

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Doyet A. Early III, Circuit Court Judge
Case No. 2008-CP-40-6656
Appellate Case No. 2014-002029¹

RECEIVED

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SC Court of Appeals

15029

John R. Rakowsky, Respondent,

v.

Law Offices of Adrian L. Falgione, LLC,
James Spencer, Estate of Doris Holt, Nick Williamson
On behalf of RSC, Irene Santacroce, Rodney Keith Lail,
Marguerite Stephens, Ricky Stephens, Michael Hartness,
Horry County, SC, Eugene Chewing and Glenn W.
Harrison, Defendants.

Of whom:

James Spencer, *pro se*, Irene Santacroce, Rodney Keith Lail
and Estate of Doris Holt are, Appellants.

**MOTION TO DISMISS APPEAL
NOTICE OF APPEAL RECEIVED FEBRUARY 2, 2015**

This motion accompanies a Motion to Dismiss an appeal filed from an earlier order in this case. Respondent John Rakowsky moves to dismiss the Notice of Appeal received by this Court on February 2, 2015, which purports to be an appeal filed jointly by James Spencer, *pro se*, and attorney Michael Sribnick, on behalf of Rodney Lail, Irene Santacroce and Estate of

¹ The Appellate Case Number was assigned by the Court by letter to Dr. Michael Gordon Sribnick dated September 24, 2014.

Doris Holt. The Notice of Appeal is accompanied by a Certificate of Service² reflecting service on the undersigned, on behalf of Respondent Rakowsky, as well as attorneys Andrew F. Lindemann for Horry County and Benjamin Bruner for Adrian Falgione. Neither Horry County nor Adrian Falgione are named as Respondents in the Notice of Appeal (although they are named as defendants below).

The factual background of this action is set forth in Rakowsky's Motion to Dismiss the Appeal of September, 2014, filed contemporaneously with this Motion. The factual background set forth in that motion is incorporated herein. The following additional background is provided³:

1. Following Judge Early's order of June 27, 2014, filed July 1, 2014, there remained pending an issue regarding Rakowsky's request for interpleader of the settlement funds paid to him by the settling defendants in the underlying federal court action.
2. Sribnick ostensibly appealed from Judge Early's order of June 27, 2014, but as explained in the motion filed contemporaneously herewith, that appeal is invalid and subject to dismissal.
3. Sribnick moved this Court for a stay of proceedings below while his appeal proceeded, but that request was denied by order of Chief Judge Few dated December 31, 2014.

² The Certificate of Service is signed by James Spencer, *pro se*, and does not purport to serve the Notice of Appeal on behalf of any other parties. Hence, only Spencer's Notice of Appeal has been served. See discussion, *infra*.

³ Numerous emails and communications are included as Exhibits, but the Exhibits do not contain all of the email and correspondence which Sribnick and Spencer sent to Judge Early and others during the relevant time period. Only those communications necessary for an understanding of this motion are included.

4. By email dated September 12, 2014, Judge Early advised the parties that he had reviewed all memos and exhibits submitted to him regarding the remaining issues. He requested that proposed orders be submitted by anyone who wished to submit a proposed order. **Exhibit A.**
5. On October 4, 2014, Sribnick emailed Judge Early an unsigned motion/letters asking for legal advice. **Exhibit B.** These documents do not appear in the records of the Richland County Clerk of Court, so presumably they were not filed with the Court. In that email, Sribnick acknowledges Judge Early's request for proposed orders.
6. The undersigned counsel for Rakowsky sent a proposed order to Judge Early, with copies to Sribnick, Spencer, and the other *pro se* parties, on October 23, 2014. **Exhibit C.**
7. By email dated October 24, 2014, Sribnick emailed Circuit Court Judges Manning, Judge Early's law clerk, and multiple counsel acknowledging receipt of the proposed order from the undersigned, and taking issue with it. Sribnick's email to Judge Manning and to the law clerk of Judge Early contained 75 pages of attachments which are not included here. **Exhibit D, attachments omitted.** While the email speaks for itself, it is extraordinary in its inclusion of personal attacks on Judge Early.

Is Your Honor seriously going to intervene in the 4th Circuit Case? . . . Is Your Honor seriously going to ignore his own Order being appealed in the South Carolina Court of Appeals? . . . Is Your Honor seriously going to ignore the engagement contracts terms. . . Is Your Honor going to ignore the fact that Plaintiff resigned from the case. . . I am copying Administrative Judge Manning and asking him to intervene in this matter as clearly this is out of hand. . .

Id.

8. On October 27, 2014, Spencer submitted his own proposed order to Judge Early with copies to Judge Manning and counsel of record. **Exhibit E, attachments omitted.**



8. On October 27, 2014, Spencer submitted his own proposed order to Judge Early with copies to Judge Manning and counsel of record. **Exhibit E, attachments omitted.**
9. On October 27, 2014, Sribnick submitted his own proposed order to Judge Early with copies to Judge Manning and counsel of record. **Exhibit F, attachments omitted.**
10. Judge Early issued a final order on all remaining issues dated December 18, 2014, the original of which was mailed to the undersigned for filing and service. The original order was received by the undersigned in the afternoon mail on December 22, 2014 (scanned at 3:29 pm), filed the following morning, and clocked copies were served on counsel and Spencer via U.S. mail on December 23, 2014. **Exhibit G, cover letter only.**
11. Sribnick and Spencer filed a joint Notice of Appeal dated January 20, 2015, which is the appeal to which this motion to dismiss is addressed.

Sribnick's Appeal

A. Failure to Serve Notice of Appeal

Sribnick has not yet served the Notice of Appeal on the undersigned, or according to the records, on anyone. Only Spencer served the Notice of Appeal on anyone, and he served it only on his own individual behalf. **Exhibit H, page 2.** The time to serve the Notice of Appeal has long expired, and this Court lacks jurisdiction to consider Sribnick's appeal. The appellate court cannot excuse a jurisdictional defect. USAA Property & Casualty Insurance Company v. Clegg, 377 S.C.643, 661 S.E.2d 791 (2008).



Both Appeals

A. Failure to Include Copy of Order on Appeal

The joint Notice of Appeal is deficient in that it did not include a copy of the Order on Appeal, as required by Rule 203(d)(1)(B)(ii), SCACR. Sribnick made this mistake in his appeal from Judge Early's September, 2014 order and this Court invited him to cure the error (even though he did not). Then he made the error again in this joint Notice of Appeal

Even assuming (as stated in the joint Notice of Appeal) that Spencer and Sribnick did not receive a copy of Judge Early's order (served on December 23 2014) until January 3, 2015 (with no explanation for the delay in receipt, unless they simply didn't check the mail⁴), the time to correct any defects in the Notice of Appeal has expired. Thus, the joint Notice of Appeal is defective as not complying with Rule 203(d)(1)(B)(ii), SCACR.

B. Failure to File with the Circuit Court

The joint Notice of Appeal does not reflect that a copy of the Notice of Appeal was filed with the Circuit Court, as required by Rule 203(d)(1)(B). "The Notice of Appeal shall be filed with the clerk of the lower court. . .".

An online search of the Richland County records reflects that the Notice of Appeal has not been filed with the circuit court. **Exhibit I.**



⁴ Rakowsky has not included the late filing as an independent basis for dismissal of the appeal, because he cannot establish when Spencer and Sribnick did, or did not, actually receive the order that was served by mail on December 23, 2014. Moreover, the other bases set forth above are more than sufficient for dismissal of the appeals.

C. False Statement in the Notice of Appeal


Spencer and Sribnick elected to include in their joint Notice of Appeal a basis of their appeal, which states, *inter alia*, the “order was drafted *ex parte* without any notice or input to or by the Appellants.” That’s clearly untrue; a copy of Rakowsky’s proposed order was sent to all parties on October 23, 2014. **See Exhibit C.** Sribnick acknowledged receipt of Rakowsky’s proposed order on October 24, 2014, **See Exhibit D** and in fact, both Sribnick and Spencer submitted their own proposed orders in response to the proposed order submitted by the undersigned on Rakowsky’s behalf. **See Exhibits E and F.**

While no specific rule of appellate procedure addresses blatantly false statements contained in a Notice of Appeal, Rakowsky submits that Rule 269, SCACR, would certainly permit, by way of sanction, an order dismissing an appeal based upon a Notice of Appeal which contains indisputably false statements. Rakowsky acknowledges that dismissal as a sanction is an extraordinary remedy; however, he would submit that the behavior of Sribnick and Spencer before this Court throughout the brief period of this appeal, standing alone, is sufficient to support dismissal of an appeal as a sanction, absent the other grounds for dismissal set forth above.



Conclusion

For the reasons set forth above, Rakowsky seeks an order of this Court dismissing the appeals by Sribnick and Spencer of Judge Early's order of December 18, 2014.

A handwritten signature in cursive script that reads "Desa Ballard". The signature is written in black ink and is positioned above a horizontal line.

Desa Ballard
Ballard & Watson
Post Office Box 6338
West Columbia, SC 29169
Telephone 803.796.9299
Facsimile 803.796.1066
desab@desaballard.com

ATTORNEY FOR RESPONDENT RAKOWSKY

February 12, 2015

Beth Cogan

From: Early, Doyet A. Law Clerk (Aliecia Bores) <dearlylc@sccourts.org>
Sent: Friday, September 12, 2014 1:16 PM
To: Desa Ballard; Beth Cogan; Andrew Lindemann; Ben Bruner; Michael Sribnick; Mara Ballard
Cc: Early, Doyet A. Law Clerk (Aliecia Bores); Early, Doyet A.
Subject: John Rakowsky v. Adrian Falgione, et al. Case No. 2008-CP-40-6656

Follow Up Flag: Follow up
Flag Status: Flagged

AmicusFileIds: 1350
AmicusFileName: Rakowsky, John (Spencer)
AmicusId: 320293
AmicusStatus: Saved

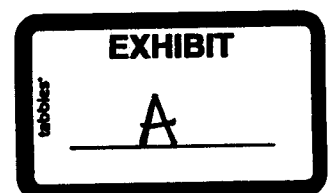
All,

Judge Early has reviewed all memos and exhibits submitted to him addressing the Interpleader and related relief. He now requests each party, if you desire to submit proposed orders on or before October 1, 2014, providing a copy to each party. Please let me know if you have any questions. Thank you.

Best,

Aliecia M. Bores
Law Clerk to the Honorable D.A. Early, III The Circuit Court of the 2nd Judicial Circuit PO Box 90 Bamberg, SC 29003
Telephone: 803.245.4004
Fax: 803.245.2983
dearlylc@sccourts.org<mailto:dearlylc@sccourts.org>

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.



**Beth Cogan**

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**From:** Michael Sribnick <michael.g.sribnickmdjdlc@gmail.com>  
**Sent:** Saturday, October 04, 2014 1:14 PM  
**To:** cmanninglc@sccourts.org; Early, Doyet A. Law Clerk (Cassie M. Weathersbee); Ben Bruner; Desa Ballard; Andrew Lindemann; James B. Spencer  
**Subject:** Based on what I have received from the Court  
**Attachments:** The Honorable Doyet A (1).docx actually sent.docx; Interpleader Request for Clarification.docx

Dear Your Honors, fellow Counselors, and *pro se* litigant:

Base on what I have received from the court via U.S. mail, I have today mailed to each of you the following and, as a courtesy, am emailing you what was sent.

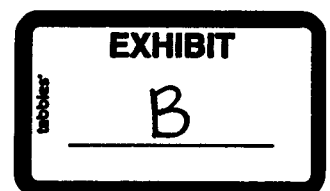
I hope everyone has a blessed weekend.

--

**Michael G. Sribnick M.D., J.D., LLC**

**DISCLAIMER:**

**The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential medical and/or legally privileged material. Any review, retransmission, dissemination or other use of this information, directly or indirectly, by persons or entities other than the intended recipient is prohibited. If you are not the intended recipient please contact the sender and delete the material from all computers in which it resides. Internet communications cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late, incomplete, or contain viruses. Therefore, I do not accept responsibility for any errors or omissions that are present in this message, or any attachments, that have arisen as a result of e-mail transmission. If verification is required, please request a hard-copy version. Any views or opinions represented are solely those of the author.**



The Honorable Doyet A. Early, III  
P.O Box 80  
Bamberg, S.C. 29003

October 4, 2014

**Re:** Richland County Circuit Court Civil Action Case Number 2008-CP-40-6656

Dear Judge Early:

As a member of the bar, the undersigned finds himself in a quandary as to what to do in this case as far as the diligent representation of his clients. On September 10, 2014, I received an Email which asked the undersigned to submit any question he might have. I have responded via Email as to exactly what Your Honor meant by this Email, but received no guidance from His Honor, despite the fact that subsequently His Honor requests each party to submit proposed orders by October 6, 2014. Again, I have no idea what this request for proposed orders means in terms of the subject matter of these proposed orders, as I have never received a response from this Honorable Court.

I have never been involved in a case where Email litigation was involved; and the informality of this litigation, in which much of the litigation is not on the court record, is disturbing to me as an advocate who is attempting to diligently represent his clients. Furthermore, his Honor is aware that this case is currently on appeal to the South Carolina Court of Appeals for the dispositive order recently issued by His Honor. Moreover, the *Southern Holdings et al. v. Horry County et al.* No. 14-1678 (4:02-cv-01859-RBH) is currently

under appeal to the Fourth Circuit Court of Appeals, a fact that the undersigned has stated to His Honor in open court.

On June 23, 2014 Your Honor issued an order stating “the undersigned retains jurisdiction of the remaining portion of this action which seeks an interpleader as to the settlement funds from the *Southern Holdings* case federal court action is final.” Certainly your Honor is aware that the federal action is under appeal to the Fourth Circuit, thus staying, in the undersigned’s opinion, further action in regards to the Interpleader and the Settlement funds. I have received Mr. Spencer’s email to Your Honor and filing on the Court Record with the Clerk of Court dated October 3, 2014. I respectfully request that the questions poised in those documents be answered as I have those same questions and assert the same points (*emphasis added*). Answering these questions by Your Honor needs to be done prior to me being able to provide you a draft Order. Accordingly, I respectfully requested a delay until you answer the questions you asked for in order to produce a draft order.

With all due respect, this case is stayed as this Interpleader Action was the basis for the appeal to the South Carolina Court of Appeals. Thus, with all due respect, Your Honor must realize that his actions could be construed as to interfere with my appeal to the Fourth Circuit Court of Appeals. The fact that there is so much Email litigation in this case off the court record is inappropriate. The *ex parte* order, which your Honor signed and then voided has unexplainably never been voided, how did that happen?

I respectfully request that Your Honor stop conducting this Email style litigation and orders or declare a mistrial, and withdraw the *ex parte* order of Ms. Ballard. Furthermore, by my calculations Ms. Ballard’s expert and her inadmissible report which Your Honor is wrongfully

using a basis for decisions, is off by some forty thousand dollars (40 thousand). Your Honor denying the former client defendants any discovery, which was ordered by His Honor, Judge Barber, leaves the undersigned baffled as to my knowledge one judge cannot overrule another judge on the same level. I believe that my ability to effectively represent my clients is being undermined by this total lack of accountability by the Plaintiff and the actions of the Court allowing such to occur. The undersigned has shown and will always show great respect for the law, but Your Honor has shown the undersigned, little if any respect for both the undersigned and the law. It is the duty of a lawyer to obey the rules mandated by SCACR 407, some of which the Plaintiff chose to ignore, but the undersigned will not let that effect his representation of his clients.

Sincerely,

Michael G. Sribnick, M.D., J.D.

Cc:  
Chief Administrative Judge C. L. Manning.  
Andrew Lindemann, Esquire  
Ben Bruner, Esquire  
Desa Ballard, Esquire  
Jim Spencer, *Pro Se*  
The South Carolina Court Administrator

## Beth Cogan

---

**From:** Beth Cogan  
**Sent:** Thursday, October 23, 2014 12:14 PM  
**To:** 'dearlyj@sccourts.org'; 'Early, Doyet A. Law Clerk (Alicia Bores)';  
'michael.g.sribnickmdjdlc@gmail.com'; 'Andrew Lindemann';  
'bbruner@brunerpowell.com'  
**Cc:** Desa Ballard; Beth Cogan  
**Subject:** Rakowsky: Early Ltr encl proposed order Granting Interpleader 2008-CP-40-6656  
**Attachments:** Order Granting Interpleader final.docx; Early Ltr encl Proposed Order Granting  
Interpleader 10.23.14.pdf

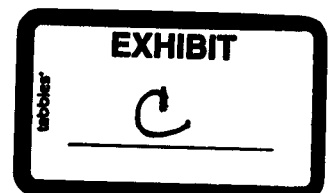
Good afternoon,

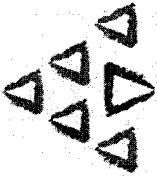
Please see the attached letter from Ms. Ballard and proposed order granting Interpleader in Word format. If you have any questions or concerns, please do not hesitate to contact us.

Kindest Regards,

-Beth

Beth Cogan, Paralegal  
Ballard & Watson, Attorneys at Law  
Post Office Box 6338  
West Columbia, South Carolina 29169  
803.796.9299  
803.796.1066 Facsimile  
[beth@desaballard.com](mailto:beth@desaballard.com)  
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**Ballard & Watson**  
Attorneys at Law  
PERSISTENT. UNWAVERING.

Desa Ballard  
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Post Office Box 6338 | West Columbia, SC 29171  
226 State Street | West Columbia, SC 29169  
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October 23, 2014

Via U.S. Mail and Email

The Honorable Doyet A. Early III  
Post Office Box 90  
Bamburg, South Carolina 29003

Re: *John Rakowsky vs. Adriann Falgione, et al.*  
Case No: 2008-CP-40-6656

Dear Judge Early:

Per your request of September 12, 2014, with amendments to require proposed orders on all remaining matters by October 26, 2014, I am enclosing with the emailed copy of this letter a proposed order in Word format, which addresses the outstanding issues which remain in this case. The hard copy of this letter contains a print out of the proposed order. Please note that the email is copied to everyone, other than Mr. Spencer, and the US mail is copied to everyone whose name is shown at the conclusion of the letter, including Mr. Spencer.

I am aware you have received communication from Mr. Spencer and Mr. Sribnick asserting that your hands are tied by virtue of their appeals to the South Carolina Court of Appeals and to the Fourth Circuit Court of Appeals, but there is clearly no stay in place. If Your Honor wishes to have a proposed order addressing the stay allegation, I will be happy to submit one.

I believe this proposed order addresses all outstanding issues. If I can be of any assistance to you in concluding this matter, please let me know. We appreciate the opportunity for you to consider this proposal. I am enclosing a self-address stamped envelope in the event you want me to arrange for filing and service of the final order.

With warm personal regards, I am,

Sincerely yours,

Desa Ballard  
[desab@desaballard.com](mailto:desab@desaballard.com)

Enclosure

The Honorable Doyet A. Early III  
In re: Proposed Order Granting Interpleader (2008-CP-40-6656)  
October 23, 2014

Page 2 of 2

cc: via U.S. Mail and Email  
Michael Sribnick, Esquire  
Andrew Lindemann, Esquire  
Benjamin Bruner, Esquire  
Via U.S. Mail Only  
James Spencer, Pro Se  
Marguerite Stephens, Pro Se  
Ricky Stephens, Pro Se  
Nicholas Williamson

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
) )  
John R. Rakowsky )  
) )  
Plaintiff, )  
vs. )  
) )  
Law Offices of Adrian L. Falgione, LLC, )  
James Spencer, Estate of Doris Holt, )  
Nick Williamson, on behalf of RSC, )  
Irene Santacroce, Rodney Keith Lail, )  
Marguerite Stephens and Ricky Stephens, )  
Michael Hartness, Horry County, S.C., )  
Eugene Chewing, and Glenn W. Harrison, )  
) )  
\_\_\_\_\_ Defendants, \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
Case No. 2008-CP-40-6656

**FINAL ORDER GRANTING  
INTERPLEADER  
AND RELATED RELIEF**  
(Concludes case)

This order addresses all remaining issues pending before the Court in this matter. Plaintiff Rakowsky’s request for interpleader and equitable distribution are granted as set forth herein.

By prior order dated June 23, 2014, filed June 27, 2014, this Court directed the distribution of remaining litigation funds, which concluded one aspect of the litigation presented by this interpleader action. Certain parties objected to the order and by email dated July 10, 2014, I gave everyone an opportunity to submit a proposed order<sup>1</sup>. Defendant James Spencer (“Spencer”) submitted a proposed order. By order dated September 9, 2014, I declined to vacate the June 23, 2014 order.

Plaintiff Rakowsky (hereafter “Rakowsky”) complied with the order and issued a check to James Spencer for the remaining litigation funds. Spencer acknowledges receipt of the check. Certain defendants represented by attorney Michael Sribnick have appealed that order to the South

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<sup>1</sup> No motions were filed pursuant to Rule 59 or Rule 60, but because the June 23, 2014 Order had not been copied to all parties prior to its issuance, I gave everyone an opportunity to submit proposed orders on the issues addressed by the June 23, 2014 order.

Carolina Court of Appeals. The appeal does not divest this Court of jurisdiction to address the remaining issues, which are unaffected by the appeal. Rule 205, SCACR.

The remaining issue before the Court relates to the Rakowsky's request to interplead settlement funds received by him, in his capacity as co-counsel for the then-plaintiffs, in a prior matter pending in the United States District Court for the District of South Carolina. He has also requested equitable indemnification for his fees and costs in bringing and pursuing this action.

By order dated July 9, 2014, this Court required that Rakowsky submit his brief on the remaining issues no later than July 25, 2014. He did so. No other party filed brief in response to the scheduling order. Instead, certain defendants filed "Omnibus Motions" which were heard by the Court on August 20, 2014 and denied by Form 4 order dated September 10, 2014.

By email dated September 12, 2014, my law clerk notified all parties to submit proposed orders no later than October 1, 2014. Rakowsky's counsel requested an extension until October 6, 2014 because she was in trial, and that request was granted. Sribnick requested another delay, claiming he did not understand what proposed orders were being requested. My law clerk responded to Sribnick by email dated October 4, 2014, again advising on the topic of the request for proposed orders. Since that time, I have received numerous letters, emails and filings by either Sribnick or Spencer arguing various positions, none of which have merit. Spencer has attacked the integrity of the Court and the judicial process and, while not expressly saying so, seems intent on provoking the undersigned into recusing himself from the case.

This court has no bias against Spencer or any of the parties, including those who previously represented themselves as *pro se* and who are now represented by Sribnick. Spencer's apparent belief that this court's prior rulings, which disagree with his position, somehow evidence prejudice by this court, are simply wrong. Silvester v. Spring Valley Country Club, 344 S.C. 280, 543 S.E.2d

563 (Ct.App. 2001). This court has carefully considered all arguments made by all parties and has addressed all matters presented based solely on the evidence and the law. This Court has permitted procedural leniency for Spencer based on his *pro se* status, and has construed every reasonable inference in his favor. The record in this case reflects that every judge who has heard anything in this matter has given Spencer (and the other *pro se* litigants) every benefit of every doubt and listened most carefully to all arguments. Pollard v. United States, 352 U.S. 354 (1957)(*Pro se* litigants are held to less stringent standards than pleadings drafted by lawyers.) *See also* Erickson v. Pardus, 551 U.S. 89 (2007). This Court has done the same.

I gave all parties until October 26, 2014 to submit proposed orders on the remaining issues, which are Rakowsky's request for interpleader and his motion for equitable indemnification, seeking attorney fees for the pursuit of this action. This order rules upon the last remaining issues arising from Spencer's 14 years of litigation following his 2000 arrest in Horry County, South Carolina.

### History

In a prior action in United States District Court for the District of South Carolina, Rakowsky and Falgione served as counsel for Southern Holdings Inc., Spencer, Rodney Keith Lail, Irene Santacroce, Ricky Stephens, Marguerite Stephens, and Doris Holt (hereafter referred to as "the Southern Holdings plaintiffs"). That case, Southern Holdings Inc. et al. v. Horry County et al., Civil Action No. 4:02-cv-1859-RBH (hereafter "the Southern Holdings case"), was resolved when a settlement agreement was stated on the record before United States District Court Judge R. Bryan Harwell on May 9, 2007. (Doc. 475).

Since that time, numerous motions have been filed in the District Court (and at the Fourth Circuit Court of Appeals) by one or more of the Southern Holdings plaintiffs attempting to set

aside the settlement. United States District Judge Bryan Harwell has issued numerous orders confirming that the settlement is final, the latest of which was filed on June 11, 2014 (Doc. 788). While an appeal has been filed with the United States Court of Appeals for the Fourth Circuit (Spencer v. Horry County, No. 14-1666), no stay has been requested or issued. Fed. R. App. P. 8(a)(1). The finality of the 2007 settlement is clear, as a matter of law, and no stay is in effect.

During the litigation of this proceeding, certain of the defendants, primarily James B. Spencer (Spencer) and other defendants now represented by Michael Sribnick, Esquire, have attempted to collaterally challenge the settlement in the Southern Holdings case, attempting to engage in discovery to try to prove the settlement was not authorized or is not enforceable. The finality of the settlement is not before the Court. To the extent that it is raised (and will continue to be raised), the finality of the settlement cannot be challenged in this proceeding. Spencer and Sribnick are collaterally estopped from challenging the finality of the settlement in this proceeding. Nelson v. OHG of South Carolina Inc., 354 S.C. 290, 580 S.E.2d 171 (Ct. App. 2003).

Additionally, Spencer, *et al.* also sued Rakowsky and Falgione for legal malpractice, alleging that their consent to the settlement of the Southern Holdings case was “coerced.” Spencer et al. v. Rakowsky et al., Case No. 2011-CP-40-5384 (Richland County Court of Common Pleas, Complaint dated August 15, 2012, ¶ 43)<sup>2</sup>. That action was dismissed pursuant to Rule 12(b)(6) by order of the Circuit Court filed August 23, 2013. The finality of that case also operates as collateral estoppel, and prevents this Court from considering the repeated arguments that the Southern Holdings case was not settled or was not authorized to be settled. The significance of the legal malpractice lawsuit, however, is that Spencer and certain of his associates acknowledged the

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<sup>2</sup> The legal malpractice action was transferred to Lexington County, where it was assigned Case No. 2012-CP-32-03428. Inquiry to C-Track indicates that the appeal in that case has been dismissed numerous times but at present has been reinstated.

settlement occurred; they claimed their consent to the settlement was “coerced.” *Id.* They, therefore, acknowledge the settlement occurred.

Lastly, the United States District Court for the District of Columbia has noted the finality of the settlement in the Southern Holdings case. While Rakowsky and Falgione were not parties to that action, Spencer was a plaintiff, as were Sribnick’s clients. Lail, et al. v. U.S. Gov’t, 771 F.Supp.2d 49 (D.D.C. 2011).

### **Interpleader Generally**

The United States District Court for the District of South Carolina has held that the jurisdiction in an interpleader action can extend only to the funds sought to be deposited in court and “cannot embrace . . . issues of liability that go beyond the fund.” Preferred Risk Mutual Insurance Co., v. Greer, 289 F.Supp. 261 (D.S.C. 1968). Thus, the multiple efforts by Spencer and others to introduce collateral issues is barred by procedural precedent, even if collateral estoppel did not prevent the attempts to litigate issues related to the settlement itself.

The only issue which remains for determination is Rakowsky’s request that the settlement funds in the amount of \$55,000.00 be paid into the Court. Only one claim has been filed in this action against the funds, that being Rakowsky’s claim (to be shared with Falgione) for \$22,000.00, which constitutes a forty-percent (40 %) attorneys’ fee from the settlement proceeds. Rakowsky also seeks an award of equitable indemnification to recover from the net settlement funds (after payment of the \$22,000.00 attorney fees due to him and his co-counsel Falgione from the original settlement) his attorney fees in bringing this action and pursuing it to conclusion.

Notably, neither Spencer nor any other defendant has filed any claim to the \$55,000.00 settlement proceeds.

### **Motions Which Remain Pending**

At a motion hearing on February 25, 2014, the Court heard argument from counsel for Rakowsky, Falgione, Horry County, Holt, Lail and Santacroce, and from Spencer. The Court also had the benefit of detailed filings by Spencer and Rakowsky. The Court took the following matters under advisement<sup>3</sup>:

- A. Motion for Jury Trial, filed July 14, 2011;
- B. Motion to Amend Answer and Counterclaim, filed August 29/30, 2011; and
- C. Motion for Sanctions (against attorney Stephanie Weissenstein) filed December 20, 2011.

In addition, Rakowsky filed a Motion for Equitable Indemnification dated July 24, 2014. That motion has not been argued and no response to that motion has yet been filed. Rakowsky reserves the right to reply to any responses that may be filed to that motion, by supplemental memorandum.

#### **A. Motion for Jury Trial, filed July 14, 2011**

A request for jury trial must be made “not later than 10 days after the service of the last pleading directed to such issue.” Rule 38(b), SCRCP. The last operative pleading is the “Certain Defendants’ Response to John Rakowsky Second Amended Complaint for Interpleader” filed January 18, 2011<sup>4</sup>. No request for jury trial was made in that filing, and none had been made previously. The request filed July 14, 2011 was untimely and is denied. Shaw v. Atlantic Coast Life Insurance Co., 322 S.C. 139, 470 S.E.2d 382 (Ct. App. 1996).

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<sup>3</sup> The motion regarding the “uncontested” litigation funds was resolved by this Court’s order dated June 23, 2014.

<sup>4</sup> The counterclaims and other material were stricken from this pleading by order of Judge Seals dated July 25, 2011.

**B. Motion to Amend Answer and Counterclaim, filed August 29/30, 2011**

By motion dated August 30, 2011, certain defendants<sup>5</sup> (Spencer, Estate of Doris Holt, Irene Santacroce, Ricky Stephens, Marguerite Stephens, and Rodney Lail) moved to amend their Answer to Second Amended Complaint for Interpleader. The argument made in the Motion to Amend falls into three (3) categories:

1. Arguments about alleged wrongs done to Doris Holt prior to her death;
2. A desire to add counterclaims based on discovery of “evidence (after July 12, 2011) supporting counter claims (*sic*) against the Plaintiff. . .”; and
3. Counterclaims aimed at vacating Judge Seal’s order dated July 25, 2011.

**1. Alleged wrongs done to Doris Holt**

With reference to the alleged wrongs done to Doris Holt prior to her death, Spencer has already litigated these claims against other parties in his lawsuit in the District of Columbia, and lost them when the District Court issued its ruling on March 24, 2011. See Lail v. United States Government, *supra*.<sup>6</sup> Collateral estoppel prevents the assertion of any claims on behalf of the Estate of Doris Holt for her alleged mistreatment in connection with her treatment while in the custody of the Department of Social Services. Nelson v. QHG of South Carolina Inc., *supra*.

**2. Counterclaims based on discovery of “evidence (after July 12, 2011) supporting counter claims (*sic*) against the Plaintiff. . .”**

At the time of the motion to amend, Spencer and the Estate of Doris Holt had recently filed (on August 15, 2011) an entirely separate lawsuit against Rakowsky and Falgione asserting legal

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<sup>5</sup> The original Answer to Second Amended Complaint was also filed by Nick Williamson on behalf of RSC. He was not listed as a moving party in the motion to amend.

<sup>6</sup> While the decision in Lail v. United States Government lists only Rodney Lail as the plaintiff in that action, the PACER record reflects that the “*et al.*” plaintiffs included Spencer and The Estate of Doris Holt. The District Court’s order of March 24, 2011 denies “plaintiff’s motion for leave to file a third amended complaint.” *Id.*

malpractice in Richland County (Case No. 2011-CP-40-5384), to which no responsive pleadings had yet been filed<sup>7</sup>. Spencer and the Estate had the opportunity to amend that action as a matter of right to assert any claims they wanted to against Rakowsky pursuant to Rule 15, SCRPC. It is completely illogical to seek to amend an answer, where the precise counterclaims had already been stricken, when a brand new action had only been filed days earlier and the claims could have been asserted there as a matter of right. The motion is denied.

**3. Counterclaims aimed at vacating Judge Seal's order dated July 25, 2011.**

Judge Seals' order could have been appealed pursuant to S.C. Code Ann. Section 14-3-330(2)(c). It was not. The striking of the counterclaims, and the procedure which led up to that (which is apparently the basis for Spencer's claims of *ex parte* contact: Judge Seals' review of documents *in camera*) is the law of the case. Spencer is apparently seeking to add counterclaims that somehow challenge Judge Seals' order or the methodology by which he arrived at his decision to strike certain matter from the Answer (to Second Amended Complaint) dated January 18, 2011. Judge Seals' order is final. Nothing can be added to this litigation to change that. This motion is denied.

**4. Motion for Sanctions against Attorney Stephanie Weissenstein**

The gist of this motion is that Weissenstein, who formerly represented Rakowsky in this action, refused to release "uncontested" litigation funds. As more fully explained in this Court's order dated June 23, 2014, there were never any "uncontested" litigation funds. There were funds that Spencer demanded, but the pleadings and orders in this case establish clearly that he had no

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<sup>7</sup> Rakowsky's Motion to Dismiss that lawsuit was not filed until November 3, 2011. Rule 15, SCRPC, permitted Spencer and the Estate to assert whatever claims they wanted to against Rakowsky in the newly-filed legal malpractice action.

right to receive the funds until this court's order of June 23, 2014 was issued. This motion is denied.

### Settlement Funds

The issues regarding the settlement funds are framed by the Second Amended Complaint filed December 3, 2010<sup>8</sup>. Horry County has filed an answer to this action, consenting to the interpleader and requesting the execution of a release. The Law Offices of Adrian L. Falgione LLC has also filed an answer consenting to the relief requested.

The other defendants who have responded to the Second Amended Complaint and are parties to the matter at this time are: James Spencer (hereafter "Spencer"), Estate of Doris Holt<sup>9</sup> (hereafter "Holt"), Nick Williamson on behalf of RSC<sup>10</sup> (hereafter "RSC"), Rodney Keith Lail (hereafter "Lail"), Irene Santacroce (hereafter "Santacroce"), Marguerite Stephens (hereafter "M. Stephens"), and Ricky Stephens (hereafter "R. Stephens") (Answer dated January 18, 2011). They oppose "Plaintiff's request to disperse funds in accordance with Plaintiff Rakowsky's Complaint for Interpleader." *Id.* The gist of their position is, as stated above, there was no settlement. That issue has long been determined; the settlement is as final as final can be<sup>11</sup>. None of these parties has filed any claim to the settlement funds.

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<sup>8</sup> Earlier proceedings involved multiple other defendants, who either defaulted or were dismissed from the action.

<sup>9</sup> Doris Holt was originally named as a defendant. She died during this litigation. By order dated October 18, 2011, Judge James R. Barber III substituted the Estate of Doris Holt as a party in place of Doris Holt.

<sup>10</sup> According to PACER, Williamson was dismissed as a plaintiff in the Southern Holdings litigation in 2004, so he was not a settling party in 2007 when the litigation was settled.

<sup>11</sup> Rakowsky doesn't mean to suggest that Spencer and others will not continue litigation, into its 15<sup>th</sup> year and beyond, but the finality of the settlement in the Southern Holdings case will not change.

Rakowsky holds a total of \$55,000.00 in settlement proceeds for settlement on behalf of seven plaintiffs from the Southern Holdings litigation. He seeks an order of this Court permitting the clerk of court to accept those funds under Rule 22, SCRCF and to release him for liability as to those funds.

Rakowsky also requests that \$22,000.00 of the settlement funds be paid to him as attorneys' fees in accordance with his fee contract with his former clients. In his motion filed December 12, 2013, Rakowsky introduced the applicable fee agreements, which support his claim for \$22,000.00 in attorney fees. The only opposition to Rakowsky's claim comes from defendants Santacrose and Lail (Objection dated January 26, 2014). Their objection incorporates their argument that there was no settlement, but also argues various other grounds by which Rakowsky's fees should be denied. Primarily, it contains a "Declaration" by Spencer that he drafted the "Addendum" to the fee agreement, and that he didn't intend Rakowsky or Falgione to be paid unless certain circumstances were present. Spencer's declaration cannot be used to vary the terms of the fee agreement.

The fee agreement provides for a 40% contingency fee after trial begins. As repeatedly noted by District Judge Bryan Harwell, when the settlement was placed on the record and in subsequent written orders, the jury had already been impaneled and trial was ready to begin. The addendum to the fee agreement reaffirms the original fee agreement (which included Mark Hardee, who formerly represented the Southern Holdings plaintiffs). The closing paragraph of the original fee agreement provides that Rakowsky will be paid via *quantum meruit* if he is discharged. He has never been discharged as counsel, and Judge Harwell denied his request to be relieved.

#### Interpleader

Interpleader is an equitable remedy available to a third party when he holds money and it is unclear to whom the money should be paid. Symmes v. Graham, 167 S.C. 290, 166 S.E. 269 (1932). Interpleader provisions should be liberally construed as to best effectuate their purposes. First Union National Bank of South Carolina v. FCVS Communications, 321 S.C. 496, 469 S.E.2d 613 (Ct. App. 1996), *reversed in part* 328 S.C. 290, 494 S.E.2d 429. As long as there is a potential for multiple claims against the funds in question, interpleader is appropriate. *Id.*

Spencer, Holt, RSC, Lail, Santacroce, M. Stephens, and R. Stephens oppose the interpleader on the grounds that there was no settlement. There was a settlement; that much is clearly established. Notwithstanding any allegations to the contrary, and setting aside the collateral estoppel effect of the prior rulings of this and other courts, the Southern Holdings plaintiffs are bound by the settlement that was placed on the record by their attorneys. Arnold v. Yarborough, 281 S.C.570, 316 S.E.2d 416 (Ct. App. 1984).

Rakowsky's motion to interplead the \$55,000.00 in settlement proceeds was made necessary by the refusal by his former clients to consummate the settlement; Judge Harwell's orders detail the proceedings following the settlement in glaring detail. The settlement is final. Horry County and the settling defendants in the Southern Holdings action are entitled to its release for payment of settlement funds. Rakowsky is entitled to be relieved of his duty to hold the settlement funds and should be permitted to pay them into court as pleaded in this action, less the \$22,000.00 attorney fee to which he is entitled.

Rakowsky's claim for equitable indemnification seeks an award of attorney's fees and costs against Spencer, Estate of Doris Holt, Nick Williamson on behalf of RSC, Irene Santacroce, Rodney Keith Lail, Marguerite Stephens and Ricky Stephens, to the extent the balance of the interpleaded funds is not sufficient to indemnify Rakowsky. He asserts that the

wrongful efforts of these parties to refute the settlement in the Southern Holdings case made the bringing of this action necessary. There can be little doubt that is true. The orders of Judge Harwell in the District Court case make that abundantly clear. What should have been a simple interpleader action has been made into dramatic, complex, and tortured litigation by Spencer and other defendants. Rakowsky is entitled to his fees and costs for bringing this action to conclusion. Byrd v. Livingston, 398 S.C. 237, 727 S.E.2d 620 (Ct. App. 2012).

Rakowsky has requested reimbursement for attorney's fees in the amount of \$\_66,172.35 (through the date of filing the motion). Having held Rakowsky is entitled to recover his attorney's fees and costs, this Court must examine that request in light of the factors set forth in *Jackson v. Speed*, 326 S.C. 289, 486 S.E.2d 750 (1997). The billings for time Rakowsky's counsel worked on this case are reasonable (and excludes all billing prior to April, 2011) and are in fact modest in light of the work that has been required.

This case was filed in 2008 after Rakowsky attempted to pay the interpleader funds into Federal Court. Since filing this case, Plaintiff's counsel has necessarily filed and defended numerous motions and attended numerous hearings. After nearly six years, the Court's file on this case became so cumbersome, and the procedural history of the case so complex, that the case was assigned to a single judge, the undersigned. Nevertheless, the Court finds the total amount of fees requested should be reduced under the circumstances of this case. While Rakowsky is entitled to an award of attorney's fees and costs, that amount should not exceed the amount of the interpleader funds. I therefore find an award of \$33,000.00 is appropriate for Rakowsky's attorney's fees and costs.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows::

A. Rakowsky's Request for Interpleader is granted;

- B. Rakowsky shall be paid \$22,000.00 in attorney fees from the settlement proceeds for his representation of the Southern Holdings plaintiffs in the Southern Holding litigation. These funds are to be shared with Falgione in whatever division they have agreed upon. Allocation of these funds between Rakowsky and Falgione is not before this Court;
- C. Rakowsky's request for equitable indemnification is granted in part. In addition to the award above, Rakowsky shall receive the amount of \$33,000.00 as reimbursement toward his reasonable attorney fees and costs incurred by him in bringing and prosecuting this matter to conclusion;
- D. Rakowsky's request for judgment for the balance of attorney fees and costs against Spencer and other defendants which are not paid from the \$55,000.00 is denied;
- E. Rakowsky is discharged from any further obligations regarding the settlement proceeds he received in his capacity as counsel for the Southern Holdings plaintiffs. Any and all claims which might have been made by any persons who are now or have been parties to this action against those funds are extinguished.
- F. The Clerk of Court is directed to execute a general release in favor of Horry County and the settling defendants in the Southern Holdings action on behalf of the Southern Holdings plaintiffs, to be prepared by counsel for Horry County. The general release shall release those defendants from claims that were brought or could have been brought in the Southern Holdings litigation.
- G. This order concludes this action in its entirety.

IT IS SO ORDERED.

---

Doyet A. Early III  
Presiding Judge, Fifth Judicial Circuit

October \_\_, 2014

STATE OF SOUTH CAROLIN )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

John R. Rakowsky )

Plaintiff, )

vs. )

Case No. 2008-CP-40-6656

Law Offices of Adrian L. Falgione, LLC, )

James Spencer, Estate of Doris Holt, )

Nick Williamson, on behalf of RSC, )

Irene Santacroce, Rodney Keith Lail, )

Marguerite Stephens and Ricky Stephens, )

Michael Hartness, Horry County, S.C., )

Eugene Chewing, and Glenn W. Harrison, )

Defendants, )

**CERTIFICATE OF SERVICE**

I, Beth Cogan, an employee with the Ballard & Watson, Attorneys at Law, do hereby certify that on October 23, 2014, I served a copy of the **Proposed Order Granting Interpleader** in the above-captioned case on the following individuals by electronic mail and by United States Mail, with sufficient first-class postage affixed, addressed as follows:

**The Honorable Doyet A. Early III  
Post Office Box 90  
Bamberg, South Carolina 29003**

**Andrew F. Lindemann  
Davidson & Lindemann, P.A.  
Post Office Box 8568  
Columbia, South Carolina 29202-8568**

**Benjamin C. Bruner  
Bruner Powell Wall & Mullins, LLC  
Post Office Box 61110  
Columbia, South Carolina 29260**

**Michael Sribnick  
3 Kenilworth Avenue  
Charleston, South Carolina 29403**


Via U.S. Mail Only

**James Spencer**  
**7001 Saint Andrews Road**  
**P.O. Box 183**  
**Columbia, South Carolina 29212**

**Marguerite Stephens**  
**2455 Moores Mill Road**  
**Aynor, South Carolina 29511**

**Ricky Stephens**  
**2455 Moores Mill Road**  
**Aynor, South Carolina 29511**

**Nicholas Williamson**  
**8005 White Ash Court**  
**Oak Ridge, North Carolina 27310**

  
Beth Cogan, Paralegal

October 23, 2014  
West Columbia, South Carolina

## Beth Cogan

---

**From:** Michael Sribnick <michael.g.sribnickmdjdlc@gmail.com>  
**Sent:** Friday, October 24, 2014 11:13 AM  
**To:** cmanninglc@sccourts.org; Ben Bruner; Early, Doyet A. Law Clerk (Cassie M. Weathersbee); Desa Ballard; Andrew Lindemann; James B. Spencer  
**Subject:** Recently Proposed Order by Desa Ballard, Esq.  
**Attachments:** Southern Holding's Filed Initial Brief by James Spencer.pdf; Southern Holdings Appeal Motion for Extension of Time Document 25.pdf

**Ms. Ballard, Esq. and Honorable Judge Early:**

The proposed order by Ms. Ballard is nothing but an attempt to undermine proceedings currently being heard in other tribunals. Your Honor has not even heard of much of the distorted information presented by Ms. Ballard. Is Your Honor seriously going to intervene in the 4th Circuit case?

Is Your Honor seriously going to ignore his own Order being appealed in the South Carolina Court of Appeals which specifically states that all remaining matters are tabled until the federal proceedings have run their due course, Page 12, Paragraph E of Your Honor's and Ms. Ballard's admitted ex-parte Order executed on June 23, 2014?

Ms. Ballard's proposed Order is nothing but personal attacks even on the Pro Se Defendants deceased mother as well as him.

Is Your Honor seriously going to ignore the engagement contracts terms with his former clients which clearly show that the Plaintiff is due nothing as he did not cover expenses, which unless that hurdle is cleared, states there is no compensation further. Is Your Honor going to ignore the fact the Plaintiff resigned from the case entitling him to nothing, much less the 40% claimed by Plaintiff if the case went to trial which it did not?

I am copying Administrative Judge Manning and asking him to intervene in this matter as clearly this is out of hand when Ms. Ballard starts bringing in cases from other courts and then trying to charge Defendants for a suit brought by the Plaintiff because he refuses to produce the SCACR 407; 1.8(g) required informed consent agreement which would have precluded his filing this litigation in the first place.

I need answers to questions Your Honor continues to ignore. Finally, are you seriously going to sign any Order, much less a dispositive Order, while this case is under appeal and while the federal court litigation related to the basis of this matter is underway? You have simply refused to answer questions I have been asking for months. Attached is the Documentation of the Appeal to the 4th Circuit by Mr. Spencer, as the undersigned's brief is not due until early December, which you also have been made aware of multiple times.

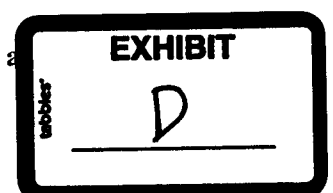
I became a lawyer to pursue justice for all of my clients, including my indigent and disabled clients. As Your Honor knows, I have taken this case pro bono because I believe in this cause and because of my belief in the judicial process. I am formally requesting through this Email that Judge Manning intervene, as he established in the Bobby Harrell matter that each body of government is to police itself before involvement of the Attorney General.

Respectfully submitted,  
Michael G. Sribnick, M.D., J.D. Attorney at Law

--

Michael G. Sribnick M.D., J.D., LLC  
DISCLAIMER:

The information transmitted is intended only for the person or entity to which it is addressed.



**Beth Cogan**

---

**From:** James B. Spencer <jamesbspencer@sc.rr.com>  
**Sent:** Monday, October 27, 2014 8:50 PM  
**To:** CManningLC@SCCourts.org; 'Early, Doyet A. Law Clerk (Alicia Bores)'; 'Ben Bruner';  
Desa Ballard; 'Andrew Lindemann'; 'Michael Sribnick'  
**Subject:** Attached Pro Se Plaintiffs response and Proposed Draft Order....  
**Importance:** High  
**Sensitivity:** Personal

Your Honor,

Please find my response to Plaintiffs proposed Order and my proposed order.

Respectfully submitted,

James B. Spencer,

Pro Se

This electronic message and any attached files contain information intended for the exclusive use of the individual or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any viewing, copying, disclosure or distribution of this information may be subject to legal restriction or sanction and is strictly prohibited. If you have received this communication in error, please notify the sender by return electronic message or telephone, and destroy the original message without making any copies.



**Beth Cogan**

---

**From:** Michael Sribnick <michael.g.sribnickmdjllc@gmail.com>  
**Sent:** Monday, October 27, 2014 8:56 PM  
**To:** cmanninglc@sccourts.org; Early, Doyet A. Law Clerk (Cassie M. Weathersbee); Ben Bruner; Desa Ballard; James B. Spencer; Andrew Lindemann  
**Subject:** Defendants Response and orders to Ms. Ballard's Proposed  
**Attachments:** Interpleader Case Defendants Response and Proposed Order(1).pdf

**Your Honors, fellow Counselors and *pro se* litigant:**

Attached are Defendants' response to Ms. Ballard and orders proposed for Judge Early to sign.

Regards, I am

Dr. Michael G. Sribnick, Esq.

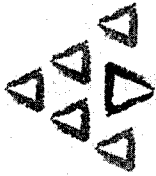
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Michael G. Sribnick M.D., J.D., LLC

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**Ballard & Watson**  
Attorneys at Law  
PERSISTENT. UNWAVERING.

Desa Ballard  
Harvey M. Watson III

Post Office Box 6338 | West Columbia, SC 29171  
226 State Street | West Columbia, SC 29169  
ph 803.796.9299 | fx 803.796.1066 | [desaballard.com](http://desaballard.com)

December 23, 2014

Via U.S. Mail Only

Michael Sribnick, Esquire  
[michael.g.sribnickmdjdlc@gmail.com](mailto:michael.g.sribnickmdjdlc@gmail.com)  
3 Kenilworth Avenue  
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Andrew F. Lindemann, Esquire  
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Nicholas Williamson  
8005 White Ash Court  
Oak Ridge, North Carolina 27310

Marguerite Stephens  
2455 Moores Mill Road  
Aynor, South Carolina 29511

Ricky Stephens  
2455 Moores Mill Road  
Aynor, South Carolina 29511

Re: *John Rakowsky vs. Adriann Falgione, et al.*  
Case No: 2008-CP-40-6656

Gentlemen and Mr. Spencer:

We received an original order from Judge Early late yesterday and filed it for entry of judgment with the clerk of court this morning. Enclosed for service upon you is a clocked-in copy of the final order concluding this action.

Best wishes for the holiday.

Sincerely yours,

Desa Ballard  
[desab@desaballard.com](mailto:desab@desaballard.com)

Enclosure

cc: Honorable Doyet A. Early (Cover letter only via U.S. Mail)  
John Rakowsky, Esquire (via Email)



THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Case No. 2008-CP-40-6656

John R. Rakowsky, Respondent,

v.

Adrian L. Falgione, James Spencer, Estate of Doris Holt, Irene Santacroce,  
Rodney Lail, Horry County, South Carolina, Defendants,  
of whom James Spencer *Pro Se* and the Estate of Doris Holt, Irene Santacroce,  
Rodney Lail are Appellants.

NOTICE OF APPEAL

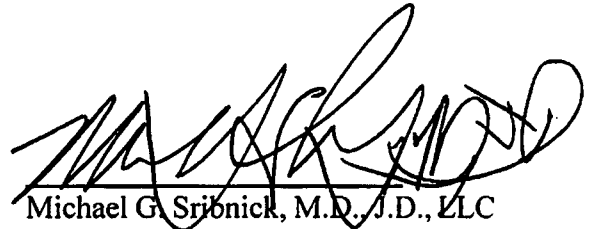
James Spencer, on a *Pro Se basis*, and the Estate of Doris Holt, Rodney Lail, Irene Santacroce through the undersigned counsel, appeal the Order of the Honorable Judge Doyet Early, dated December 18, 2014, filed with the Clerk of Court on December 23, 2014 and December 29, 2014. The appeal is centered on the process of litigation that led to the ruling being a clear violation of the Appellants' fundamental rights to due process and equal protection guaranteed both by the United States Constitution under the 14<sup>th</sup> and 5<sup>th</sup> Amendments and also the South Carolina Constitution, under Article One. This order was drafted *ex parte* without any notice or input to or by the Appellants. It was issued on December 18, 2014. However, the Order was not known to be even under consideration until it was received by the *Pro Se* Appellant and the represented Appellants on January 3, 2015, through the U.S. Mail sent by Respondent's counsel.

January 20, 2015

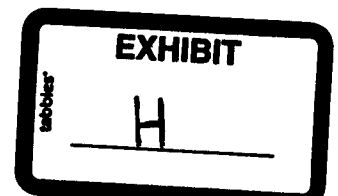
By:



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



Michael G. Sribnick, M.D., J.D., LLC  
3 Kenilworth Avenue  
Charleston, S.C. 29403  
Phone: (843) 789-3504, Fax: (843) 720-8907  
Email: Michael.g.sribnickmdjllc@gmail.com



**CERTIFICATE OF SERVICE**

I, James Spencer, *Pro Se*, do hereby certify that the foregoing **NOTICE OF APPEAL** has this day been served on the following person(s) by either mail, fax or electronic transfer a true and correct copy, as follows:

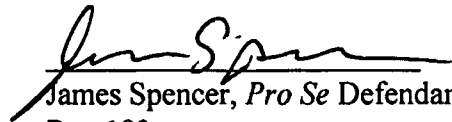
Andrew F. Lindemann, for Horry County  
Davidson & Lindemann, P.A.  
PO Box 8568  
Columbia, SC 29202

Desa Ballard, Esquire, for John Rakowsky  
Ballard Watson Weissenstein  
PO Box 6338  
West Columbia, SC 29171

Benjamin Bruner, Esquire, for Adrian Falgione  
Bruner, Powel, Wall & Mullins, LLC  
1735 St. Julian Place, Suite 200  
Post Office Box 61110  
Columbia, South Carolina 29260-111

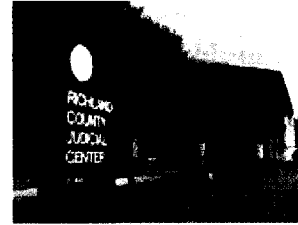
This 20<sup>th</sup> day of January, 2015.

By:

  
James Spencer, *Pro Se* Defendant  
Box 183  
7001 Saint Andrews Road  
Columbia, SC 29212



# Richland County 5th Judicial Circuit Public Index



[Richland County Home Page](#) [Online Payments](#) [Public Index](#) [City of Columbia Municipal Ct](#) [S.C. Judicial Department](#)  
[Summary Ct Dockets](#)

Switch View

| John R Rakowsky vs Southern Holdings Inc , defendant, et al |                       |                   |                              |                    |                     |
|-------------------------------------------------------------|-----------------------|-------------------|------------------------------|--------------------|---------------------|
| Case Number:                                                | 2008CP4006656         | Court Agency:     | Richland County Common Pleas | Filed Date:        | 09/12/2008          |
| Case Type:                                                  | Common Pleas          | Case Sub Type:    | Special-Comp/Oth 699         | File Type:         | Non-Jury            |
| Status:                                                     | Dismissed             | Assigned Judge:   | Early, Doyet A. III          |                    |                     |
| Disposition:                                                | Other / Circuit Civil | Disposition Date: | 12/23/2014                   | Disposition Judge: | Early, Doyet A. III |
| Original Source Doc:                                        |                       | Original Case #:  |                              | Restore Reason:    | Reopened Case       |
| Judgment Number:                                            |                       | Court Roster:     |                              |                    |                     |

| Case Parties    Judgments    Tax Map Information    Associated Cases    Actions    Financials |                                                               |        |               |                  |                  |           |
|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------|--------|---------------|------------------|------------------|-----------|
| Name                                                                                          | Description                                                   | Type   | Motion Roster | Begin Date       | Completion Date  | Documents |
| Rakowsky, John R                                                                              | Certificate Of Service                                        | Filing |               | 12/29/2014-16:47 | 12/23/2014-16:47 |           |
| Rakowsky, John R                                                                              | Final Order GRANTING Interpleader and Related Relief          | Order  |               | 12/23/2014-10:07 |                  |           |
| Rakowsky, John R                                                                              | Order/Order Filing Fee                                        | Filing |               | 12/23/2014-09:57 | 12/23/2014-09:57 |           |
| Rakowsky, John R                                                                              | Submission by Plaintiff                                       | Filing |               | 12/02/2014-14:09 | 12/23/2014-14:09 |           |
| Rakowsky, John R                                                                              | Affidavit Of Service on James Spencer                         | Filing |               | 11/13/2014-11:16 | 12/23/2014-11:16 |           |
| Rakowsky, John R                                                                              | Submission by Plaintiff                                       | Filing |               | 11/13/2014-11:15 | 12/23/2014-11:15 |           |
| Spencer, James                                                                                | Response in Opposition to Government Defendants and Plaintiff | Filing |               | 11/07/2014-16:45 | 12/23/2014-16:45 |           |
| Spencer, James                                                                                | Response to Plaintiffs Draft Order With Exhibits and Attache  | Filing |               | 10/31/2014-15:50 | 12/23/2014-15:50 |           |
| Spencer, James                                                                                |                                                               | Filing |               |                  |                  |           |



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|                    | Response to Plaintiffs Draft Order and Attached Suggested Or |        |  | 10/30/2014-14:35 | 12/23/2014-14:35 |
| Santacroce, Irene  | Amended Response to Plaintiffs Proposed Order With Attached  | Filing |  | 10/30/2014-10:12 | 12/23/2014-10:12 |
| Spencer, James     | Judicial Notice to The Court and Request For The Interventio | Filing |  | 10/27/2014-15:14 | 12/23/2014-15:14 |
| Spencer, James     | Response to Plaintiffs Draft Order Regarding The Above Capti | Filing |  | 10/27/2014-15:10 | 12/23/2014-15:10 |
| Lail, Rodney Keith | Request For Clarification by Judge Early                     | Filing |  | 10/06/2014-09:24 | 12/23/2014-09:24 |
| Spencer, James     | Clarification Questions Requested by Judge Early             | Filing |  | 10/03/2014-14:43 | 12/23/2014-14:43 |
| Rakowsky, John R   | Amended Certificate of Service                               | Filing |  | 09/23/2014-14:09 | 12/23/2014-14:09 |
| Santacroce, Irene  | Filing/Notice of Appeal                                      | Filing |  | 09/19/2014-13:43 | 12/23/2014-13:43 |
| Rakowsky, John R   | Form 4 Order Defendant's Omnibus Emergency Motions including | Order  |  | 09/11/2014-09:47 | 12/23/2014-09:47 |
| Rakowsky, John R   | Supplemental Order                                           | Order  |  | 09/11/2014-09:32 | 12/23/2014-09:32 |
| Santacroce, Irene  | Response to Email From Judge Early                           | Filing |  | 08/29/2014-14:50 | 12/23/2014-14:50 |
| Spencer, James     | Correction of Obvious Typographical Error                    | Filing |  | 08/29/2014-14:34 | 12/23/2014-14:34 |
| Rakowsky, John R   | Certificate Of Service                                       | Filing |  | 08/28/2014-11:07 | 12/23/2014-11:07 |
| Holt, Doris        | Response to Return For Omnibus Motion                        | Filing |  | 08/26/2014-09:25 | 12/23/2014-09:25 |
| Holt, Doris        | Response to Notice of Motion to Dismiss or to Substitute Par | Filing |  | 08/26/2014-09:24 | 12/23/2014-09:24 |
| Spencer, James     | Response to Email From Judge Early and Requested Proposed Or | Filing |  | 08/25/2014-11:37 | 12/23/2014-11:37 |
| Rakowsky, John R   | Amended Plaintiffs Response to "Omnibus" Motions             | Filing |  | 08/21/2014-14:35 | 12/23/2014-14:35 |
| Falgione, Adrian L | Motion to Dismiss or Substitute Party                        | Motion |  | 08/20/2014-16:35 | 08/20/2014-16:35 |
| Falgione, Adrian L | The Law Offices of Adrian Falgione LLC's Return to Omnibus M | Filing |  | 08/20/2014-16:01 | 12/23/2014-16:01 |
| Rakowsky, John R   | Motion/Motion Filing Fee                                     | Filing |  | 08/20/2014-13:19 | 12/23/2014-13:19 |
| Rakowsky, John R   | Service/Certificate Of Service                               | Filing |  | 08/20/2014-08:52 | 12/23/2014-08:52 |
| Rakowsky, John R   | Response to "Omnibus" Motions                                | Filing |  | 08/19/2014-09:51 | 12/23/2014-09:51 |
| Spencer, James     | Response to Plaintiffs Brief and Motion                      | Filing |  | 08/18/2014-08:47 | 12/23/2014-08:47 |
| Spencer, James     | Response to Email From Judge Early                           | Filing |  | 08/15/2014-09:57 | 12/23/2014-09:57 |
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| Rakowsky, John R   | Motion/Motion Filing Fee                                     |        |  | 07/29/2014-13:42 | 12/23/2014-13:42 |
| Rakowsky, John R   | Motion/Motion Filing Fee                                     | Filing |  | 07/29/2014-13:41 | 12/23/2014-13:41 |
| Spencer, James     | Omnibus Emergency Motions Including Motion to Compel         | Motion |  | 07/29/2014-08:52 | 07/29/2014-08:52 |
| Santacroce, Irene  | Omnibus Emergency Motions Including Motion to Compel         | Motion |  | 07/29/2014-08:47 | 07/29/2014-08:47 |
| Rakowsky, John R   | Motion For Equitable Indemnification                         | Motion |  | 07/28/2014-16:36 | 07/28/2014-16:36 |
| Rakowsky, John R   | Brief in Support of Interpleader and Related Relief          | Filing |  | 07/28/2014-15:41 | 12/23/2014-15:41 |
| Rakowsky, John R   | Motion/Motion Filing Fee                                     | Filing |  | 07/28/2014-11:31 | 12/23/2014-11:31 |
| Rakowsky, John R   | Order of Protection of Michael Sribnick                      | Order  |  | 07/23/2014-09:13 | 12/23/2014-09:13 |
| Rakowsky, John R   | Scheduling Order                                             | Order  |  | 07/17/2014-16:14 | 12/23/2014-16:14 |
| Rakowsky, John R   | Certificate Of Service                                       | Filing |  | 07/03/2014-16:39 | 12/23/2014-16:39 |
| Rakowsky, John R   | Order GRANTING Partial Relief                                | Order  |  | 06/27/2014-09:36 | 12/23/2014-09:36 |
| Spencer, James     | Response to Attatched Email Litigation                       | Filing |  | 06/25/2014-09:20 | 12/23/2014-09:20 |
| Rakowsky, John R   | Affidavit of Mara T. Ballard, CFE, CMA                       | Filing |  | 05/28/2014-11:58 | 12/23/2014-11:58 |
| Rakowsky, John R   | Affidavit of John Rakowsky                                   | Filing |  | 05/28/2014-11:58 | 12/23/2014-11:58 |
| Spencer, James     | Declaration of James Spencer                                 | Filing |  | 05/28/2014-09:34 | 12/23/2014-09:34 |
| Holt, Doris        | Comments on Discovery in Response to Questions From Law Cler | Filing |  | 05/27/2014-16:20 | 12/23/2014-16:20 |
| Rakowsky, John R   | Order of Protection of Andrew Lindemann                      | Order  |  | 05/15/2014-11:40 | 12/23/2014-11:40 |
| Rakowsky, John R   | Motion/Motion Filing Fee                                     | Filing |  | 05/12/2014-12:32 | 12/23/2014-12:32 |
| Santacroce, Irene  | Emergency Motion For Clarification and Production            | Motion |  | 05/12/2014-16:42 | 05/12/2014-16:42 |
| Falgione, Adrian L | Affidavit of Adrian L. Falgione                              | Filing |  | 04/15/2014-10:13 | 12/23/2014-10:13 |
| Falgione, Adrian L | Notice of Appearance                                         | Filing |  | 03/04/2014-14:17 | 12/23/2014-14:17 |
| Rakowsky, John R   | Proof Of Service On Adrian Falgione By Mail                  | Filing |  | 02/25/2014-16:07 | 12/23/2014-16:07 |
| Rakowsky, John R   | Proof Of Service On Mara Ballard By Hand Delivered           | Filing |  | 02/25/2014-16:05 | 12/23/2014-16:05 |
| Rakowsky, John R   | Proof Of Service On Desa Ballard By Mail                     | Filing |  | 02/25/2014-16:02 | 12/23/2014-16:02 |
| Rakowsky, John R   | Proof Of Service On Adrian Falgione By Hand                  | Filing |  | 02/25/2014-15:59 | 12/23/2014-15:59 |
| Falgione, Adrian L | Notice of Appearance                                         | Filing |  | 02/25/2014-15:33 | 12/23/2014-15:33 |
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| Rakowsky, John R         | Motion/Motion Filing Fee                                      |        |  | 02/25/2014-13:41 | 12/23/2014-13:41 |
| Falgione, Adrian L       | Motion to Quash                                               | Motion |  | 02/25/2014-15:32 | 02/25/2014-15:32 |
| Spencer, James           | Response to Plaintiffs Memorandum in Opposition to Motions    | Filing |  | 02/11/2014-10:50 | 12/23/2014-10:50 |
| Rakowsky, John R         | Memorandum in Opposition to Motions                           | Filing |  | 02/06/2014-16:19 | 12/23/2014-16:19 |
| Santacroce, Irene        | Objections to Plaintiff Rakowskys Claim Agagainst Interpled F | Filing |  | 01/30/2014-16:37 | 12/23/2014-16:37 |
| Spencer, James           | Request For Outstanding Motions and Memorandum on Motions an  | Filing |  | 01/27/2014-16:51 | 12/23/2014-16:51 |
| Rakowsky, John R         | Certificate Of Service By Mail                                | Filing |  | 01/14/2014-11:17 | 12/23/2014-11:17 |
| Rakowsky, John R         | Order Case Assigned to Judge Early                            | Order  |  | 01/13/2014-14:51 | 12/23/2014-14:51 |
| Rakowsky, John R         | Form 4 Order this case be assigned to the Honorable Doyet A.  | Order  |  | 12/17/2013-15:54 | 12/23/2014-15:54 |
| Rakowsky, John R         | Claim Against Interpled Funds                                 | Filing |  | 12/12/2013-14:49 | 12/23/2014-14:49 |
| Santacroce, Irene        | Notice of Appearance                                          | Filing |  | 12/09/2013-10:13 | 12/23/2014-10:13 |
| Santacroce, Irene        | Motion for Continuance                                        | Motion |  | 12/09/2013-10:09 | 12/23/2014-10:09 |
| Rakowsky, John R         | Motion/Motion Filing Fee                                      | Filing |  | 12/09/2013-09:50 | 12/23/2014-09:50 |
| Santacroce, Irene        | Notice of Case Roster Publication Sent                        | Action |  | 11/13/2013-15:03 | 12/23/2014-15:03 |
| Stephens, Ricky          | Notice of Case Roster Publication Sent                        | Action |  | 11/13/2013-15:03 | 12/23/2014-15:03 |
| Stephens, Marguerite     | Notice of Case Roster Publication Sent                        | Action |  | 11/13/2013-15:03 | 12/23/2014-15:03 |
| Green, Dan               | Notice of Case Roster Publication Sent                        | Action |  | 11/13/2013-15:03 | 12/23/2014-15:03 |
| McKeown, Deborah Stroud  | Notice of Case Roster Publication Sent                        | Action |  | 11/13/2013-15:03 | 12/23/2014-15:03 |
| Falgione, Adrian Lee     | Notice of Case Roster Publication Sent                        | Action |  | 11/13/2013-15:03 | 12/23/2014-15:03 |
| Spencer, James Brian     | Notice of Case Roster Publication Sent                        | Action |  | 11/13/2013-15:03 | 12/23/2014-15:03 |
| Lail, Rodney Keith       | Notice of Case Roster Publication Sent                        | Action |  | 11/13/2013-15:03 | 12/23/2014-15:03 |
| Ballard, Desa            | Notice of Case Roster Publication Sent                        | Action |  | 11/13/2013-15:03 | 12/23/2014-15:03 |
| Lindemann, Andrew F.     | Notice of Case Roster Publication Sent                        | Action |  | 11/13/2013-15:03 | 12/23/2014-15:03 |
| Lawrence, Linda Wilamson | Notice of Case Roster Publication Sent                        | Action |  | 11/13/2013-15:03 | 12/23/2014-15:03 |
| Morton, Ernest H Jr      | Notice of Case Roster Publication Sent                        | Action |  | 11/13/2013-15:03 | 12/23/2014-15:03 |
| Rakowsky, John R         | Order of Protection of Andrew Linemann                        | Order  |  | 10/30/2013-12:21 | 12/23/2014-12:21 |
| Rakowsky, John R         | Order and Motion to Quash Subpoena                            | Order  |  | 07/02/2013-11:57 | 12/23/2014-11:57 |
| Rakowsky, John R         | Motion to Quash Subpoena                                      | Motion |  | 06/05/2013-10:58 | 07/01/2013-10:58 |
|                          |                                                               | Order  |  |                  |                  |

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|--------------------------|-------------------------------------------------------------|--------|--|------------------|------------------|
| Rakowsky, John R         | SC Court of Appeals Order dismissing appeal                 |        |  | 07/24/2012-15:42 | 12/23/2014-15:42 |
| Rakowsky, John R         | Form Order Discovery request by Defendant is DENIED. Defend | Order  |  | 07/19/2012-14:34 | 12/23/2014-14:34 |
| Rakowsky, John R         | Order Denying Motion to Compel                              | Order  |  | 07/19/2012-10:20 | 12/23/2014-10:20 |
| Green, Dan               | Notice of Motions Roster Publication Sent                   | Action |  | 06/29/2012-09:17 | 12/23/2014-09:17 |
| Stephens, Marguerite     | Notice of Motions Roster Publication Sent                   | Action |  | 06/29/2012-09:17 | 12/23/2014-09:17 |
| Stephens, Ricky          | Notice of Motions Roster Publication Sent                   | Action |  | 06/29/2012-09:17 | 12/23/2014-09:17 |
| Santacroce, Irene        | Notice of Motions Roster Publication Sent                   | Action |  | 06/29/2012-09:17 | 12/23/2014-09:17 |
| Lail, Rodney Keith       | Notice of Motions Roster Publication Sent                   | Action |  | 06/29/2012-09:17 | 12/23/2014-09:17 |
| Spencer, James Brian     | Notice of Motions Roster Publication Sent                   | Action |  | 06/29/2012-09:17 | 12/23/2014-09:17 |
| Falgione, Adrian Lee     | Notice of Motions Roster Publication Sent                   | Action |  | 06/29/2012-09:17 | 12/23/2014-09:17 |
| Lawrence, Linda Wilamson | Notice of Motions Roster Publication Sent                   | Action |  | 06/29/2012-09:17 | 12/23/2014-09:17 |
| Morton, Ernest H Jr      | Notice of Motions Roster Publication Sent                   | Action |  | 06/29/2012-09:17 | 12/23/2014-09:17 |
| Ballard, Desa            | Notice of Motions Roster Publication Sent                   | Action |  | 06/29/2012-09:17 | 12/23/2014-09:17 |
| Lindemann, Andrew F.     | Notice of Motions Roster Publication Sent                   | Action |  | 06/29/2012-09:17 | 12/23/2014-09:17 |
| Rakowsky, John R         | Form Order No One Appeared for hearing on 2 pending motions | Order  |  | 05/09/2012-10:28 | 12/23/2014-10:28 |
| Rakowsky, John R         | Motion/Motion Filing Fee                                    | Filing |  | 05/01/2012-14:29 | 12/23/2014-14:29 |
| Santacroce, Irene        | Certificate of Service                                      | Filing |  | 05/01/2012-11:56 | 12/23/2014-11:56 |
| Santacroce, Irene        | Interrogatories                                             | Filing |  | 05/01/2012-11:55 | 12/23/2014-11:55 |
| Santacroce, Irene        | Motion to Compel                                            | Motion |  | 05/01/2012-11:55 | 05/01/2012-11:55 |
| Falgione, Adrian Lee     | Notice of Motions Roster Publication Sent                   | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Lail, Rodney Keith       | Notice of Motions Roster Publication Sent                   | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Spencer, James Brian     | Notice of Motions Roster Publication Sent                   | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Spencer, James Brian     | Notice of Motions Roster Publication Sent                   | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Stephens, Ricky          |                                                             | Action |  |                  |                  |

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|--------------------------|-------------------------------------------|--------|--|------------------|------------------|
|                          | Notice of Motions Roster Publication Sent |        |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Santacroce, Irene        | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Santacroce, Irene        | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Lail, Rodney Keith       | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Stephens, Ricky          | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Stephens, Marguerite     | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Stephens, Marguerite     | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Green, Dan               | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Green, Dan               | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Lindemann, Andrew F.     | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Lindemann, Andrew F.     | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Falgione, Adrian Lee     | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Ballard, Desa            | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Ballard, Desa            | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Morton, Ernest H Jr      | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Lawrence, Linda Wilamson | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Lawrence, Linda Wilamson | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Morton, Ernest H Jr      | Notice of Motions Roster Publication Sent | Action |  | 04/10/2012-09:01 | 12/23/2014-09:01 |
| Morton, Ernest H Jr      | Notice of Motions Roster Publication Sent | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Morton, Ernest H Jr      | Notice of Motions Roster Publication Sent | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Lawrence, Linda Wilamson | Notice of Motions Roster Publication Sent | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Lawrence, Linda Wilamson |                                           | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |

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|                      | Notice of Motions Roster Publication Sent                   |        |  |                  |                  |
| Ballard, Desa        | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Ballard, Desa        | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Falgione, Adrian Lee | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Falgione, Adrian Lee | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Lindemann, Andrew F. | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Lindemann, Andrew F. | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Stephens, Marguerite | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Stephens, Marguerite | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Green, Dan           | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Green, Dan           | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Stephens, Ricky      | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Stephens, Ricky      | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Lail, Rodney Keith   | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Lail, Rodney Keith   | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Santacroce, Irene    | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Santacroce, Irene    | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Spencer, James Brian | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Spencer, James Brian | Notice of Motions Roster Publication Sent                   | Action |  | 03/13/2012-08:58 | 12/23/2014-08:58 |
| Rakowsky, John R     | Form Order Motion for Sanctions is Continued. Entire matter | Order  |  | 01/20/2012-11:54 | 12/23/2014-11:54 |
| Lail, Rodney Keith   | Notice of Motions Roster Publication Sent                   | Action |  | 12/29/2011-14:49 | 12/23/2014-14:49 |
|                      |                                                             | Action |  |                  |                  |

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| Spencer, James Brian     | Notice of Motions Roster Publication Sent  |        |  | 12/29/2011-14:49 | 12/23/2014-14:49 |
| Falgione, Adrian Lee     | Notice of Motions Roster Publication Sent  | Action |  | 12/29/2011-14:49 | 12/23/2014-14:49 |
| Santacroce, Irene        | Notice of Motions Roster Publication Sent  | Action |  | 12/29/2011-14:49 | 12/23/2014-14:49 |
| Stephens, Ricky          | Notice of Motions Roster Publication Sent  | Action |  | 12/29/2011-14:49 | 12/23/2014-14:49 |
| Stephens, Marguerite     | Notice of Motions Roster Publication Sent  | Action |  | 12/29/2011-14:49 | 12/23/2014-14:49 |
| Green, Dan               | Notice of Motions Roster Publication Sent  | Action |  | 12/29/2011-14:49 | 12/23/2014-14:49 |
| Lindemann, Andrew F.     | Notice of Motions Roster Publication Sent  | Action |  | 12/29/2011-14:49 | 12/23/2014-14:49 |
| Ballard, Desa            | Notice of Motions Roster Publication Sent  | Action |  | 12/29/2011-14:49 | 12/23/2014-14:49 |
| Lawrence, Linda Wilamson | Notice of Motions Roster Publication Sent  | Action |  | 12/29/2011-14:49 | 12/23/2014-14:49 |
| Morton, Ernest H Jr      | Notice of Motions Roster Publication Sent  | Action |  | 12/29/2011-14:49 | 12/23/2014-14:49 |
| Rakowsky, John R         | Motion/Motion Filing Fee                   | Filing |  | 12/20/2011-16:23 | 12/23/2014-16:23 |
| Stephens, Marguerite     | Motion for Sanctions                       | Motion |  | 12/20/2011-11:27 | 12/20/2011-11:27 |
| Rakowsky, John R         | Order to Substitute Real Party of Interest | Order  |  | 12/02/2011-09:45 | 12/23/2014-09:45 |
| Stephens, Marguerite     | Notice of Motions Roster Publication Sent  | Action |  | 10/21/2011-10:20 | 12/23/2014-10:20 |
| Stephens, Ricky          | Notice of Motions Roster Publication Sent  | Action |  | 10/21/2011-10:20 | 12/23/2014-10:20 |
| Green, Dan               | Notice of Motions Roster Publication Sent  | Action |  | 10/21/2011-10:20 | 12/23/2014-10:20 |
| Santacroce, Irene        | Notice of Motions Roster Publication Sent  | Action |  | 10/21/2011-10:20 | 12/23/2014-10:20 |
| Lail, Rodney Keith       | Notice of Motions Roster Publication Sent  | Action |  | 10/21/2011-10:20 | 12/23/2014-10:20 |
| Falgione, Adrian Lee     | Notice of Motions Roster Publication Sent  | Action |  | 10/21/2011-10:20 | 12/23/2014-10:20 |
| Spencer, James Brian     | Notice of Motions Roster Publication Sent  | Action |  | 10/21/2011-10:20 | 12/23/2014-10:20 |
| Morton, Ernest H Jr      | Notice of Motions Roster Publication Sent  | Action |  | 10/21/2011-10:20 | 12/23/2014-10:20 |
| Lawrence, Linda Wilamson | Notice of Motions Roster Publication Sent  | Action |  | 10/21/2011-10:20 | 12/23/2014-10:20 |
| Ballard, Desa            |                                            | Action |  | 10/21/2011-10:20 | 12/23/2014-10:20 |

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|                          | Notice of Motions Roster Publication Sent                    |        |  |                  |                  |
| Lindemann, Andrew F.     | Notice of Motions Roster Publication Sent                    | Action |  | 10/21/2011-10:20 | 12/23/2014-10:20 |
| Rakowsky, John R         | Order Denying Motion to Compel, Substituting Parties, Releas | Order  |  | 10/18/2011-16:29 | 12/23/2014-16:29 |
| Rakowsky, John R         | Order Defendant's Motion to Alter or Amend DENIED.           | Order  |  | 09/30/2011-10:38 | 12/23/2014-10:38 |
| Spencer, James Brian     | Notice of Motions Roster Publication Sent                    | Action |  | 09/29/2011-15:25 | 12/23/2014-15:25 |
| Falgione, Adrian Lee     | Notice of Motions Roster Publication Sent                    | Action |  | 09/29/2011-15:25 | 12/23/2014-15:25 |
| Lail, Rodney Keith       | Notice of Motions Roster Publication Sent                    | Action |  | 09/29/2011-15:25 | 12/23/2014-15:25 |
| Santacroce, Irene        | Notice of Motions Roster Publication Sent                    | Action |  | 09/29/2011-15:25 | 12/23/2014-15:25 |
| Green, Dan               | Notice of Motions Roster Publication Sent                    | Action |  | 09/29/2011-15:25 | 12/23/2014-15:25 |
| Stephens, Marguerite     | Notice of Motions Roster Publication Sent                    | Action |  | 09/29/2011-15:25 | 12/23/2014-15:25 |
| Stephens, Ricky          | Notice of Motions Roster Publication Sent                    | Action |  | 09/29/2011-15:25 | 12/23/2014-15:25 |
| Lindemann, Andrew F.     | Notice of Motions Roster Publication Sent                    | Action |  | 09/29/2011-15:25 | 12/23/2014-15:25 |
| Ballard, Desa            | Notice of Motions Roster Publication Sent                    | Action |  | 09/29/2011-15:25 | 12/23/2014-15:25 |
| Lawrence, Linda Wilamson | Notice of Motions Roster Publication Sent                    | Action |  | 09/29/2011-15:25 | 12/23/2014-15:25 |
| Morton, Ernest H Jr      | Notice of Motions Roster Publication Sent                    | Action |  | 09/29/2011-15:25 | 12/23/2014-15:25 |
| Rakowsky, John R         | Motion/Motion Filing Fee                                     | Filing |  | 09/07/2011-15:45 | 12/23/2014-15:45 |
| Falgione, Adrian L       | Motion to Substitute Real Part of Interest                   | Motion |  | 09/07/2011-11:11 | 09/07/2011-11:11 |
| Rakowsky, John R         | Motion/Motion Filing Fee                                     | Filing |  | 08/30/2011-14:31 | 12/23/2014-14:31 |
| Spencer, James           | Corrected Motion to Amend Answer                             | Motion |  | 08/30/2011-15:33 | 08/30/2011-15:33 |
| Rakowsky, John R         | Motion/Motion Filing Fee                                     | Filing |  | 08/29/2011-15:57 | 12/23/2014-15:57 |
| Spencer, James           | Amended Response and Counter claims in Response to John Rako | Filing |  | 08/29/2011-11:13 | 12/23/2014-11:13 |
| Spencer, James           | Motion to Amend Answer                                       | Motion |  | 08/29/2011-11:01 | 08/29/2011-11:01 |
| Stephens, Marguerite     | Notice of Motions Roster Publication Sent                    | Action |  | 08/26/2011-09:11 | 12/23/2014-09:11 |

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|--------------------------|--------------------------------------------------------------|--------|--|------------------|------------------|
| Green, Dan               | Notice of Motions Roster Publication Sent                    | Action |  | 08/26/2011-09:11 | 12/23/2014-09:11 |
| Morton, Ernest H Jr      | Notice of Motions Roster Publication Sent                    | Action |  | 08/26/2011-09:11 | 12/23/2014-09:11 |
| Santacroce, Irene        | Notice of Motions Roster Publication Sent                    | Action |  | 08/26/2011-09:11 | 12/23/2014-09:11 |
| Stephens, Ricky          | Notice of Motions Roster Publication Sent                    | Action |  | 08/26/2011-09:11 | 12/23/2014-09:11 |
| Spencer, James Brian     | Notice of Motions Roster Publication Sent                    | Action |  | 08/26/2011-09:11 | 12/23/2014-09:11 |
| Lail, Rodney Keith       | Notice of Motions Roster Publication Sent                    | Action |  | 08/26/2011-09:11 | 12/23/2014-09:11 |
| Lawrence, Linda Wilamson | Notice of Motions Roster Publication Sent                    | Action |  | 08/26/2011-09:11 | 12/23/2014-09:11 |
| Falgione, Adrian Lee     | Notice of Motions Roster Publication Sent                    | Action |  | 08/26/2011-09:11 | 12/23/2014-09:11 |
| Lindemann, Andrew F.     | Notice of Motions Roster Publication Sent                    | Action |  | 08/26/2011-09:11 | 12/23/2014-09:11 |
| Ballard, Desa            | Notice of Motions Roster Publication Sent                    | Action |  | 08/26/2011-09:11 | 12/23/2014-09:11 |
| Spencer, James           | Omnibus Consent to Plaintiff's May 6, 2011 Motion and Order  | Filing |  | 08/23/2011-09:45 | 12/23/2014-09:45 |
| Rakowsky, John R         | Motion/Motion Filing Fee                                     | Filing |  | 08/22/2011-16:32 | 12/23/2014-16:32 |
| Spencer, James           | Motion to Alter or Amend the Court Order Issued on August 3, | Motion |  | 08/22/2011-11:06 | 08/22/2011-11:06 |
| Rakowsky, John R         | Certificate of Service                                       | Filing |  | 08/10/2011-11:18 | 12/23/2014-11:18 |
| Rakowsky, John R         | Order Plaintiff's Motion to Strike and to File Under Seal DE | Order  |  | 08/03/2011-09:41 | 12/23/2014-09:41 |
| Spencer, James           | Certificate of Service                                       | Filing |  | 07/14/2011-16:16 | 12/23/2014-16:16 |
| Rakowsky, John R         | Motion/Motion Filing Fee                                     | Filing |  | 07/14/2011-11:43 | 12/23/2014-11:43 |
| Spencer, James           | Expedited Motion to Compel Defendants Request for Production | Motion |  | 07/14/2011-16:14 | 07/14/2011-16:14 |
| Rakowsky, John R         | Certificate of Service                                       | Filing |  | 07/12/2011-10:17 | 12/23/2014-10:17 |
| Rakowsky, John R         | Affidavit of Default                                         | Filing |  | 07/12/2011-10:17 | 12/23/2014-10:17 |
| Rakowsky, John R         | Order for Default Judgment as to Southern Holding Inc., Litf | Order  |  | 07/12/2011-10:14 | 12/23/2014-10:14 |
| Rakowsky, John R         | Form Order Motions Under Advisement; Formal Order to Follow  | Order  |  | 07/12/2011-11:02 | 07/12/2011-11:02 |

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|--------------------------|-------------------------------------------|--------|--|------------------|------------------|
| Rakowsky, John R         | Order/Order Filing Fee                    | Filing |  | 07/12/2011-08:29 | 07/12/2011-08:29 |
| Lawrence, Linda Wilamson | Notice of Case Roster Publication Sent    | Action |  | 06/30/2011-17:10 | 07/12/2011-17:10 |
| Morton, Ernest H Jr      | Notice of Case Roster Publication Sent    | Action |  | 06/30/2011-17:10 | 07/12/2011-17:10 |
| Lindemann, Andrew F.     | Notice of Case Roster Publication Sent    | Action |  | 06/30/2011-17:10 | 07/12/2011-17:10 |
| Ballard, Desa            | Notice of Case Roster Publication Sent    | Action |  | 06/30/2011-17:10 | 07/12/2011-17:10 |
| Falgione, Adrian Lee     | Notice of Case Roster Publication Sent    | Action |  | 06/30/2011-17:10 | 07/12/2011-17:10 |
| Morton, Ernest H Jr      | Notice of Motions Roster Publication Sent | Action |  | 06/24/2011-09:06 | 07/12/2011-09:06 |
| Morton, Ernest H Jr      | Notice of Motions Roster Publication Sent | Action |  | 06/24/2011-09:06 | 07/12/2011-09:06 |
| Morton, Ernest H Jr      | Notice of Motions Roster Publication Sent | Action |  | 06/24/2011-09:06 | 07/12/2011-09:06 |
| Ballard, Desa            | Notice of Motions Roster Publication Sent | Action |  | 06/24/2011-09:06 | 07/12/2011-09:06 |
| Ballard, Desa            | Notice of Motions Roster Publication Sent | Action |  | 06/24/2011-09:06 | 07/12/2011-09:06 |
| Ballard, Desa            | Notice of Motions Roster Publication Sent | Action |  | 06/24/2011-09:06 | 07/12/2011-09:06 |
| Lindemann, Andrew F.     | Notice of Motions Roster Publication Sent | Action |  | 06/24/2011-09:06 | 07/12/2011-09:06 |
| Lindemann, Andrew F.     | Notice of Motions Roster Publication Sent | Action |  | 06/24/2011-09:06 | 07/12/2011-09:06 |
| Lindemann, Andrew F.     | Notice of Motions Roster Publication Sent | Action |  | 06/24/2011-09:06 | 07/12/2011-09:06 |
| Falgione, Adrian Lee     | Notice of Motions Roster Publication Sent | Action |  | 06/24/2011-09:06 | 07/12/2011-09:06 |
| Falgione, Adrian Lee     | Notice of Motions Roster Publication Sent | Action |  | 06/24/2011-09:06 | 07/12/2011-09:06 |
| Falgione, Adrian Lee     | Notice of Motions Roster Publication Sent | Action |  | 06/24/2011-09:06 | 07/12/2011-09:06 |
| Lawrence, Linda Wilamson | Notice of Motions Roster Publication Sent | Action |  | 06/24/2011-09:06 | 07/12/2011-09:06 |
| Lawrence, Linda Wilamson | Notice of Motions Roster Publication Sent | Action |  | 06/24/2011-09:06 | 07/12/2011-09:06 |
| Lawrence, Linda Wilamson | Notice of Motions Roster Publication Sent | Action |  | 06/24/2011-09:06 | 07/12/2011-09:06 |
| Falgione, Adrian Lee     | Notice of Case Roster Publication Sent    | Action |  | 04/21/2011-14:41 | 07/12/2011-14:41 |
| Ballard, Desa            | Notice of Case Roster Publication Sent    | Action |  | 04/21/2011-14:41 | 07/12/2011-14:41 |
| Lindemann, Andrew F.     | Notice of Case Roster Publication Sent    | Action |  | 04/21/2011-14:41 | 07/12/2011-14:41 |
|                          |                                           | Action |  |                  |                  |

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|--------------------------|--------------------------------------------------------------|--------|--|------------------|------------------|
| Morton, Ernest H Jr      | Notice of Case Roster Publication Sent                       |        |  | 04/21/2011-14:41 | 07/12/2011-14:41 |
| Lawrence, Linda Wilamson | Notice of Case Roster Publication Sent                       | Action |  | 04/21/2011-14:41 | 07/12/2011-14:41 |
| Lawrence, Linda Wilamson | Notice of Case Roster Publication Sent                       | Action |  | 04/21/2011-14:29 | 07/12/2011-14:29 |
| Morton, Ernest H Jr      | Notice of Case Roster Publication Sent                       | Action |  | 04/21/2011-14:29 | 07/12/2011-14:29 |
| Lindemann, Andrew F.     | Notice of Case Roster Publication Sent                       | Action |  | 04/21/2011-14:29 | 07/12/2011-14:29 |
| Ballard, Desa            | Notice of Case Roster Publication Sent                       | Action |  | 04/21/2011-14:29 | 07/12/2011-14:29 |
| Falgione, Adrian Lee     | Notice of Case Roster Publication Sent                       | Action |  | 04/21/2011-14:29 | 07/12/2011-14:29 |
| Rakowsky, John R         | Certificate of Service                                       | Filing |  | 03/08/2011-11:44 | 07/12/2011-11:44 |
| Rakowsky, John R         | Certain Pro Se Defendants' Response in Opposition of John Ra | Filing |  | 03/08/2011-11:43 | 07/12/2011-11:43 |
| Rakowsky, John R         | Letter/Letter Re Return Notice                               | Filing |  | 02/24/2011-13:51 | 07/12/2011-13:51 |
| Rakowsky, John R         | Certificate of Service                                       | Filing |  | 02/24/2011-09:44 | 07/12/2011-09:44 |
| Rakowsky, John R         | Plaintiff's Motion to Strike and to File Under Seal          | Motion |  | 02/24/2011-09:43 | 07/12/2011-09:43 |
| Rakowsky, John R         | Motion/Motion Filing Fee                                     | Filing |  | 02/24/2011-09:43 | 07/12/2011-09:43 |
| Rakowsky, John R         | Motion/Motion Filing Fee                                     | Filing |  | 02/23/2011-15:11 | 07/12/2011-15:11 |
| Falgione, Adrian L       | Motion to Quash Subpoena                                     | Motion |  | 02/23/2011-10:04 | 07/12/2011-10:04 |
| Rakowsky, John R         | Certificate of Service                                       | Filing |  | 02/22/2011-14:06 | 07/12/2011-14:06 |
| Rakowsky, John R         | Plaintiff's Motion to Quash Subpoena                         | Motion |  | 02/22/2011-14:02 | 07/12/2011-14:02 |
| Rakowsky, John R         | Motion/Motion Filing Fee                                     | Filing |  | 02/22/2011-11:27 | 07/12/2011-11:27 |
| Rakowsky, John R         | Motion/Motion Filing Fee                                     | Filing |  | 02/18/2011-14:43 | 07/12/2011-14:43 |
| Rakowsky, John R         | Certificate of Service                                       | Filing |  | 02/18/2011-13:50 | 07/12/2011-13:50 |
| Rakowsky, John R         | Reply to Counterclaims to Second Amended Complaint for Inter | Filing |  | 02/18/2011-13:48 | 07/12/2011-13:48 |
| Rakowsky, John R         | Certificate of Service                                       | Filing |  | 01/18/2011-13:14 | 07/12/2011-13:14 |
| Rakowsky, John R         | Certain Defendants Response to John Rakowsky's Second Amende | Filing |  | 01/18/2011-13:11 | 07/12/2011-13:11 |
| Rakowsky, John R         | Certificate of Service                                       | Filing |  | 01/04/2011-14:51 | 07/12/2011-14:51 |
| Rakowsky, John R         | Answer to Second Amended Complaint of Defendant Horry County | Filing |  | 01/04/2011-14:50 | 07/12/2011-14:50 |
| Rakowsky, John R         | Service/Certificate Of Service                               | Filing |  | 12/30/2010-11:18 | 07/12/2011-11:18 |
| Rakowsky, John R         | Service/Certificate Of Service                               | Filing |  | 12/30/2010-11:17 | 07/12/2011-11:17 |
|                          | Answer of Defendant                                          | Filing |  |                  |                  |

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| Rakowsky, John R         |                                                             |        |  | 12/28/2010-09:58 | 07/12/2011-09:58 |
| Rakowsky, John R         | Service/Certificate Of Service                              | Filing |  | 12/17/2010-09:38 | 07/12/2011-09:38 |
| Rakowsky, John R         | Second Amended Complaint for Interpleader                   | Filing |  | 12/03/2010-09:40 | 07/12/2011-09:40 |
| Rakowsky, John R         | Second Amended Summons                                      | Filing |  | 12/03/2010-09:37 | 07/12/2011-09:37 |
| Rakowsky, John R         | Order GRANTING Motion to Amend Complaint                    | Order  |  | 11/15/2010-10:20 | 07/12/2011-10:20 |
| Rakowsky, John R         | Form Order - Motion to amend is GRANTED. Appearing Counsel  | Order  |  | 11/04/2010-10:39 | 07/12/2011-10:39 |
| Rakowsky, John R         | Service/Certificate Of Service Certified Mail               | Filing |  | 10/19/2010-12:00 | 07/12/2011-12:00 |
| Lindemann, Andrew F.     | Notice of Motions Roster Publication Sent                   | Action |  | 10/06/2010-16:29 | 07/12/2011-16:29 |
| Lawrence, Linda Wilamson | Notice of Motions Roster Publication Sent                   | Action |  | 10/06/2010-16:29 | 07/12/2011-16:29 |
| Ballard, Desa            | Notice of Motions Roster Publication Sent                   | Action |  | 10/06/2010-16:29 | 07/12/2011-16:29 |
| Morton, Ernest H Jr      | Notice of Motions Roster Publication Sent                   | Action |  | 10/06/2010-16:29 | 07/12/2011-16:29 |
| Rakowsky, John R         | Certificate Of Service by Mail on Andrew F Lindemann; James | Filing |  | 08/11/2010-14:42 | 07/12/2011-14:42 |
| Rakowsky, John R         | Certificate/Certificate Of Service                          | Filing |  | 08/02/2010-10:56 | 07/12/2011-10:56 |
| Rakowsky, John R         | Motion/Motion Filing Fee                                    | Filing |  | 07/28/2010-16:35 | 07/12/2011-16:35 |
| Rakowsky, John R         | Motion/Motion Filing Fee                                    | Filing |  | 07/28/2010-16:35 | 07/12/2011-16:35 |
| Rakowsky, John R         | Affidavit of Default                                        | Filing |  | 07/28/2010-15:55 | 07/12/2011-15:55 |
| Rakowsky, John R         | Second Amended Complaint for Interpleader                   | Filing |  | 07/28/2010-15:48 | 07/12/2011-15:48 |
| Falgione, Adrian L       | Summons to Second Amended Complaint for Interpleader        | Filing |  | 07/28/2010-15:34 | 07/12/2011-15:34 |
| Rakowsky, John R         | Motion for Continuance                                      | Motion |  | 07/28/2010-14:57 | 09/15/2010-14:57 |
| Rakowsky, John R         | Motion to Amend Complaint                                   | Motion |  | 07/28/2010-14:42 | 10/27/2010-14:42 |
| Morton, Ernest H Jr      | Notice of Case Roster Publication Sent                      | Action |  | 07/20/2010-15:37 | 07/12/2011-15:37 |
| Ballard, Desa            | Notice of Case Roster Publication Sent                      | Action |  | 07/20/2010-15:37 | 07/12/2011-15:37 |
| Lawrence, Linda Wilamson | Notice of Case Roster Publication Sent                      | Action |  | 07/20/2010-15:37 | 07/12/2011-15:37 |
| Lindemann, Andrew F.     | Notice of Case Roster Publication Sent                      | Action |  | 07/20/2010-15:37 | 07/12/2011-15:37 |
| Lindemann, Andrew F.     | Notice of Case Roster Publication Sent                      | Action |  | 07/20/2010-15:36 | 07/12/2011-15:36 |
| Lawrence, Linda Wilamson | Notice of Case Roster Publication Sent                      | Action |  | 07/20/2010-15:36 | 07/12/2011-15:36 |
| Ballard, Desa            |                                                             | Action |  |                  |                  |

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|                          | Notice of Case Roster Publication Sent                       |        |  | 07/20/2010-15:36 | 07/12/2011-15:36 |
| Morton, Ernest H Jr      | Notice of Case Roster Publication Sent                       | Action |  | 07/20/2010-15:36 | 07/12/2011-15:36 |
| Morton, Ernest H Jr      | Notice of Case Roster Publication Sent                       | Action |  | 07/20/2010-15:26 | 07/12/2011-15:26 |
| Lindemann, Andrew F.     | Notice of Case Roster Publication Sent                       | Action |  | 07/20/2010-15:26 | 07/12/2011-15:26 |
| Lawrence, Linda Wilamson | Notice of Case Roster Publication Sent                       | Action |  | 07/20/2010-15:26 | 07/12/2011-15:26 |
| Ballard, Desa            | Notice of Case Roster Publication Sent                       | Action |  | 07/20/2010-15:26 | 07/12/2011-15:26 |
| Lindemann, Andrew F.     | Notice of Case Roster Publication Sent                       | Action |  | 07/20/2010-14:55 | 07/12/2011-14:55 |
| Ballard, Desa            | Notice of Case Roster Publication Sent                       | Action |  | 07/20/2010-14:55 | 07/12/2011-14:55 |
| Morton, Ernest H Jr      | Notice of Case Roster Publication Sent                       | Action |  | 07/20/2010-14:55 | 07/12/2011-14:55 |
| Lawrence, Linda Wilamson | Notice of Case Roster Publication Sent                       | Action |  | 07/20/2010-14:55 | 07/12/2011-14:55 |
| Rakowsky, John R         | Form Order Motion to Deposit Money with the Clerk of Court i | Order  |  | 05/19/2010-09:41 | 07/12/2011-09:41 |
| Rakowsky, John R         | Certificate of Service                                       | Filing |  | 02/10/2010-11:15 | 07/12/2011-11:15 |
| Rakowsky, John R         | Answer to Amended Complaint of Defendant Horry County        | Filing |  | 02/10/2010-11:14 | 07/12/2011-11:14 |
| Morton, Ernest H Jr      | Notice of Motions Roster Publication Sent                    | Action |  | 01/04/2010-13:46 | 07/12/2011-13:46 |
| Ballard, Desa            | Notice of Motions Roster Publication Sent                    | Action |  | 01/04/2010-13:46 | 07/12/2011-13:46 |
| Lawrence, Linda Wilamson | Notice of Motions Roster Publication Sent                    | Action |  | 01/04/2010-13:46 | 07/12/2011-13:46 |
| Lindemann, Andrew F.     | Notice of Motions Roster Publication Sent                    | Action |  | 01/04/2010-13:46 | 07/12/2011-13:46 |
| Rakowsky, John R         | Consent Order for Substitution of Counsel J/Barber           | Order  |  | 11/05/2009-14:43 | 07/12/2011-14:43 |
| Rakowsky, John R         | Certificate/Certificate of Service                           | Filing |  | 11/05/2009-14:43 | 07/12/2011-14:43 |
| Rakowsky, John R         | Order/Order Filing Fee                                       | Filing |  | 11/04/2009-10:45 | 07/12/2011-10:45 |
| Lawrence, Linda Wilamson | Notice of Case Roster Publication Sent                       | Action |  | 07/16/2009-09:34 | 07/12/2011-09:34 |
| Powers, Hailey           | Notice of Case Roster Publication Sent                       | Action |  | 07/16/2009-09:34 | 07/12/2011-09:34 |
| Morton, Ernest H Jr      | Notice of Case Roster Publication Sent                       | Action |  | 07/16/2009-09:34 | 07/12/2011-09:34 |
| Lindemann, Andrew F.     | Notice of Case Roster Publication Sent                       | Action |  | 07/16/2009-09:34 | 07/12/2011-09:34 |
| Rakowsky, John R         | Motion to Dismiss and Motion to Strike                       | Event  |  | 05/20/2009-15:30 | 05/05/2009-17:00 |
| Rakowsky, John R         | Letter/Letter Enclosed for the Courts information are docume | Filing |  | 02/09/2009-12:52 | 07/12/2011-12:52 |
| Rakowsky, John R         |                                                              | Filing |  | 02/09/2009-08:40 | 07/12/2011-08:40 |

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|--------------------|----------------------------------------------------------------|--------|--|------------------|------------------|
|                    | Service/Affidavit Of Service on Harold Hartness                |        |  |                  |                  |
| Rakowsky, John R   | Amended/Amended Summons                                        | Filing |  | 12/29/2008-10:12 | 07/12/2011-10:12 |
| Falgione, Adrian L | Service/Certificate Of Service                                 | Filing |  | 11/17/2008-17:26 | 07/12/2011-17:26 |
| Falgione, Adrian L | Amended/Amended Complaint for Interpleader                     | Filing |  | 11/17/2008-17:26 | 07/12/2011-17:26 |
| Rakowsky, John R   | Certificate/Certificate Of Service                             | Filing |  | 10/21/2008-08:02 | 07/12/2011-08:02 |
| Rakowsky, John R   | Answer/Answer Of Defendant Horry County                        | Filing |  | 10/21/2008-08:02 | 07/12/2011-08:02 |
| Rakowsky, John R   | Other Certain Defendants Response To John Rakowskys            | Filing |  | 10/20/2008-13:55 | 07/12/2011-13:55 |
| Rakowsky, John R   | Other Certain Defendants Motion For Court To Order The Immed   | Filing |  | 10/20/2008-12:54 | 07/12/2011-12:54 |
| Rakowsky, John R   | Order/Order Filing Fee                                         | Filing |  | 10/20/2008-09:17 | 07/12/2011-09:17 |
| Rakowsky, John R   | Order/Order Filing Fee                                         | Filing |  | 10/20/2008-09:14 | 07/12/2011-09:14 |
| Rakowsky, John R   | Certificate/Certificate Of Service                             | Filing |  | 10/20/2008-09:12 | 07/12/2011-09:12 |
| Rakowsky, John R   | Affidavit/Affidavit                                            | Filing |  | 10/20/2008-09:11 | 07/12/2011-09:11 |
| Rakowsky, John R   | Motion to Strike                                               | Motion |  | 10/20/2008-09:11 | 02/01/2010-09:11 |
| Rakowsky, John R   | Affidavit                                                      | Filing |  | 10/20/2008-09:04 | 07/12/2011-09:04 |
| Rakowsky, John R   | Motion to Dismiss Lawrnce                                      | Filing |  | 10/20/2008-09:03 | 07/12/2011-09:03 |
| Rakowsky, John R   | Order Dismissing Linda Williamson Lawrence Defendant J/Manning | Order  |  | 10/20/2008-09:03 | 07/12/2011-09:03 |
| Rakowsky, John R   | Certificate/Certificate Of Service                             | Filing |  | 10/16/2008-08:38 | 07/12/2011-08:38 |
| Rakowsky, John R   | Answer/Answer Of Linda Williamson Lawrence Defendant           | Filing |  | 10/16/2008-08:38 | 07/12/2011-08:38 |
| Rakowsky, John R   | Certificate/Certificate Of Service                             | Filing |  | 10/14/2008-12:46 | 07/12/2011-12:46 |
| Rakowsky, John R   | Answer/Answer Of Ernest H Morton Jr Defendant To Complaitn F   | Filing |  | 10/14/2008-12:46 | 07/12/2011-12:46 |
| Rakowsky, John R   | Verification/Verified                                          | Filing |  | 09/16/2008-15:16 | 07/12/2011-15:16 |
| Rakowsky, John R   | ADR/Alternative Dispute Resolution (Workflow)                  | Action |  | 09/15/2008-13:04 | 07/12/2011-13:04 |
| Rakowsky, John R   | Summons & Complaint                                            | Filing |  | 09/15/2008-13:01 | 10/14/2008-13:01 |

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

FEB 12 2015

**SC Court of Appeals**

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Appeal from Richland County  
Doyet A. Early III, Circuit Court Judge  
Case No. 2008-CP-40-6656  
Appellate Case No. 2014-002029

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John R. Rakowsky, Respondent,

v.

Law Offices of Adrian L. Falgione, LLC,  
James Spencer, Estate of Doris Holt, Nick Williamson  
On behalf of RSC, Irene Santacroce, Rodney Keith Lail,  
Marguerite Stephens, Ricky Stephens, Michael Hartness,  
Horry County, SC, Eugene Chewning and Glenn W.  
Harrison, Defendants.

Of whom:

Irene Santacroce, Rodney Keith Lail and Estate  
Of Doris Holt are, Appellants.

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**CERTIFICATE OF SERVICE**

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I, Beth Cogan, an employee with the Ballard & Watson, Attorneys at Law, do hereby certify that on February 12, 2015, I served a copy of the **Motion to Dismiss Appeal received February 2, 2015** in the above-captioned case on the following individuals by United States Mail, with sufficient first-class postage affixed, addressed as follows:

The Honorable Doyet A. Early III  
Post Office Box 90  
Bamberg, South Carolina 29003

Andrew F. Lindemann  
Davidson & Lindemann, P.A.  
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Columbia, South Carolina 29202-8568

Benjamin C. Bruner  
Bruner Powell Wall & Mullins, LLC  
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Marguerite Stephens  
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Nicholas Williamson  
8005 White Ash Court  
Oak Ridge, North Carolina 27310

  
Beth Cogan, Paralegal

February 12, 2015  
West Columbia, South Carolina



**Ballard & Watson**  
Attorneys at Law  
PERSISTENT. UNWAVERING.

Desa Ballard  
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February 12, 2015

*Via Hand-Delivery*  
Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**

FEB 12 2015

**SC Court of Appeals**

Re: *John Rakowsky vs. Adriann Falgione, et al.*  
Appellate Case No.: 2014-002029

Dear Ms. Kitchings:

Enclosed please find an original and one copy of the **Motion to Dismiss Appeal Received February 2, 2015** concerning the above-referenced matter. Please clock and return the copy to us upon hand-delivery of the original. Enclosed with this letter is a check for \$25.00 for the cost of this motion.

By copy of this letter, I am serving the *pro se* Defendant and all counsel of record. Thank you for your time in this matter. If you have any questions or concerns, please do not hesitate to contact me or Desa Ballard. With warm personal regards, I am,

Sincerely yours,

Beth Cogan, Paralegal  
[beth@desaballard.com](mailto:beth@desaballard.com)

cc: (all via U.S. mail)  
Honorable Doyet A. Early  
Michael Sribnick, Esquire  
Benjamin Bruner, Esquire  
Andrew Lindemann, Esquire  
Marguerite Stephens  
Ricky Stephens  
Nicholas Williamson  
James Spencer  
John Rakowsky, Esquire (via Email)