

Exhibit E

*Auto Money North. LLC v. Fentress
Brown*

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APPEAL,CLOSED

**U.S. District Court
District of South Carolina (Rock Hill)
CIVIL DOCKET FOR CASE #: 0:21-cv-00393-JMC**

Auto Money North LLC v. Brown
Assigned to: Honorable J Michelle Childs
Case in other court: USCA, 22-01296
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 02/08/2021
Date Terminated: 02/18/2022
Jury Demand: None
Nature of Suit: 950 Constitutional - State Statute
Jurisdiction: Federal Question

Plaintiff

Auto Money North LLC

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V.

Defendant**Fentress Brown**

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Date Filed	#	Docket Text
02/08/2021	<u>1</u>	COMPLAINT against Fentress Brown (Filing fee \$ 402 receipt number 0420-9636380.), filed by Auto Money North LLC. Service due by 5/11/2021 (Attachments: # <u>1</u> Exhibit 1 - Supervised Lender License and Rate Schedule, # <u>2</u> Exhibit 2 - Loan Agreement 1021, # <u>3</u> Exhibit 3 - Loan Agreement 1093, # <u>4</u> Exhibit 4 - Loan Agreement 1233)(asni,) (Entered: 02/08/2021)
02/08/2021	<u>2</u>	Summons Issued as to Fentress Brown. (asni,) (Entered: 02/08/2021)
02/08/2021	<u>3</u>	Local Rule 26.01 Answers to Interrogatories by Auto Money North LLC.(asni,) (Entered: 02/08/2021)
03/17/2021	<u>5</u>	WAIVER OF SERVICE by Auto Money North LLC. Fentress Brown waiver executed on 2/16/2021, answer due 4/19/2021. (Attachments: # <u>1</u> Exhibit Exhibit A - Waiver of Service)(Cooper, Lindsey) (Entered: 03/17/2021)
04/16/2021	<u>6</u>	Local Rule 26.01 Answers to Interrogatories by Fentress Brown.(Killoren, Thomas) (Entered: 04/16/2021)
04/16/2021	<u>7</u>	First MOTION to Dismiss for Lack of Jurisdiction by Fentress Brown. Response to Motion due by 4/30/2021. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Killoren, Thomas) (Additional attachment(s) added on 4/19/2021: # <u>1</u> Memo in Support, # <u>2</u> Exhibit 1 Brown Loan Agreement, # <u>3</u> Exhibit 2 Exhibit Letter to Richmond County Clerk of Court, # <u>4</u> Exhibit 3 Exhibit McDonald, et al v. AutoMoney Richmond County , # <u>5</u> Exhibit 4 Exhibit McDonald, et al. v. auto Money MDNC Docket 1:21-cv-00114, # <u>6</u> Exhibit 5 Exhibit dismissal Order in AutoMoney v. Pippins, # <u>7</u> Exhibit 6 Exhibit Declaration of Jeffrey K. Peraldo, # <u>8</u> Exhibit 7 Exhibit AutoMoney Anser in McDonald, et al. v. AutoMoney, # <u>9</u> Exhibit 8 Exhibit Docket in AutoMoney v Brown) (asni,). Modified to add to main document an attachment that was filed separately on 4/19/2021 (asni,). supplement <u>19</u> added on 11/1/2021 (asni,). Modified to add supplement <u>27</u> filed 1/26/2022 (asni,). (Entered: 04/16/2021)

04/19/2021	8	DELETION OF DOCKET ENTRY NUMBER 8 Reason: document filed separately but should have been attached to the main document. Corrected Filing Document Number <u>7</u> (asni,) (Entered: 04/19/2021)
04/30/2021	<u>9</u>	RESPONSE in Opposition re <u>7</u> First MOTION to Dismiss for Lack of Jurisdiction Response filed by Auto Money North LLC.Reply to Response to Motion due by 5/7/2021 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # <u>1</u> Exhibit 1-Declaration of Fentress Brown, # <u>2</u> Exhibit 2-TitleMax of Del. Inc. v. Weissman D Del 2020, # <u>3</u> Exhibit 3-Owners Ins Co v. Cruz Accessories, # <u>4</u> Exhibit 4-Declaration of Jeremy Blackburn, # <u>5</u> Exhibit 5-Brucker v. Taylor, # <u>6</u> Exhibit 6-United Guaranty v. Countrywide)(Cooke, Morris) (Entered: 04/30/2021)
05/05/2021	<u>10</u>	NOTICE of Appearance by Andrew Harris Robertso Brown on behalf of Fentress Brown (Brown, Andrew) (Entered: 05/05/2021)
05/07/2021	<u>11</u>	REPLY to Response to Motion re <u>7</u> First MOTION to Dismiss for Lack of Jurisdiction Response filed by Fentress Brown. (Attachments: # <u>1</u> Exhibit Affidavit of John Simmons and Marquis Douglas, # <u>2</u> Exhibit Affidavit of Eliz. Rosenberg, # <u>3</u> Exhibit Certificate of Auth. of Erin Stotts, # <u>4</u> Exhibit Affidavit of Ann Gunning, # <u>5</u> Exhibit Affidavit of Brandy Hayes, # <u>6</u> Exhibit Declaration of Fentress Brown, # <u>7</u> Exhibit Affidavit of Anne Lewallen, # <u>8</u> Exhibit Affidavits of Darline Crumel and Alexis Cuthrell, # <u>9</u> Exhibit Affidavits of Jermaine Banks and Patricia Smith, # <u>10</u> Exhibit Affidavits of Deirdre Pippins and Kyle Jones, # <u>11</u> Exhibit Affidavits of Sierra Archie and Marquis Simmons, # <u>12</u> Exhibit Affidavits of Gloria Gilliam and Emmanuel Smith, # <u>13</u> Exhibit Superior Court Orders Denying AutoMoney Motions to Dismiss, # <u>14</u> Exhibit Deposition of Linda Derbyshire, # <u>15</u> Exhibit Kellar v. 1st Capital Finance, # <u>16</u> Exhibit Blettner v. Masick, # <u>17</u> Exhibit JLL Properties v. Ward, # <u>18</u> Exhibit Am-Rail Const. v. A&K Railroad, # <u>19</u> Exhibit Order Denying Motion to dismiss in Troublefield v. AutoMoney, Inc., # <u>20</u> Exhibit Ada Liss Grp v. Sara Lee Corp, # <u>21</u> Exhibit N.C.G.S. 22B-3)(Killoren, Thomas) (Entered: 05/07/2021)
05/14/2021	<u>12</u>	MOTION for Leave to File <i>Surreply</i> by Auto Money North LLC. Response to Motion due by 5/28/2021. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Cooper, Lindsey) (Entered: 05/14/2021)
05/18/2021	<u>13</u>	CERTIFICATE OF CONSULTATION byAuto Money North LLC re <u>12</u> MOTION for Leave to File <i>Surreply</i> . (Cooper, Lindsey) (Entered: 05/18/2021)
05/19/2021	<u>14</u>	RESPONSE in Opposition re <u>12</u> MOTION for Leave to File <i>Surreply</i> Response filed by Fentress Brown.Reply to Response to Motion due by 5/26/2021 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # <u>1</u> Exhibit May 17, 2021 Email)(Killoren, Thomas) (Entered: 05/19/2021)
08/10/2021	15	TEXT ORDER: This matter is before the court on Plaintiff's Motion for Leave to File a Surreply. (ECF No. 12.) Defendant filed a Motion to Dismiss on April 16, 2021. (ECF No. 7.) Plaintiff responded in opposition on April 30, 2021 (ECF No. 9) and Defendant filed a reply to Plaintiff's response on May 7, 2021 (ECF No. 11). Plaintiff now requests leave to file a reply to Defendant's response, asserting Defendant's response raised several new arguments not addressed in her original motion. (Id. at 1.) Although "[r]eplies to responses are discouraged[,]" South Carolina Local Rule 7.07 provides that a party may reply to "matters raised initially in a response to a motion or in accompanying supporting documents." Local R. Civ. P. 7.07 (D.S.C.) The court finds Defendant's Response (ECF No. 11) raises new matters. Therefore, the court GRANTS Plaintiff's Motion for Leave to File (ECF No. <u>12</u>) and gives Plaintiff five (5) days to file a reply to Defendant's response (ECF No.11). Signed by Honorable J Michelle Childs on 8/10/2021.(asni,) (Entered: 08/10/2021)

08/16/2021	<u>16</u>	SUR REPLY to REPLY to Response to Motion re <u>7</u> First MOTION to Dismiss for Lack of Jurisdiction Response filed by Auto Money North LLC. (Attachments: # <u>1</u> Exhibit 1 - Purchase Sale Agreement, # <u>2</u> Exhibit 2 - Magistrates Recommendation & Report to Remand, # <u>3</u> Exhibit 3 - Aikens v. Microsoft Corp., # <u>4</u> Exhibit 4 - Sells v. TMX Arbitration Award, # <u>5</u> Exhibit 5 - Affidavit of D. Brown (Sells v. TMX), # <u>6</u> Exhibit 6 - Affidavit of D. Brown (Goins v. TMX), # <u>7</u> Exhibit 7 - Order (Snipes v. TMX), # <u>8</u> Exhibit 8 - Choice of Law Arbitration Awards)(Cooper, Lindsey) (Entered: 08/16/2021)
10/15/2021	17	NOTICE of Hearing on Motion <u>7</u> First MOTION to Dismiss for Lack of Jurisdiction : Motion Hearing set for 11/2/2021 02:00 PM in Columbia # 3, Matthew J. Perry Court House, 901 Richland St, Columbia before Honorable J Michelle Childs. (asni,) (Entered: 10/15/2021)
10/21/2021	<u>18</u>	SUGGESTION OF SUBSEQUENT AUTHORITY by Auto Money North LLC to <u>7</u> First MOTION to Dismiss for Lack of Jurisdiction . (Attachments: # <u>1</u> Ex. 1 - Final Award in Hawkins v. Anderson)(Cooper, Lindsey) (Entered: 10/21/2021)
11/01/2021	<u>19</u>	SUPPLEMENT by Fentress Brown to <u>7</u> First MOTION to Dismiss for Lack of Jurisdiction <i>Suggestion of Subsequent Authority</i> . (Brown, Andrew) (Entered: 11/01/2021)
11/02/2021	20	Minute Entry. Proceedings held before Honorable J Michelle Childs: Motion Hearing held on 11/2/2021 re <u>7</u> First MOTION to Dismiss for Lack of Jurisdiction filed by Fentress Brown. Oral arguments. Court takes motion under advisement. Court Reporter Kathleen Richardson. (kbos) (Entered: 11/02/2021)
12/02/2021	<u>21</u>	MOTION to Dismiss <i>on Abstention Grounds</i> by Fentress Brown. Response to Motion due by 12/16/2021. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit 1 Memorandum in Support of Motion , # <u>2</u> Exhibit 2 Transmittal letter for Complaint in Richmond County, NC, # <u>3</u> Exhibit 3 Complaint in Richmond County, NC, # <u>4</u> Exhibit 4 Docket Activity Report for this case in DSC, # <u>5</u> Exhibit 5 Remand Order of November 30, 2021 in this case in MDNC, # <u>6</u> Exhibit 6 Remand Letter of November 30, 2021 in this case in MDNC, # <u>7</u> Exhibit 7 Dismissal Order in DSC in companion AutoMoney case, # <u>8</u> Exhibit 8 Case, Lyndon Southern v. Walker, DSC, # <u>9</u> Exhibit 9 Auto Money Answer to State Court Complaint in Richmond County, # <u>10</u> Exhibit 10 Suggestion of Additional Authority)No proposed order.(Brown, Andrew) Modified to add descriptions to exhibits on 12/2/2021 (asni,). (Entered: 12/02/2021)
12/03/2021	<u>22</u>	MOTION for Leave to File <i>Brief and Suggestion of Subsequent Authority</i> by Auto Money North LLC. Response to Motion due by 12/17/2021. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Ex. 1 - Memorandum Opinion & Order in McDonald et al. v. AutoMoney)Proposed order is being emailed to chambers with copy to opposing counsel. (Cooper, Lindsey) (Entered: 12/03/2021)
12/06/2021	<u>23</u>	ORDER granting <u>22</u> MOTION for Leave to File Brief (Specific Document due by 12/16/2021). Signed by Honorable J Michelle Childs on 12/6/2021. (asni,) (Entered: 12/06/2021)
12/16/2021	<u>24</u>	RESPONSE in Opposition re <u>21</u> MOTION to Dismiss <i>on Abstention Grounds and Memorandum Regarding McDonald Remand Order</i> Response filed by Auto Money North LLC.Reply to Response to Motion due by 12/29/2021 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # <u>1</u> Ex. 1 - Memorandum Opinion & Order, # <u>2</u> Ex. 2 - Travelers v. Trudy Pope, # <u>3</u> Ex. 3 - Pippins Loan, Note & SA)(Cooper, Lindsey) (Entered: 12/16/2021)

12/23/2021	<u>25</u>	REPLY to Response to Motion re <u>21</u> MOTION to Dismiss <i>on Abstention Grounds</i> Response filed by Fentress Brown. (Attachments: # <u>1</u> Exhibit 1 -- State Court Complaint, # <u>2</u> Exhibit 2 -- Declaration of Fentress Brown, # <u>3</u> Exhibit 3 -- AutoMoney Answer in McDonald, # <u>4</u> Exhibit 4 -- Order Denying Motion to Dismiss in Troublefield V. AutoMoney, # <u>5</u> Exhibit 5 -- Order Denying Motion to Dismiss in Wall V. AutoMoney, # <u>6</u> Exhibit 6 -- Morris v. Bank of America, # <u>7</u> Exhibit 7 -- Allstate v. Smith)(Brown, Andrew) (Entered: 12/23/2021)
01/26/2022	<u>27</u>	SUPPLEMENT by Fentress Brown to <u>7</u> First MOTION to Dismiss for Lack of Jurisdiction (<i>Subsequently Decided Authority</i>). (Attachments: # <u>1</u> Exhibit A, TitleMax v. Weissman (3rd Cir), # <u>2</u> Exhibit B, Mayo v. TitleMax (EDPA))(Brown, Andrew) (Entered: 01/26/2022)
02/18/2022	<u>28</u>	ORDER AND OPINION denying as moot <u>7</u> Motion to Dismiss for Lack of Jurisdiction; granting <u>21</u> Motion to Dismiss. Signed by Honorable J Michelle Childs on 2/18/2022.(asni,) (Entered: 02/18/2022)
02/18/2022	<u>29</u>	JUDGMENT in favor of Fentress Brown against Auto Money North LLC. (asni,) (Entered: 02/18/2022)
03/17/2022	<u>30</u>	NOTICE OF APPEAL as to <u>28</u> Order on Motion to Dismiss/Lack of Jurisdiction, <u>29</u> Judgment by Auto Money North LLC. - Filing fee \$ 505, receipt number ASCDC-10397234. The Docketing Statement form, Transcript Order form and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov (Cooper, Lindsey) (Entered: 03/17/2022)
03/17/2022	<u>31</u>	Transmittal Sheet for Notice of Appeal to USCA re <u>30</u> Notice of Appeal, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (asni,) (Entered: 03/17/2022)
04/06/2022	<u>33</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings. Motion hearing for date of November 2, 2021, before Judge J. Michelle Childs, re <u>30</u> Notice of Appeal, Court Reporter/Transcriber Kathleen Richardson, RMR, CRR, Telephone number/e-mail Kathleen_Richardson@scd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. <i>Does this satisfy all appellate orders for this reporter? Y</i> Redaction Request due 4/27/2022. Redacted Transcript Deadline set for 5/9/2022. Release of Transcript Restriction set for 7/5/2022. (kari,) (Entered: 04/06/2022)
06/20/2023	<u>34</u>	USCA OPINION for <u>30</u> Notice of Appeal, filed by Auto Money North LLC. Decision of Appeals Court affirmed Decision of District Court. (Attachments: # <u>1</u> judgment order) (asni,) (Entered: 06/20/2023)
07/12/2023	<u>35</u>	USCA MANDATE and JUDGMENT as to <u>30</u> Notice of Appeal, filed by Auto Money North LLC. (Attachments: # <u>1</u> Judgment)(ahil) (Entered: 07/21/2023)

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