § 2of the Constitution and 28 U.S.C. § 1254(1). The District Court of Georgia had jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1332 and the Court of Appeals had jurisdiction pursuant to 28 U.S.C. § 1291 and in connection to the inconsistency between the Superior Court's authority to reconsider versus the Appeals Court falsely claiming that Judge Tom Davis had no rights to grant a appeals time beyond his Court.

In total conflict to the reasons for Appeal Court Rule for discretionary Appeals is based upon the final judgment pursuant to Rule 31. Appellant definitely has standing to show the Court overlooked a material of fact in the record, statue or decision which is central and controlling that the actions of impeding service of the judgment attempt to shield the Court from applying true justice. The controlling record that this Court shields is when consideration is given toward the Court's rule of final judgment. Certainly and undisputed facts that were overlooked is that Appellant filed a Motion with the lower trial Court to reconsider the July bias judgment and Judge Tom Davis Granted that right which now moves the final judgment to whatever the decision arise from the Motion to Reconsider which was retired on November 3, 2014. The decision relative to this judgment would indeed be final and this is devoid of the Appeals Court's flawed judgment that stands in the way of justice and erroneously construing the appeal from a premature date. The controlling authority requires the Court to consider the final judgment or any the authority the lower Court had in granting Appellant's Motion to reconsider, and the trial material facts as a results of the November's 3<sup>rd</sup> hearing on the reconsider motion and the Appeals Court Judgment is devoid of any record intentionally misplacing this undisputed fact.

As a result of allowing the following:

Counsel Sharpes appearing to file briefs back in September of 2014, violated Appellants rights under the Court Rule and the State liberty of interest to equal protections and due process of following the Court Rules, JP Morgan, did in fact changed attorneys without notice, permission from the Court and without withdrawal or entry of appearance or substitute of Counsel. This was specifically pointed out to this Court from the record and by providing a copy of the Trial Court Transcript where JPMorgan's illegal Counsel, Dustin Sharpes admitted to the Judge Tom Davis on Pgs 9 and 10 of not filing notice of appearance and in clear violations of intentionally pretexting a false claim of the Appeal Court Rule does not requires such filing for a difference counsel on record, Sharpes told the Court and the Appeal Court fail to do anything toward is that Sharpes clearly lies to the court by stating on Pg 10, "If we did not, it's because the Court's rules don't require it" was clear dishonesty that this Court seeks to protect by the manner of which it withheld the judgment to prevent justice due to Sharpes for intentionally deceit in violation to Rule 9(d).

This Court and the record reflect no challenges made to Judge Tom Davis' Order dismissing Sharpes' illegal Motion. Yet, in clear violation to an issue that was resolve in the Trial Court regarding Sharpes' Motion to Dismiss Appellant Appeal, this Court entertained Sharpes' rehashed Motion that was already resolved under the Authority that Judge Davis has jurisdiction to reconsider a previous Order. Judge Davis has jurisdiction to put in place as a result from Appellant's Motion to Reconsider the controlling authority to instruct parties to the time line of which to he concludes is the final judgment and any subsequent filings that are to be filed. This Court failed to consider Superior Court's Transcript Record, Pg.51, ¶¶8-12 is within Judge Tom Davis' authority vested in an Article III Judge ability to have a Trial based upon her motion to reconsider and make the decision from such a trial final. Yet, the Appeal Court failing to follow the record completely and made their judgment overlooking Judge Davis' right to grant Appellant's motion for reconsideration failed to be neutral or impartial as required of the Appeal Court. As a result of withholding the Appeal Court judgment and the aforementioned herein above, this Court has acted on the behalf of the Appellees'and JPMorgan Chase Bank in the form of representation, of negligence to perform under the color of law and protected and allowed flagrant violations of Sharpes to file, two of the same

motions without raising any objections at the Trial Court and has been dishonest in telling Judge Davis the rules in this Court don't require Counsel the file appearance or substitute. The same Court of Appeal has further falsely claimed that the final order from Judge Davis was in July 2014 which is simply **WRONG** in plain view of the November 3rd 2014 hearing Order and Transcript.

**THE COURT ERRED AND CONSIDERED SHARPES' MOTION**

The clandestine Order that Appellant had to request the Clerk to email her a copy thereof on June 2, 2015 spent the majority of content supporting Sharpes' Motion that Appellant's Appeal was untimely. The Appeal Court failed to consider no brief opposing Appellant's Motion has been filed is consider nonresponsive and the record is devoid of any orders that addresses Appellant's Brief and opposition. This Court as in other Courts has established precedent because Appellees have failed to file a brief with the Appeals Court of the State, this Court is left with accepting Appellant's entire brief, statement of record, all supporting references and exhibits as being prima facie of truth and facts and should have decided the case on the basis of the Appellant's entire brief, statement of record, all supporting references and exhibits as evidencing of truth unopposed; Cincinnati & C. R. Co. v.

Hilley 121 Ga. App. 196(1) (173 S.E.2d 242) (1970), Colson v. State, 138 Ga. App. 366 (1) (226 S.E.2d 154) (1976), Clark v. Stafford, 239, Ga. App. 69 n.1, 522 S.E.2d 6(1999), and Daniel v. Allstate Ins. Co., 660 S.E.2d 765 (2008). The following cases are referenced, citations omitted with emphasis toward the Appellees failed to file a brief in opposition

The fundamentals of due process, if followed, require “the right to be heard in a civil dispute” according to the final judgment of the trial Court under which was November 3, 2014. The record and hidden Judgment intentionally is devoid of this fact that. The Court is also devoid of the facts that Georgia Constitution and the Civil Practice Act guarantees the right of a jury trial for litigants under civil matters

### CONCLUSION

This Court departed from the Appeals Court of the State of Georgia objectives in seeking justice and fairness under due process right that Appellant has the right to challenge the Court secrete judgment in the final Court of last resort. The State Court Appeals failed to timely serve upon Appellant the Opinion or judgment dismissing her Appeal for lack of jurisdiction. Appellant shows that this was a

calculable strategy on the part of the Appeals Court to intentionally not provide her with time allowed under the Rules to file a motion to reconsider or the appeal to the Georgia Supreme Court or United States attached hereto is a copy of the Moreover and also important is the Appellant filed a motion for reconsideration before ever filing a discretionary appeals which has no affects until the November 3, 2014 Hearing was dispositioned. Appellant further contends that the jurisdictional venue in the forgoing appeal is a result of the thirty 30 requirement was not enforceable until 30 days past the November 3, 2014 hearing and this Court failed to accept as material facts.

**Wherefore,** the Appellant Asks the Court Allows her time to Respond or Send Her Appeal to the U.S. Supreme Court. In Furtherance, Appellant asked and incorporate as to fully set forth the same brief as attached as **Exhibit B** with the above forgoing content matter to be consider as the Brief of record forwarded to this Court and to the U.S. Supreme Court as required. Appellant shows the foregoing April 30, 2015 judgment from this Court is procedurally wrong. Moreover, the April 30, 2015 judgment was withheld disingenuously to impede Appellant's due Process rights to show the erroneous errors made and to protect and litigate under the auspice of an incognito persuasion further on the behalf of

the Appellees' position without the Appellee's filing a brief in opposition as required by Rule 23(b). As a result of the forgoing and the material of facts in support relative to Appellant's Affidavit and Previous Court's Exhibits A, Appellant by law and the ability to set forth her rebuttal files this Notice of Appeal reserving the right to supplement or amend portions relative to JPMorgan's Chase Bank has failed to come forth with any opposition that could challenge her Appeal under the basis of the PSA or that the Note being split from the Mortgage creates a Nullity.

Submitted with respect,

/s/ 

Lorna Nembhard , Pro se, Appellant  
6422 Wedgeview Drive  
Tucker, GA 30084  
678 -755 -1007

By depositing a copy of the same U.S. Postal Mail First Class or Certified Mail on or by Hand delivery to the Clerk June 3, 2015 to assure proper delivery

**APPEALS # A15D0047**

**IN THE COURT OF APPEALS FOR THE STATE OF GEORGIA**

**LORNA NEMBHARD,**  
**Pro se Petitioner,**  
**V.**

**JPMORGAN CHASE BANK, N.A. , et al.,**  
**MARTIN & BRUNAVS (LAW FIRM)**  
**Respondents,**

**On Application for Direct Appeal from the Superior Court of Gwinnett  
County's Judges Final Incomplete Order In; Case # 13A09220**

**CERTIFICATE OF DECLARATION OF SERVICE**

Appellant certifies that forgoing Notice to Appeal to United States Supreme Court and her Affidavit supporting not receiving the Court's Judgment has been served on the Court and the Appellee parties listed below:

Clerk of Court  
Court of Appeals of the State of Georgia  
47 Trinity Avenue, S.W., Suite 501  
Atlanta, Georgia, 30334

Wargo & French LLP  
David M. Pernini  
Dustin S. Sharpes  
999 Peachtree Street, N.E., 26<sup>th</sup> Floor

APPEALS # A15A1472

Submitted with respect,

*/s/ Lorna Nembhard*

Lorna Nembhard , Pro se, Appellant

6422 Wedgeview Drive

Tucker, GA 30084

678 -755 -1007

By depositing a copy of the same U.S. Postal Mail First Class or Certified Mail on  
or by Hand delivery to the Clerk June 3, 2015 to assure proper delivery

**APPEALS # A15D0047**

**IN THE COURT OF APPEALS FOR THE STATE OF GEORGIA**

**LORNA NEMBARD,**  
**Pro se Petitioner,**  
**V.**

**JPMORGAN CHASE BANK, N.A. , et al.,**  
**MARTIN & BRUNAVS (LAW FIRM)**  
**Respondents,**

**On Application for Direct Appeal from the Superior Court of Gwinnett  
County's Judges Final Incomplete Order In; Case # 13A09220**

**CERTIFICATE OF COMPLIANCE**

Appellant certifies that forgoing Notice to Appeal to United States Supreme Court and her Affidavit supporting not receiving the Court's Judgment has been served on the Court and the Appellee parties listed below:

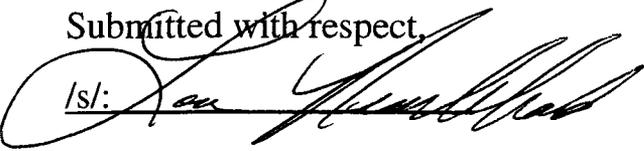
Clerk of Court  
Court of Appeals of the State of Georgia  
47 Trinity Avenue, S.W., Suite 501  
Atlanta, Georgia, 30334

Wargo & French LLP  
David M. Pernini  
Dustin S. Sharpes  
999 Peachtree Street, N.E., 26<sup>th</sup> Floor

APPEALS # A15A1472

Submitted with respect,

/s/:

  
Lorna Nembhard , Pro se, Appellant

6422 Wedgeview Drive

Tucker, GA 30084

678 -755 -1007

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or by Hand delivery to the Clerk June 3, 2015 to assure proper delivery

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APPEALS # A15A1472

IN THE COURT OF APPEALS FOR THE STATE OF GEORGIA

LORNA NEMBHARD,  
Pro se Appellant,  
V.

JPMORGAN CHASE BANK, N.A. , et al.,  
MARTIN & BRUNAVS (LAW FIRM)  
Appellees,

On Application for Direct Appeal from the Superior Court of Gwinnett  
County's Judges Final Incomplete Order In; Case # 13A09220

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing Appellant's Response to Appellee's  
Motion to Dismiss has been serve upon the Court of Appeals for Georgia and  
upon the following:

Clerk of Court  
Court of Appeals of Georgia  
47 Trinity Avenue, S.W., Suite 501  
Atlanta, Georgia 30334

Kitchens Kelley Gaynes, PC  
Attorney for JP Morgan  
Att. Steven B. Kern  
221 Glenridge Hilghlands, Suite 800  
5555 Glenridge Connector  
Atlanta, Georgia 30342

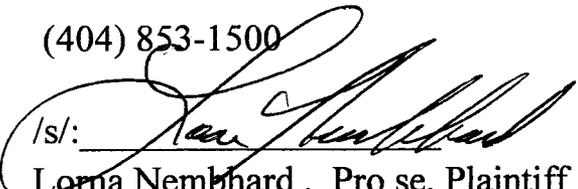
Wargo & French LLP  
David M. Pernini  
Dustin S. Sharpes  
999 Peachtree Street, N.E., 26<sup>th</sup> Floor  
Atlanta, Georgia 30909

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Appeals Case No. A15A1472

(404) 853-1500

/s/:

  
Lorna Nembhard, Pro se, Plaintiff

6422 Wedgeview Drive

Tucker, GA 30084

678 -755 -1007

By depositing a copy of the same U.S. Postal Mail First Class or Certified Mail on,  
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APPEALS # A15A1472

FILED IN COURT ROOM

APPEALS # A15A1472

IN THE COURT OF APPEALS FOR THE STATE OF GEORGIA

LORNA NEMBHARD,  
Pro se Petitioner,  
V.

JPMORGAN CHASE BANK, N.A. , et al.,  
MARTIN & BRUNAVS (LAW FIRM)  
Respondents,

On Application for Direct Appeal from the Superior Court of Gwinnett  
County's Judges Final Incomplete Order In; Case # 13A09220

APPELLANT'S AFFIDAVIT IN SUPPORT OF THE COURT NOT  
TIMELY FOWARDING A COPY OF THE COURT'S JUDGMENT

Lorna Nembhard  
Pro se  
6422 Wedgeview Drive  
Tucker, Georgia 30084  
678-755-1007

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**AFFIDAVIT OF LORNA NEMBHARD**

1.

I, Lorna Nembhard being duly sworn and voluntarily depose to state I am over the 21 years of age and am competent to give the testimony in this Affidavit.

2.

The Affiant declares the testimony in this Affidavit is given only from personal knowledge of the events relating to the violations of the Court pursuant to not serving upon Appellant the judgment that was drafted in or around April 30, 2015.

3.

After the Court erroneously developed a false and incomplete judgment, the Rule for serving upon Appellant and the other parties was breached by Appellant never receiving through U.S. Mail a copy of the false judgment in violation of her rights under due process to challenge the correctness thereof.

4.

The Affiant attests that she came into knowledge of the order the first time from a phone conversation place with the Appeals Court Clerk to which he instructed her that a judgment had been entered by the Court.

5.

The Affiant attests that at no time until June 2, 2015 that she has ever received any judgment or an order from this Court that would allow her to present an appealable challenge to the Georgia Supreme Court and to the United States Supreme Court.

6.

Affiant is Pro se in matter and deserves to be treated fairly and not disrespected as thus been the Appellees Counsel's behavior in sending **a previously dismissed Motion to this Court without first filing any opposition with the Trial Court and the Trial Court Judge had previously dismissed.**

7.

Affiant is Pro se in matter and deserves to be treated fairly and not disrespected for this Court to allow conditions that are in clear violation to *Res Judicata* from previously disposed claims to be repackaged for an affirmative defense by Sharpes

8.

Affiant declares under the penalty of perjury that the only document she received from this Court or any Clerk with the exception of receipt of the Judgment via

Email on June 2, 2015 was a "Notice" instructing the Appellant that "For your information, this court's remittitur in the above style case is being transmitted to the trial court today." Other instructions contained in the notice addressed the time the Court of Appeals of Georgia will retain the record on file before destroying the documents.

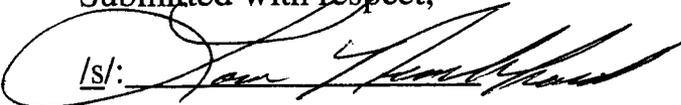
9.

Affiant declares under the penalty of perjury that at no time she possessed any information about the nature of the Appeal Court decision through judgment until June 2, 2015. In fact and as not being a practitioner of law, Appellant did not fully understand the Notice language of the mean remittitur and therefore there was not instructions given to her as to any steps forward in addressing the timeliness of the Court not sending her a judgment document as to the Court's apparent faulty conclusion

**FURTHER** information regarding Defendant's Counsel's requests to produce and interrogatories the AFFIANT SAYETH NOT

Submitted with respect,

/s/:

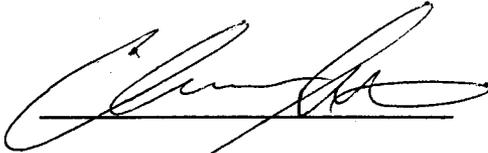
  
Lorna Nembhard , Pro se, Appellant

APPEALS # A15A1472

6422 Wedgeview Drive  
Tucker, GA 30084  
678 -755 -1007

Sworn to and subscribed before me

This 03 day of June 2015



Notary Public

My Notary Commission Expire: May 21, 2018

