

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

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Eugene C. Griffith, Jr, Circuit Court Judge

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**Case No. 2012-CP-32-3428**

 John R. Rakowsky, Respondent,  
Adrian Falgione, Respondent,

v.

James Spencer, Irene Santacroce, Appellants.

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NOTICE OF APPEAL

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JUN 03 2013

SC Court of Appeals

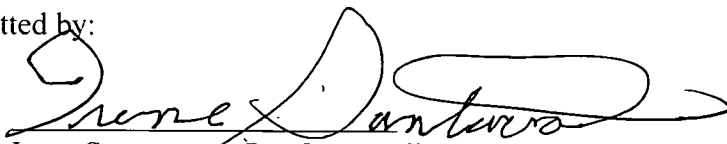
In an act of "final judgment" the Honorable Judge Eugene Griffith dismissed Appellant Irene Santacroce from the above captioned case. Irene Santacroce and James Spencer are both one hundred percent medically disabled and indigent Appellants who appeal the "final judgment" issued by the Honorable Judge Eugene Griffith that dismissed Irene Santacroce from the above captioned case. Furthermore the Orders issued by Judge Griffith were in direct conflict with standing Orders issued on May 7, 2012, by the Chief Administrative Judge, the Honorable James Barber, III. The Orders by Judge Barber were issued after he directly conferred with Appellant Spencer's medical doctors and were issued in consideration of the serious medical condition of the disabled and indigent *pro se* Appellants Spencer and Santacroce. Judge Barber established a scheduling Order that included what actions were required of the Respondents before the above captioned action was to proceed. Respondents have failed to comply to date with the Orders by Judge Barber. Judge Griffith abused his judicial discretion by violating the long standing rule in this State that one judge of the same court cannot overrule another.

Judge Griffith, despite being advised by the Plaintiffs/Appellants of the standing Orders of Judge Barber, held a hearing on topics already ruled on by Judge Barber. Furthermore, this hearing was held without giving proper notice to Plaintiff Santacroce under South Carolina law and without making the arrangements Judge Barber had ruled must occur so the disabled Plaintiff Santacroce could attend any hearing by telephone due to her medical condition. Judge Griffith dismissed Plaintiff Santacroce from the case issued further Orders that negates Judge Barber's Orders of May 7, 2012, prejudicing the case against Appellant Spencer, endangering the medical well being and life of

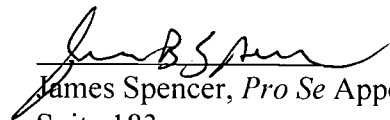
Appellant Spencer and ignoring Judge Barber's standing Orders of Respondent requirements that were to occur before this case was to proceed.

After the hearing, Judge Griffith recused himself for a family conflict of interest, something which should have occurred before he held the hearing and issued conflicting Orders with standing Orders which in combination **further sullied**, *emphasis added*, this proceeding. The Appellants request Judge Griffith's Orders be vacated and Plaintiff Santacroce be reinstated as a party in the proceeding. In addition the Appellants humbly request, the Court make it clear that Judge Barbers orders issued on May 7, 2012 are to be complied with before the proceeding resumes.

Submitted by:



Irene Santacroce, *Pro Se* Appellant June 3, 2013  
205 Deer Trace Circle  
Myrtle Beach SC 29588  
(843) 455-0891



James Spencer, *Pro Se* Appellant  
Suite 183  
7001 Saint Andrews Road  
Columbia, SC 29212  
(803) 414-0889

## CERTIFICATE OF SERVICE

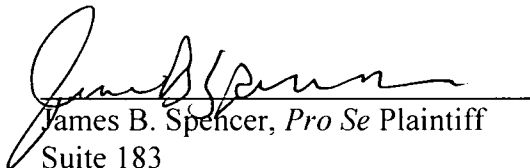
The undersigned hereby certifies that on June 3, 2013, the document described below, was(were) served on all parties of record in this case by mailing a copy, by US mail.

Documents served: NOTICE OF APPEAL

Parties Served:

Amanda K. Dudgeon  
Carlock, Copeland & Stair, LLP  
40 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
Attorneys for John Rakowsky

Bruner, Powel, Wall & Mullins, LLC  
1735 St. Julian Place, Suite 200  
Post Office Box 61110  
Columbia, South Carolina 29260-1110

  
James B. Spencer, *Pro Se* Plaintiff  
Suite 183  
7001 Saint Andrews Road  
Columbia, SC 29212  
(803) 414-0889

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