



— COPY —

Karl Doscocil <kdoscocil@gmail.com>

Reply Urgently Needed

Karl Doscocil <kdoscocil@gmail.com>
To: Mike Brackett <MBrackett@mkb-law.com>
Bcc: Karl Doscocil <KDoscocil@gmail.com>

Wed, May 15, 2013 at 1:39 PM

Mike,
Please understand I still urgently need the information we've talked about; ...most especially all correspondence or details of other communications as referenced in a previous email, below. I don't know what I am to think after so many messages asking for your help/cooperation in this; particularly after our conversation in Columbia. I believe it is apparent that I was not aware or made part of discussions or instructions by Judge Strickland for insertion of what you, yourself, have referred to as a sudden surprise dismissal into the otherwise unrelated Order granting your relief as Counsel on 10/20/11 (and his complete disregard of the Order pursuant to the 4/27/11 hearing to restore and refer the case for trial in another Court). My belief is that any professional responsibility as my Counsel ended as of the moment you fulfilled your agreement to submit the two Orders in late October/early November (can you also provide that date?); however, I do feel you should provide the information and documentation I have asked for.

You also had confirmed that the Judge did not "Order" me to obtain replacement Counsel; he merely allowed time for that effort. That is precisely my understanding and how I read the record. The Judge even actively declined to suggest any penalty if I could not do so. I was part of a layoff at my company in late 2012, and was not able to secure Counsel despite efforts. Rikard is shouting that I violated an Order by not obtaining Counsel, which he claims as justification for the sudden dismissal; although I'm certain he knows otherwise. ...But I fear the repetition could have an effect on my Appeal.. Judge Strickland has never given a definitive reason, despite my earnest inquiries.

Robert Rikard is misrepresenting numerous facts, - no surprise. If, as I believe to be the case, you were no longer my representative on February 16, 2012 (or whenever Judge Strickland conveyed his instruction ...when was this?), it would seem to have been the Court's (not your) obligation to include me in the conversation. Please tell me if I am mistaken. If so, let me know how to address this from an "effectively pro se" perspective. Blaming you is of no benefit to me in the current circumstance.

I was unaware of even a hint of possible dismissal until after I received copy of the Order (after it was already signed & filed). If there is any possible argument that you were "technically" still my Counsel until the Order was signed (again I believe representation ended when you copied me on the submitted Orders in November, following Strickland's oral grant of your Motion on 10/20/11), the idea that any Judge could, with one stroke of his pen, simultaneously create a pro se litigant AND dismiss his case without warning or stated justification seems manifestly unjust. As far as I know, after October/November, neither of us had any reason to believe that the submitted Orders were not in process of being signed, and that the Judge had initiated assignment of the case to the Chief Administrative Judge.

I ask you to consider what seems the "right thing to do" given my situation and please provide the material I'm asking for, ...along with anything else you are "able" to provide or suggest/advise.

Karl Doscocil
(813) 326-4258

[Quoted text hidden]



- COPY -

Karl Doskocil <kdoskocil@gmail.com>

Reply Urgently Needed

Karl Doskocil <kdoskocil@gmail.com>
To: Mike Brackett <MBrackett@mkb-law.com>
Bcc: Karl Doskocil <KDoskocil@gmail.com>

Mon, Jan 28, 2013 at 1:06 PM

Mike,

Even a brief telephone call would be appreciated and very helpful.

As you are aware, I have been seeking information relevant to your representation as my Counsel; including facts & circumstances regarding the matter of Judge Strickland's instructions to revise Orders you had submitted, as detailed below, for some time now. Please understand that the sole reason for my requests is for purposes of my appeal and its accuracy.

I again ask for your consideration as to the urgency of my request and that you contact me immediately if possible. I have emailed, called, and left numerous messages asking for your assistance in providing information and clarifications needed from you. Linda Abernethy has assured me that she has also passed along my requests, some in detail, to you. When I spoke to you in the Probate office while we were both in the Courthouse on October 24, 2012, you seemed to understand the need and urgency as applicable to my appeal of Judge Strickland's dismissal Order, and I felt assured and certain that you would provide documents and information as promised. Unfortunately, I have heard nothing from you since then, and you have been unresponsive to my messages.

Here is what I most urgently need for accurate understanding & documentation, at minimum:

(there is no time for me to highlight the other topics & necessary documentation at this point, although may still be useful for appeal if you have it)

- A) When were you contacted regarding any changes to the two Proposed Orders you had submitted in November 2011, and what was the method of communication (written, conference, or by phone) ?
- B) Can you please summarize &/or provide copy of your notes and any written communications that exist regarding the changes and instructions?
- C) What factual basis, if any, did Judge Strickland provide for insertion of the dismissal language?
- D) Besides yourself and Judge Strickland, who participated in any of these discussions? At what point(s) was Rikard involved?
- E) What was your role at the time? I am assuming that your role as my Counsel ended when Judge Strickland orally

granted your Motion at conclusion of the October 24th hearing; and that, thereafter, you were merely fulfilling your commitment to draft the (originally two) Order(s), since we had no communications about any change or update. I only need confirmation of this for accuracy.

F) When did the Judge give his final instruction regarding insertion of the dismissal language and omission of the rest? (I'm asking for overall timeline.)

G) Any helpful suggestions for appeal?

BACKGROUND REGARDING ORDERS SUBMITTED BETWEEN OCTOBER 2011 & FEBRUARY 16, 2012:

Following the October 20, 2011 Motion hearing regarding your relief as Counsel, you submitted two Proposed Orders to Judge Strickland as per his request at conclusion of the hearing, and your agreement to do so:

- 1) Order Granting Rule 59 Motion (per the April 27, 2011 hearing)
- 2) Order Granting Motion to be Relieved as Counsel (per the October 20, 2011 hearing)

On February 16, 2012, at 12:21pm, you sent an email to Judge Strickland conveying an attached "revised Order per (his) instructions." As you know, that revised Order was a condensed version of only the Order relating to your relief as Counsel, granted pursuant to the October 20, 2011 Motion Hearing. This newly revised Order completely omitted reference to my oral motion during that hearing, which was a repeat of my previous pleas to compel the Defendant (Patricia Culp) to provide a Trust accounting and other information in compliance with prior Orders of the Court and (numerous) requests of Trust beneficiaries. In response to my request, Judge Strickland had instructed you to make reference to it in the resulting Order, and to include an admonishment to the Defendant Trustee regarding the need to comply. Robert Rikard's agreement to this, and his commitment that the Report/Accounting and the other specific information would be provided, was also completely missing from the February revision.

This revised Order, which you sent on February 16th, in compliance with Judge Strickland's purported instructions, included three sentences inserted to indicate dismissal of the case pursuant to Rule 41, SCRCP, for lack of prosecution. As you have subsequently acknowledged, this dismissal was an unanticipated surprise.

The time stamp indicates that you sent the email conveying the revised Order and surprise dismissal language, as a PDF attachment, at **12:21 PM on February 16th**. Robert Rikard replied with his suggested change at **12:34 PM** on the same date. By **2:57 PM**, Judge Strickland had already received your email, printed and signed the revised Order, and it was officially FILED by the Richland County Clerk of Court. (FILE stamped: **"2012FEB 16 PM 2:57"**)

It is very troubling that I knew nothing about any of this until after the Order was FILED (Dismissal). You "cc'd" me on the email you sent to the Judge at 12:21pm, without any prior communication or notification as to what was going on; however, I didn't even receive the email until much later. (I believe it was several days after.) Even then, the subject line and your one-sentence message to the Judge gave me no clue that the case had been dismissed suddenly and without any warning.

It seems that no part of what transpired occurred openly. I had no awareness or opportunity for comment about changes

to the Order as originally submitted, or regarding the dismissal itself. ... Please don't misinterpret that statement. I do feel the Judge's dismissal was inappropriately and untimely Ordered; but mean no affront to you. This information is necessary for my appeal of the dismissal, and I feel it is reasonable for me to know the accurate details in any event.

Mike, please contact me ASAP to clarify and provide what you can. I confess to bewilderment as to why you have not responded, especially given that I interpreted your response reassuringly when we spoke in October. Again, I ask your understanding as to the usefulness of an immediate phone call, at minimum.

Sincerely,

Karl Doscocil
(813) 326-4258

I've pasted the referenced email below:

Doscocil et al. v. Culp et al 2001-CP-40-229

Mike Brackett <MBrackett@mkb-law.com>

Thu, Feb 16, 2012 at 12:21 PM

To: "stricklandj@rcgov.us" <stricklandj@rcgov.us>

Cc: "Karl Doscocil (kdococil@gmail.com)" <kdococil@gmail.com>, "rgr@rplegalgroup.com" <rgr@rplegalgroup.com>

Judge Strickland,

Attached is the revised Order per your instructions.

Mike Brackett



— COPY —

Karl Doscocil <kdoscocil@gmail.com>

Information/Call request

1 message

Karl Doscocil <kdoscocil@gmail.com>

Thu, May 31, 2012 at 2:37 PM

To: Mike Brackett <MBrackett@mkb-law.com>

Mike,

I have been trying to reach you, leaving voicemails in the process, for some time now. Of course, I realize you are no longer my attorney; however, I have several questions and need important clarifications specific to the time that you were in that role. I believe these questions are appropriately addressed to you directly and I would greatly appreciate the opportunity to speak with you.

Given recent developments in the matter Judge Strickland has presided over, some questions have become quite urgent.

Meanwhile, although I believe I can already presume confidentiality on your part; I do ask that you refrain from discussion/disclosure of any aspect of the relevant cases and your representation in these matters in the absence of specific written notice from me.

Thank you,

Karl Doscocil
(813) 326-4258

Here is the "portion of the Email exchange" referenced on Page 6 of this Motion.
(Email exchange between Mr. Brackett, the Court, and Rikard on February 16, 2016)

Doskocil et al. v. Culp et al 2001-CP-40-229

2 messages

Mike Brackett <MBrackett@mkb-law.com> Thu, Feb 16, 2012 at 12:21 PM
To: "stricklandj@rcgov.us" <stricklandj@rcgov.us>
Cc: <kdoskocil@gmail.com>, "rgr@rplegalgroup.com" <rgr@rplegalgroup.com>

Judge Strickland,

Attached is the revised Order per your instructions.

Mike Brackett

B. Michael "Mike" Brackett
Moses Koon & Brackett, PC



Order rev. 2.16.12 granting motion.pdf

21K

Robert Rikard <rgr@rplegalgroup.com> Thu, Feb 16, 2012 at 12:34 PM
To: Mike Brackett <MBrackett@mkb-law.com>, "stricklandj@rcgov.us" <stricklandj@rcgov.us>
Cc: <kdoskocil@gmail.com>

The only suggested change that I would have is as follows:

“There has been almost ten years of litigation including a settlement that the parties argued to be set aside. Ms. Culp objected to this motion.”

RGR
Robert G. Rikard
Rikard & Protopapas LLC

2002-CP-40-0229
Order Granting B. Michael Brackett's Motion to be Relieved as Counsel and Order of Dismissal
JEAN...
C.C.P. & ...
2012 FEB 16 PM 2: 50:
FILED
MICHAEL B. BRACKETT

THE STATE OF SOUTH CAROLINA
In the Court of Appeals
Appellate Case No. 2012-212341

APPEAL FROM RICHLAND COUNTY
The Honorable Joseph M. Strickland, Master-In-Equity

Karl A. Duskocil and John M. Duskocil, of whom Karl
A. Duskocil is Plaintiff-Appellant, Appellant.

v.

Patricia Gail D. Culp, Trustee of Karl V. Duskocil Trust
U/A/D December 14, 1995, Respondent.

— COPY —
1/30/2013

MOTION FOR EXTENSION OF TIME

I respectfully request the time for submittal of the initial brief and designation of matter
be extended by 30 days. Grounds:

In response to my telephone inquiry, I was informed that the Order granting my previous
request was mailed to me two days ago (1/28/13); however, I have not received that reply as of
today.

I am still awaiting file notes and documents requested from previous Counsel in the
referenced case and, via telephone and Email, have recently renewed previous urgent requests for
the information. These notes and documentation are central to my appeal of the unanticipated
sua sponte dismissal of my case, which I had no knowledge of until after the Order was filed.

As an alternative, I have also made recent request to the lower court for select
documentation regarding communication(s) from the Judge in order to assure accuracy of my
appeal brief.

I have enclosed the required \$25.00 filing fee for this motion, and have served a copy upon Robert G. Rikard, Attorney for Respondent, via U.S mail at the address indicated below.

Thank you for your consideration of this request.

Signature: - COPY - [Handwritten Signature] January 30, 2013

Karl A. Duskocil
3009 W. San Nicholas
Tampa, FL 33629
(813) 326-4258
Appellant, Pro se

Cc: Robert G. Rikard
1329 Blanding Street
Columbia, SC 29201
(803) 978-6111
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In the Court of Appeals
Appellate Case No. 2012-212341

APPEAL FROM RICHLAND COUNTY
The Honorable Joseph M. Strickland, Master-In-Equity

Karl A. Daskocil and John M. Daskocil, of whom Karl
A. Daskocil is Plaintiff-Appellant, Appellant.

v.

Patricia Gail D. Culp, Trustee of Karl V. Daskocil Trust
U/A/D December 14, 1995, Respondent.

MOTION FOR EXTENSION OF TIME

— COPY —
12/12/2012


I respectfully request an extension of time for submittal of the initial brief and designation of matter to be included in the record on appeal until January 30. Grounds:

Despite diligent good-faith efforts, I have not yet received necessary file notes and documentation requested from previous counsel in the referenced case. These notes and documentation are central to this appeal.

Additionally, I am awaiting clarification of the timing and circumstances, including the roles of participants and counsel at that moment, as these relate to the Judge's instructions for significant deletions from two draft Orders that had been submitted for his signature; and which, instead, resulted in the surprise sua sponte Order for dismissal pursuant to Rule 41(b) SCRPC (all unknown to me until after the resulting Order was filed).

Unexpected medical issues leading up to and including an extended hospital stay, in November, also factor into this request.

I have enclosed the required \$25.00 filing fee for this motion, and have served a copy upon Robert G. Rikard, Attorney for Respondent, via U.S mail at the address indicated below.

Signature: - COPY -  December 12, 2012

Karl A. Doskocil
3009 W. San Nicholas
Tampa, FL 33629
(813) 326-4258
Appellant, Pro se

Cc: Robert G. Rikard
1329 Blanding Street
Columbia, SC 29201
(803) 978-6111
Attorney for Respondent

Karl A. Duskocil
3009 W. San Nicholas
Tampa, FL 33629

October 14, 2012

— COPY —
10/14/2012

South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Request for extension of time.
Karl Duskocil v. Patricia Culp - Appellate Case No. 2012-212341

I respectfully request a 60-day extension for submittal of my initial brief and designation of matter to be included in the record on appeal in the above matter. I have not requested previous extensions of time. Please find my enclosed money order in the amount of \$25.00 for payment of the required filing fee.

I need more time since I am awaiting responses to urgent requests for documents and clarification of the circumstances directly relating to the draft, submittal, and basis for the Court's unanticipated sua sponte Order dismissing of the underlying Trust case; and for additional reasons as follows:

Most pertinent to this request for extension: Despite my multiple specific requests for reasons or any criteria considered by the Judge in exercise of his discretion, none were provided. This has presented unique challenges and has necessitated an extensive search of documentation and the record.

As a newly *pro se* appellant, the Judge's lack of guidance in his Order and subsequent communication, even as to justifications or proper applicability of Rule 41(b) in this instance, has hindered my ability and prolonged my effort to draft a comprehensive appeal. Since the record shows no failure of me (as Plaintiff) to comply with any Order of the Court, and the only contumacious behavior has been the Defendant Trustee's, including disregard for Courts' Orders and for the repeated requests of Plaintiff trust beneficiaries when asking for information necessary to fully prosecute the case and protect their interests; the effort to blindly discern the applied reasoning for sanction against me, through an extraordinary review of all available documents, is immediately more challenging than could be expected.


The Judge's one-paragraph dismissal was nested within a separate Order (three sentences, one provided entirely by opposing counsel). I was unaware of the Order until after it was filed; so I had no prior basis for an understanding of its merit. In fact, the dismissal portion of the referenced Order appears in conflict with recent on-record indications by the Court as to remanding of the case for trial by jury.

Without any hint as to the Court's reasoning, I am left to awkward conjecture both as to the basis for discretion exercised and as to necessary supporting documentation, arguments, and applicable citations to offer to the Appeals Court for its fair evaluation of my appeal. ...As a result, extraordinary time and effort has been required for case law research and in efforts to retrieve all documents in my own possession along with everything in the record that may have any possible relevance. Further, I am awaiting response from former Counsel regarding information and documents in attorney files or archive, and for specifics relating to the Judge's instructions for preparation of the surprise Order, which was issued without any warning, findings of fact, relevant motion, or opportunity to present evidence; any of which would dramatically speed effective draft of an appeal.

Lastly, but quite significantly; activity in a related case has recently and unavoidably demanded my attention and presence. (I now live out-of-state.)

Regrettably, all of this, added to concerns for familiarity and adherence to format and other requirements for pro se appeal, has been more time consuming than I could have anticipated; and I beg your favorable consideration of my request.

Sincerely,

- COPY - 

Karl Duskocil
Appellant/Plaintiff, pro se

Cc: Robert G. Rikard