James B. Spencer
Box 183
7001 Saint Andrews Road
Columbia, SC 29212

March 28, 2015

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Edgar Brown Building
1205 Pendleton Street
Columbia, South Carolina 29201
HAND DELIVERY

Re: Andrew F. Lindemann's correspondence of March 9, 2015 requesting Respondent status in case **2014-002029**

Dear Ms. Kitchings:

Mr. Andrew F. Lindemann in his letter of March 9, 2015, is seeking to intervene in the above referenced appeals proceeding without complying with Rule 24 of the South Carolina Rules of Appellate Procedure (SCRAP). The underlying case has been ongoing since September 12, 2008. The Order being appealed, cited by Mr. Lindemann in the above referenced correspondence, was strictly related to funds interpled by the Respondent, who claimed he did not know to which of the Appellants (former clients) the funds belonged. However, the funds are now to remain in the possession of the Respondent by Order of the Court, an order that is being appealed. Mr. Lindemann is attempting to intervene in this appeal regarding the distribution of funds between a counsel and that counsel's former clients for fear his alleged participation in fraud on the Court in an underlying federal district court case could be exposed during the appeal ***(emphasis added).*** **(See attached federal court filing, Attachment "I" reflecting the purpose of Mr. Lindemann's intervention in this litigation (ECF #78))**. This filing clearly documents the unethical alliance between Mr. Lindemann and Mr. Rakowsky (who are supposed to have been opposing counsels) by their support each other's untruthful statements on that court record.

In that regard, Mr. Lindemann again demonstrates his proclivity for **testimony *du jour*** in these matters, regardless of the code of professional ethics and

the truth, by claiming in his letter of March 9, 2015, that Horry County had an interest in the distribution of the funds to Mr. Rakowsky. "Horry County has an interest in this appeal and seeks to have the the (sic) Final Order Granting Interpleader and Final Relief as issued by Judge Early confirmed." [1]

However, Mr. Lindemann stated on the Court Record in this case on May 7, 2012, "Your Honor, I'm Andrew Lindemann for Horry County. We have no claim to any of the $63,000." **The Court**: "So you don't have a claim." **Mr. Lindemann:** "No, sir." ***[emphasis added]*. See Attachment "II", attached hereto, third page, lines 2-6).**

Appellants did not name Horry County, Mr. Lindemann's client, as a Respondent in this matter, as the appeal involves questions arising out of Respondent's (Appellant's former counsel) failure to maintain the required financial records required under court rules regarding his clients and the distribution of funds. Respondent failed to maintain the records. Otherwise, he could not assert that he did not know to whom, from among his clients, the interpled funds belonged, funds that were in his possession. In the end, the Respondent had all the funds awarded to him by the court despite his breach of fiduciary duty and breach of contract, the vortex of this appeal.

Mr. Lindemann cannot truthfully maintain the claim that he has the same position as the Respondent who was the both the sole Plaintiff in the underlying interpleader lawsuit and the sole recipient of the interpled funds by the court order being appealed. Mr. Lindemann was not an attorney for the Appellants. Mr. Lindemann had no duty to maintain financial records of the Appellants who were Respondent's clients. Mr. Lindemann has no direct *legitimate* interest in the proceeding before this Court at all.

Legally, Mr. Lindemann has failed to file the proper motion for intervention under Rule 24, failed to comply with proper service under Rule 5 as cited by Rule 24 and, therefore, failed to bring this matter before the Court in proper form with proper service under the SCRAP. He has provided no support for the requested intervention. Additionally, this case was filed in the Appellate Court by Appellants on September 9, 2014. A request to intervene is no longer timely.

Mr. Lindemann's request is further untimely as litigation is underway and motions and responses are already before the Court. Mr. Lindeman claims in his

[1] March 9, 2015, Andrew Lindemann letter to the Court

letter that he was made aware of the appeal when an Appellant provided paperwork to him as a courtesy in September 2014. However, he remained mute regarding taking appropriate steps to intervene under the Rules. Mr. Lindemann wants to bypass Rule 24 of the SCRAP and intervene in a case six months after it was filed to do nothing more than support the position of the named Respondent. He did not represent a Plaintiff in the underlying action filed by the Respondent and there will be no impact on his client regardless of the outcome of the litigation before this Court.

The undersigned *Pro Se* Appellant objects to Mr. Lindemann's intervening in this matter without following proper legal process under Rule 24. Mr. Lindemann's objective is personal and relates to allegations related to fraud on the court documented by plaintiffs in a related case, and not denied by defendants and defendants' counsels as well. **(See included document ECF # 78).** This does not qualify as a legitimate reason to intervene in the case before this Court, as Horry County is not a named party in the action by the Appellants and has no legitimate interest in the outcome.

Finally, the Appellant will be disadvantaged by his intervention, as he will be nothing but a shadow proxy for the Respondent. Mr. Lindemann, as documented in ECF # 78, in all likelihood will take the position of the Respondent and assist Respondent in matters in which Mr. Lindemann's client has no financial interest, and also irrespective of ethics. He has already demonstrated that his purpose is to negatively affect the Appellants and not address the merits. Despite his not being a party in these proceedings, on February 18, 2015, Mr. Lindemann filed an objection to the indigent Appellants' seeking a waiver of court fees, which has nothing to do with the merits of the case before the Court. Mr. Lindemann's sole purpose was to deprive the Appellants of money needed for medicines to starve them economically and prevent them economically from being able to litigate the merits in this and other ongoing litigation.

Furthermore, Mr. Lindeman was given ten days from the date of her letter, February 25, 2015, to respond to the letter from Deputy Clerk of Court, D. Claire Allen, regarding his status in this case. Besides not responding in compliance under Rule 24, he responded beyond the 10-day time limit set by the Court. Mr. Lindemann responded on March 9, 2015, three days beyond the due date set by the Court.

For the reasons stated above, Mr. Lindemann's letter request to intervene into this case as a Respondent is improper, untimely, and consistent with his pattern of

ignoring proper procedure under the SCRAP, and therefore his request must be properly denied.

Sincerely,

James B. Spencer, *Pro Se*

Enclosures

Cc:
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Ballard & Watson
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West Columbia, South Carolina 29171

Warren C. Powell, Jr., Esquire
Benjamin C. Bruner, Esquire
Bruner, Powell, Wall & Mullins, LLC
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Michael G. Sribnick, Esquire
Michael G. Sribnick, M.D., J.D., LLC
3 Kenilworth Avenue
Charleston, South Carolina 29403

Andrew Lindemann, Esquire
Davidson & Lindemann, PA
PO Box 8568
Columbia, South Carolina 29202

STATE OF SOUTH CAROLINA)) County of Richland))) John R. Rakowsky,)) Plaintiff)) vs.)) Adrian L. Falgione,) and The Law Offices of) Adrian Falgione, LLC,) James Spencer, Estate) of Doris Holt, Rodney) Lail, Irene Santacroce,) Marguerite Stephens,) Ricky Stephens.)) Defendants)	COURT OF Common Pleas 2008-CP-40-6656 TRANSCRIPT OF RECORD
STATE OF SOUTH CAROLINA)) County of Richland))) James Spencer,) Individually, on behalf) of the Estate of Doris) Holt and on behalf of) Southern Holdings, and) Irene Santacroce,)) Plaintiffs)) vs.)) John R. Rakowsky,) Adrian L. Falgione,) and The Law Offices of) Adrian Falgione, LLC) Defendants.)	COURT OF Common Pleas 2011-CP-40-5384 TRANSCRIPT OF RECORD FOR BOTH CASES HEARD JOINTLY

May 7, 2012
Columbia, South Carolina

BEFORE:

The Honorable James Barber, III, Judge

APPEARANCES:

Stephanie Weissenstein, Esq.

Amanda Dudgeon, Esq.

Adrian Falgione, Esq.

Benjamin Bruner, Esq.

James Spencer, Appearing Pro Se

KAREN AMBROZIAK
Official Court Reporter

who --- so the only --- did Horry County file ---

MR. LINDEMANN: Your Honor, I'm Andrew Lindemann for Horry County. We have no claim to any of the $63,000 ---

THE COURT: So you don't have a claim.

MR. LINDEMANN: No, sir.

THE COURT: So y'all are three of the defendants, right? And who else did you say?

MS. WEISSENSTEIN: Your Honor, beside Horry County, there was Marguerite Stephens and Ricky Stephens; they never made an appearance.

THE COURT: All right. So. They were are in default.

MS. WEISSENSTEIN: Well, they filed an answer signed by Mr. Spencer, but they never actually ---

THE COURT: Well, he can't represent them, so they are in default. Where are these people, Mr. Spencer?

MR. SPENCER: Your Honor, first of all, I did not --- they filed their own answer and they asked that their rights today, money be turned over. We all signed the same motion October 2008. The money be turned over. They are in default. They have no claims on the money.

THE COURT: They're out of the case.

ATTACHMENT "I"

APPELLANTS' CORRECTED SUPPLEMENT TO MOTION TO REMAND

DOCUMENT NO. 35

RECORD NO: 14-1678

IN THE

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

Doris Holt, et al.,

Plaintiffs-Appellants

v.

Horry County, South Carolina, et al.,

Defendants-Appellees

APPELLANTS' CORRECTED SUPPLEMENT IN SUPPORT OF MOTION TO REMAND, ECF No. 35

Michael G. Sribnick, M.D., J.D., LLC
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SUPPLEMENT IN SUPPORT OF MOTION
TO REMAND BASED ON CLARIFICATION AND NEW EVIDENCE

NOW COME Appellants Irene Santacroce, Estate of Doris Holt, and Rodney Lail, through the undersigned counsel, to supplement Document No. 35, their motion to remand, to complete the Court record.

BACKGROUND

The underlying case ended by way of an imposed settlement on May 9, 2007, by Judge R. Bryan Harwell. The seven diverse Plaintiffs unanimously presented to the court documentation disputing that they had agreed to authorize any settlement with their lawyers within twenty-four hours of the release of the transcript of the May 9, 2007 court hearing and the May 8, 2007 evidentiary hearing with the court reporter present. The Officers of the Court, including presiding Judge Harwell, have disagreed on the court record as to when the case was actually settled and what the terms of settlement were. In any case, not all the Plaintiffs were present nor did any one of them give their consent to enter settlement negotiations or to settle the case. Each individual plaintiff was represented by the same counsel. None was present at the May 8, 2007[1], "evidentiary hearing" held behind closed chambers doors. The officers of the court present have expressed different accounts of what was discussed regarding a settlement on that date from nothing at all according to Judge Harwell to one court

[1] On May 9, 2007, two of the seven Plaintiffs including the Plaintiff with the largest claims were not present.

officer who claimed a settlement agreement was completed during the May 8, 2007 hearing. Judge Harwell described in Court Order # 668, page 5, lines 9-12 his version of what occurred both behind closed doors and at the hearing before the court reporter on May 8, 2007,

> "While the lawyers may have generally informally discussed what they thought were strengths and weaknesses of their respective cases, the court had no other evidentiary rulings or considerations pending before it other than the untimely production of certain evidence which the court reserved ruling on." Further, Judge Harwell stated on page 5, lines 14 – 17, "The transcript of the hearing of May 8, 2007 does not reference these many items of evidence referred to by the plaintiffs [Dkt. #486[2]]; nor does it appear from the docket that those matters were even before the Court by way of any filed pretrial objections or motions in limine, except to the extent that the defendants would not agree to certain items of plaintiffs evidence before a proper foundation was laid at trial."

The counsel for Government Appellees, Andrew Lindemann, stated in Dkt. #492 that everything in **Dkt # 486[3], attached hereto**, was truthful, ***"Nonetheless, the governmental Defendants submit that the concerns allegedly voiced to their clients by Rakowsky and Falgione* [Dkt # 486] *were legitimate and constitute prudent advice."*** [4]

Judge Harwell's statements on the Court record with respect to what occurred at the hearing on May 8, 2007, differed with what Officers of the Court Andrew

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[2] One of three letters attached hereto as **Exhibit "A"** all drafted by John Rakowsky and Adrian Falgione and executed by John Rakowsky. These three letters described in detail the events of the May 8, 2007 evidentiary hearing.

[3] Ibid

[4] First two lines second paragraph, Pg. 5, Dkt. #492

Lindemann, John Rakowsky, and Adrian Falgione stated occurred, also on the Court record. This includes the extensive review of the evidence purported to have taken place by John Rakowsky and Adrian Falgione, a statement that was agreed with and confirmed as being truthful by Andrew Lindemann in Dkt. #492 as stated above.

Furthermore, Andrew Lindemann states in Dkt. #492, "*While they* [the Plaintiffs] *may now have second thoughts and are more willing with additional reflection to take their chances, that is not a proper basis for repudiating a settlement to which they* ***"implicitly concurred in open court"[5] (emphasis added).*** This statement is both patently untrue and again demonstrates why the Court record needs to be completed.

The Officers of the Court have put different versions and dates a settlement agreement was purportedly reached. If the settlement agreement was reached on May 8, 2007, which John Rakowsky submitted a sworn affidavit stating it was, then Mr. Lindemann's claim of "implicit concurrence" is baseless because not one Plaintiff was allowed to be present at the evidentiary hearing on May 8, 2007. Furthermore, the transcript by the court reporter (Dkt #481) does not document any mention of settlement discussions in open court on that date. This means the agreement could have only have been reached behind closed chambers doors during the hearing on May 8, 2007, totally negating any argument of "implicit concurrence."

However, in the alternative Judge Harwell's version of events given in Dkt #

[5] See ECF #492, pg. 6, lines 14-15.

668, see below, states that specific settlement terms were first raised and agreed to on May 9, 2007 making this date the settlement date.

However, if this is the settlement date Mr. Lindemann's claim of "implicit consent" is still baseless for two reasons. First, not all the Plaintiffs were present at the May 9, 2007 hearing by Mr. Lindemann's own admission to this Court.[6] In fact, two of the Plaintiffs were not present including the Plaintiff with the largest claim against the Defendants who would have been required, under law, to obtain approval of the Board of Directors to have the authority to agree to the specifics of any proposed settlement. Second, arguing that a Plaintiff gave implied consent when the Plaintiff was silent due to his absence is unfounded. The two absent Plaintiffs did not know any settlement talks were under consideration and both absent Plaintiffs were advised they were not needed at Court on May 9, 2007, by John Rakowsky and Adrian Falgione as they were informed it would be a waste of their time for them to attend on that date. Furthermore, the Plaintiffs present at the hearing were instructed, by John Rakowsky and Adrian Falgione not to speak until called upon by Judge Harwell, as he was required to poll them to confirm their position, or they would be arrested for contempt of court. The transcript of the Court hearing on May 9, 2007, documents the Plaintiffs were never given an opportunity to speak or voice their opinion.

Tellingly, John Rakowsky and Adrian Falgione in Dkt. #486 claimed Judge

[6] ECF # 31, second line from the bottom, page 3

Harwell ordered the claims against the unrepresented defendants, Ancil Garvin and David Smith, dismissed on May 8, 2007. In this case, one of these two absent and unrepresented defendants was actually in default. In Dkt #492, Andrew Lindemann stated on the record that this claim by John Rakowsky and Adrian Falgione regarding Judge Harwell ordering the dismissal of the unrepresented defendants was legitimate.[7]

Fifteen months later, Judge Harwell specifically addressed the dismissal of these claims against the unrepresented and absent Defendants and in so doing disputed Mr. Lindemann, Mr. Rakowsky, and Mr. Falgione on the Court record that he ordered their dismissal. Judge Harwell stated,

> "***When the Court was advised that the case was settled with the represented defendants, and plaintiffs' counsel appeared to the Court to believe that the whole case was disposed of, the Court sua sponte reminded plaintiffs' counsel of the*** *pending claim against (2) pro se defendants who were not present* [and **unrepresented]** ***and the Court instructed plaintiffs' counsel to find out if plaintiffs were proceeding with those claims or not, since the Court had a jury waiting. The Court congratulated the lawyers for being able to settle the case as to the represented defendants, and indicated the Court was ready to proceed with regard to the (2) pro se defendants since a jury was drawn. Plaintiffs were certainly free to proceed against the remaining (2) pro se defendants if they desired. The Court was shortly thereafter advised those claims were also being dismissed. The Court did not have a secret evidentiary hearing, and court approval of any settlement reached was not required. This Court did not bully or force anyone to do anything.***" [8]

Judge Harwell despite these examples of inconsistencies has refused to answer

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[7] Op. cit. footnote 4 herein

[8] See Dkt. # 668 Pg. 5, lines, 19-20; Pg. 6, lines, 1-9, issued on August 13, 2008

motions for clarification by the Plaintiffs/Appellants, answers necessary to establish the Court record on these issues. Judge Harwell claimed each motion for clarification was moot because the case was settled [albeit imposed]. Such motions for clarification were filed by the Plaintiffs on July 12, 2007 (ECF No. 519), January 30, 2008 (ECF No. 582), August 5, 2008 (ECF No. 659), and September 29, 2008 (ECF No. 719).

Further, Judge Harwell has refused to hold a plenary hearing to determine if the Plaintiffs' attorneys were given the proper authority by the Plaintiffs under the rules to settle the case. Judge Harwell refused to hold the requested hearing despite 4th Circuit established case law to the contrary.

Both equity and law require that this case be remanded to the lower court under an independent presiding judge to complete the record by conducting discovery to determine if there was a settlement, as there is no consistent statement of the facts on the Court record by the Officers of the Court regarding this. This is not a rhetorical question, how can an appeal be properly litigated when the Court record is both incomplete and is inconsistent with the facts involved in the case?

MISSTATEMENTS RECENTLY SUBMITTED TO THIS COURT

Mr. Lindemann knowingly misled this Court in ECF No. 62 on March 5, 2015, by stating,

> "By way of example, the document entitled 'Overview of Equal Protection and Due Process Concerns' appears to have been prepared by

> litigants or for litigants and sets forth disputed (and frankly farfetched) allegations of a conspiracy involving the Federal Bureau of Investigation and perhaps even South Carolina state agencies. In their motion, the Appellants remarkably describe such documents as 'irrefutable' and suggest that this Court take judicial notice of the fact that 'the Department of Justice used the apparently unwitting offices of Senator Graham to knowingly cover-up the criminal actions of the defendants in the underlying case.' *See,* Motion for Judicial Notice, p.2. The Appellants also request 'the Court take judicial notice of the Justice Department's participation in obstruction of justice to undermine the underlying case' and the FBI's 'refusal to provide equal protection under the law to the Plaintiffs/Appellants.' *See,* Motion for Judicial Notice, p.2." **(See ECF # 62 pg.3, lines 11-18; pg.4, lines 1-5)**

On February 17, 2015 **(See Exhibit "B" attached hereto)**, Mr. Lindemann's firm reviewed the three electronic exhibits that clearly document the Justice Department, the FBI and South Carolina Law Enforcement Division (SLED) personnel undermined the underlying case. The three electronic exhibits although submitted to the Court, to date have not been reviewed by any federal court judge or clerk on any level are listed below.

Electronic Exhibit I -
https://backup.filesanywhere.com/fs/v.aspx?v=8c726a8960647278b096

Electronic Exhibit II –
https://backup.filesanywhere.com/fs/v.aspx?v=8c726a896064737ab298

Electronic Exhibit III
- https://backup.filesanywhere.com/fs/v.aspx?v=8c726a89606475b5a3ac

No individual of average intelligence[9] could review these three electronic exhibits and related documentation regarding the FBI-NCIC entries, missing and unaccounted for police cruisers, and tampering of evidence and not fully understand the case was undermined by these "law enforcement" agencies with the court's apparent consent. Assuming Mr. Lindemann has at least average intelligence, it has to be assumed that Mr. Lindemann knew or should have known he was misleading this Honorable Court by making the above statement.

In this regard, all Mr. Lindemann's submissions to the Court with these false claims should be stricken, as they clearly are both insulting and vapid distortions of the truth as he tries to paint the Plaintiffs as driven by emotion rather than logic. However, Mr. Lindemann raised questions that are of ***national interest (emphasis added)*** that should be both addressed and answered as a part of the discovery necessary to determine the depth of unwarranted involvement in undermining this civil case by law enforcement agencies through what are supposed to be independent judicial proceedings.

Additional Issues of National significance raised by the Appellees and Appellants that need answers through remand and discovery:

- Why did the FBI fail to investigate the criminal use of the FBI-NCIC system in the present case involving violation of civil rights under color of law with

[9] Using 28 USCS § 455(a) as a basis.

brutality?

- Why did the FBI fail to follow every non-discretionary rule contained in their Manual of Investigative and Operational Guidelines ("MIOG") regarding any claim of the violation of civil rights under color of law with brutality?
- Why did FBI officials participate in the submission of criminally altered FBI-NCIC documents certified as authentic when all the incriminating entries were deleted in a clear act of "obstruction of justice" undermining the offices of United States Senator Lindsay Graham?
- Why did the FBI become involved in a civil case the United States Government was not a party to and a case that they are restricted from becoming involved in by oversight regulation?
- Why was a subcontractor for the FBI, Noel Herold, brought into a civil case as an active FBI Special Agent, and why was he allowed to both present bogus credentials in violation of Rule 26 of FRCP and present perjured testimony?
- Why did Judge Harwell falsely claim that he had dismissed forensic expert Durward Matheny as an expert witness during the trial in the underlying case, when in fact he did not, as the baseless rationale to dismiss ECF #750? ECF # 750 evidenced fraud on the court including (1) the forged signature of Noel Herold on a report submitted to the court forged by attorneys that represented the government defendants, (2) the admission under oath by Noel Herold that

he did not sign that same document produced to the court, and (3) the statement of the Postal Official that the postal information submitted to the court by the officers of the court was bogus regarding the paperwork related to the aforementioned forged document **(See ECF # 753).**

CONSISTENT PATTERN OF GOVERNMENT COVER-UP

Southern Holdings, Inc., ("the U.S. corporation") took over a foreign offshore corporation which owned the exclusive licenses for the importation of finished tobacco products into the country of Venezuela. The U.S. Corporation discovered that smuggling was part of the operational activities under the previous ownership of the foreign corporation. The management of Southern Holdings immediately moved to dismantle these operations and sell off the remaining interests in the offshore corporation. The smuggling involved **Saudi business interests and charities** that transacted business in both the Palestinian territories and Central American countries. These transactions involved the laundering of money that ended up funding operations for ***al Qaeda*** and ***Hezbollah.*** This divestiture was in process when a Plaintiff was put on the FBI-NCIC system with an accompanying BOLO (be on the lookout for) falsely characterizing the unwitting businessman as a ***"fleeing felon who was armed and extremely dangerous"*** in addition to the police identifying him as a second suspect in the recent murder of Dennis Lyden, a local police officer.

There was no basis for any part of this NCIC and BOLO posting. Individuals

that were formerly officers of the corporation, in conjunction with a convicted felon, bribed local police officers and sheriff's deputies to misuse the FBI-NCIC system to commit crimes. This misuse was part of an attempted murder plot of the corporate officer who was dismantling the smuggling operations. This occurred during the summer of the year 2000, a year and a half before the attacks on 9/11 by ***al Qaeda***.

The Government has an ongoing history since 9/11 of blocking all legal attempts to tie **Saudi** interests to the funding of ***al Qaeda*** (e.g. See United States District Court, Southern District of Florida, Case 0:12-cv-61735-WJZ; United States District Court, Southern District of New York, Case 1:03-cv-06978-GBD; United States District Court, Southern District of New York, Case 1:03-md-01570-GBD-FM).

SUMMARY

The issues regarding the funding of 9/11 are of paramount national importance. The seven Plaintiffs have a total combined criminal record of one traffic ticket in their lives. One of the Plaintiffs/Appellants was a seventeen year decorated veteran police officer who was fired when he turned in his police colleagues for violation of the civil rights under color of law with brutality, which he personally witnessed. The Defendants include convicted felons. One former FBI SSA opined this case has a greater national significance than the "Watergate" scandal because this matter involves the convergence of two branches of government the executive and the

judicial in a cover-up while the "Watergate" scandal just involved the executive branch.

There is every justifiable reason for this case to be remanded back to District Court under a clearly unbiased presiding judge with no ties to this geographic region and the Justice Department. This is necessary so that a plenary hearing can be held to establish if the Plaintiffs lawyers had the requisite permission from the Plaintiffs to enter into a settlement agreement and the extent of the fraud upon the court that occurred in the underlying case.

CONCLUSION

For the foregoing reasons, Appellants respectfully request that the Court remand this case to district court to conduct a plenary hearing and discovery to determine if the Plaintiffs lawyers had the authority from the Plaintiffs to settle the case and if not, the extent of fraud on the court that occurred in the underlying case.

Dated: March 25, 2015

By:
s/ Michael G. Sribnick, M.D., J.D.
Michael G. Sribnick, M.D., J. D.
3 Kenilworth Avenue
Charleston, S.C. 29403
Phone: (843) 789-3504
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Exhibit "A"
Page 1 of 4

JOHN R. RAKOWSKY
ATTORNEY AT LAW
900 12th STREET
POST OFFICE BOX 3593
WEST COLUMBIA, SOUTH CAROLINA 29171

TELEPHONE
(803) 791-8830
FAX
(803) 794-7880

May 17, 2007

Mr. Alex Rozenzaft
LawMax
459 Columbus Avenue, Suite 299
New York, NY 10024

Dear Mr. Rozenzaft:

On the afternoon of Tuesday, May 8, 2007, Judge Harwell held an evidentiary hearing regarding the evidence both sides proposed to admit at trial. Almost every document of evidence the Plaintiffs submitted was challenged by the Defendants' counsel. Prior to my involvement in this case, former Plaintiffs' counsel Michael Goldberg missed specific filing deadlines set by the Court's scheduling order, causing a serious problem in the admissibility of a very large proportion of Plaintiffs' evidence. Consequently, as just one example, Judge Harwell indicated that the next day, he would rule as inadmissible at least 75% of Plaintiffs' medical expenses. Accordingly, Judge Harwell suggested that the Plaintiffs take the pre-trial settlement that was being offered by the Defendants.

Additionally, it was revealed by Defendants' Counsel Saleeby for the first time that former Plaintiffs' counsel Goldberg had received an offer of Judgment from the Defendants that neither I, nor former local Plaintiffs' counsel James Cooper nor the individual Plaintiffs had ever seen before or knew about. This is critical because if the case was decided in favor of the Plaintiffs below the thirty thousand dollars ($30,000) threshold amount in the "Offer of Judgment," the Plaintiffs would have been responsible both collectively and individually for all the Defendants costs, including attorney's fees from the first date of the signing of the offer. Adrian and I estimated that that would be a minimum amount of between $200,000 and $300,000 and likely much more.

Judge Harwell strongly suggested that Adrian and I get the Plaintiffs to settle for their best interests before he made the ruling against the Plaintiffs' evidence at trial on Wednesday, May 9, 2007, and the Defendants then subsequently drop their settlement offer. Judge Harwell indicated at the evidence hearing on Tuesday, May 8, 2007, that, (1) most of the Plaintiffs' medical damages, (2) most of the Plaintiffs' evidence regarding the civil conspiracy and the questionable action of the defendants, and (3) almost all of the Southern Holdings, Inc. valuation evidence was not going to be allowed to be admitted because it was not timely filed with the Court. Judge Harwell told Adrian and me in chambers that he wanted for everything related to this case to end at one time, so we needed to drop the claims against Dave Smith and Ancil Garvin as part of the settlement.

Without the admission of the critical evidence, the Plaintiffs would have been exposed to a Judgment against them of $300,000 to 400,000 if we did not settle the case due to the Defendants' "Offer of Judgment" filed on July 21, 2004. Judge Harwell told us in chambers on Wednesday, May 9, 2007, the Plaintiffs acceptance of the Defendants' offer was the best decision for the Plaintiffs to make given that he was going to rule against the admission of the majority of the Plaintiffs' evidence. Now that this case is behind us we can go after Goldberg for not filing the evidence in a timely manner, which caused these problems in the first place, along with Goldberg's flawed initial pleadings.

Sincerely,

John R. Rakowsky

JOHN R. RAKOWSKY
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POST OFFICE BOX 3593
WEST COLUMBIA, SOUTH CAROLINA 29171

TELEPHONE
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FAX
(803) 794-7880

May 17, 2007

Mr. Bruce Benson
6170 W. Lake Mead Blvd.
Suite 311
Las Vegas, Nevada 89108

Dear Mr. Benson:

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Sincerely,

John R. Rakowsky

JOHN R. RAKOWSKY
ATTORNEY AT LAW
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WEST COLUMBIA, SOUTH CAROLINA 29171

TELEPHONE
(803) 791-8830
FAX
(803) 794-7880

May 17, 2007

Lit Funding in Care of Bruce Benson
6170 W. Lake Mead Blvd.
Suite 311
Las Vegas, Nevada 89108

Dear Mr. Benson:

On the afternoon of Tuesday, May 8, 2007, Judge Harwell held an evidentiary hearing regarding the evidence both sides proposed to admit at trial. Almost every document of evidence the Plaintiffs submitted was challenged by the Defendants' counsel. Prior to my involvement in this case, former Plaintiffs' counsel Michael Goldberg missed specific filing deadlines set by the Court's scheduling order, causing a serious problem in the admissibility of a very large proportion of Plaintiffs' evidence. Consequently, as just one example, Judge Harwell indicated that the next day, he would rule as inadmissible at least 75% of Plaintiffs' medical expenses. Accordingly, Judge Harwell suggested that the Plaintiffs take the pre-trial settlement that was being offered by the Defendants.

Additionally, it was revealed by Defendants' Counsel Saleeby for the first time that former Plaintiffs' counsel Goldberg had received an offer of Judgment from the Defendants that neither I, nor former local Plaintiffs' counsel James Cooper nor the individual Plaintiffs had ever seen before or knew about. This is critical because if the case was decided in favor of the Plaintiffs below the thirty thousand dollars ($30,000) threshold amount in the "Offer of Judgment," the Plaintiffs would have been responsible both collectively and individually for all the Defendants costs, including attorney's fees from the first date of the signing of the offer. Adrian and I estimated that that would be a minimum amount of between $200,000 and $300,000 and likely much more.

Judge Harwell strongly suggested that Adrian and I get the Plaintiffs to settle for their best interests before he made the ruling against the Plaintiffs' evidence at trial on Wednesday, May 9, 2007, and the Defendants then subsequently drop their settlement offer. Judge Harwell indicated at the evidence hearing on Tuesday, May 8, 2007, that, (1) most of the Plaintiffs' medical damages, (2) most of the Plaintiffs' evidence regarding the civil conspiracy and the questionable action of the defendants, and (3) almost all of the Southern Holdings, Inc. valuation evidence was not going to be allowed to be admitted because it was not timely filed with the Court. Judge Harwell told Adrian and me in chambers that he wanted for everything related to this case to end at one time, so we needed to drop the claims against Dave Smith and Ancil Garvin as part of the settlement.

Without the admission of the critical evidence, the Plaintiffs would have been exposed to a Judgment against them of $300,000 to 400,000 if we did not settle the case due to the Defendants' "Offer of Judgment" filed on July 21, 2004. Judge Harwell told us in chambers on Wednesday, May 9, 2007, the Plaintiffs acceptance of the Defendants' offer was the best decision for the Plaintiffs to make given that he was going to rule against the admission of the majority of the Plaintiffs' evidence. Now that this case is behind us we can go after Goldberg for not filing the evidence in a timely manner, which caused these problems in the first place, along with Goldberg's flawed initial pleadings.

Sincerely,

John R. Rakowsky

JOHN R. RAKOWSKY
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(803) 791-8830
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May 17, 2007

Mr. Alex Rozenzaft
LawMax
459 Columbus Avenue, Suite 299
New York, NY 10024

Dear Mr. Rozenzaft:

On the afternoon of Tuesday, May 8, 2007, Judge Harwell held an evidentiary hearing regarding the evidence both sides proposed to admit at trial. Almost every document of evidence the Plaintiffs submitted was challenged by the Defendants' counsel. Prior to my involvement in this case, former Plaintiffs' counsel Michael Goldberg missed specific filing deadlines set by the Court's scheduling order, causing a serious problem in the admissibility of a very large proportion of Plaintiffs' evidence. Consequently, as just one example, Judge Harwell indicated that the next day, he would rule as inadmissible at least 75% of Plaintiffs' medical expenses. Accordingly, Judge Harwell suggested that the Plaintiffs take the pre-trial settlement that was being offered by the Defendants.

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Sincerely,

John R. Rakowsky

Exhibit "B"

From: [redacted]
To: [redacted]
Date: Wednesday, February 18, 2015 12:00:28 AM
Attachments: [redacted]

FilesAnywhere TM
[redacted]

Hello Federal,

The following Folder from FilesAnywhere is marked for monitoring daily activity. The summary and details report of the Folder is given below. This report is also attached with this email in a user-friendly PDF format.

Folder Summary:

Folder Name:	[redacted]
Folder Owner:	Federal Filing, [redacted]
[redacted]	[redacted]
Activity From:	Feb 15 2015 11:59:58 PM
Activity To:	Feb 18 2015 12:00:07 AM

Folder Details:

File/Folder	Updated By	Action	Updated on	Size	Comments
Plaintiffs' Electronic Exhibit III.wmv	GENERALLINK	Download	2/17/2015 11:02:56 AM	113.6 MB	File Share
Index - Plaintiff's Electronic Exhibit III.pdf	GENERALLINK	Download	2/17/2015 11:02:50 AM	31.3 KB	File Share
Plaintiffs' Electronic Exhibit III	GENERALLINK	Approved	2/17/2015 11:02:45 AM	0 bytes	Enter your name: Davidson & lindemann.
Plaintiffs' Electronic Exhibit II.wmv	GENERALLINK	Download	2/17/2015 11:00:46 AM	34.1 MB	File Share
Index - Plaintiff's Electronic Exhibit II.pdf	GENERALLINK	Download	2/17/2015 11:00:41 AM	22.3 KB	File Share
Plaintiffs' Electronic Exhibit II	GENERALLINK	Approved	2/17/2015 11:00:35 AM	0 bytes	Enter your name: Davidson & Lindemann.
Plaintiffs Electronic Exhibit I.wmv	GENERALLINK	Download	2/17/2015 10:50:46 AM	189 MB	File Share
Index - Plaintiffs Electronic Exhibit	GENERALLINK	Download	2/17/2015 10:50:41	41.4 KB	File Share

I.pdf			AM		
Plaintiffs' Electronic Exhibit I	GENERALLINK	Approved	2/17/2015 10:50:32 AM	0 bytes	Enter your name: Davidson & Lindemann.
Plaintiffs Electronic Exhibit I.wmv	GENERALLINK	Download	2/17/2015 10:47:40 AM	189 MB	File Share
Plaintiffs Electronic Exhibit I.wmv	GENERALLINK	Download	2/17/2015 10:47:39 AM	189 MB	File Share
Plaintiffs' Electronic Exhibit I	GENERALLINK	Approved	2/17/2015 10:47:29 AM	0 bytes	Enter your name: JMB.

If you have any questions, comments, or concerns regarding the Activity Report ; please contact the Owner.

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Thank you for using FilesAnywhere.

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International: 1 (469) 200 0089
Contact Time: Weekdays 9am-9pm Eastern

[redacted]

CERTIFICATE OF SERVICE

I, Michael Sribnick, MD, JD do hereby certify that the foregoing Appellants' **APPELLANTS' CORRECTED SUPPLEMENT IN SUPPORT OF MOTION TO REMAND, ECF No. 35 this day March 25, 2015** was served on the following person(s) by either mail, fax or electronic transfer a true and correct copy, as follows:

Andrew F. Lindemann, Esquire Davidson & Lindemann, P.A. PO Box 8568
Columbia, SC 29202

David Smith
1006 North Holden Road Greensboro, NC 27410

Harold Steven Hartness
3032 Nance Cove Road Charlotte, NC 28214
Michael Steven Hartness 3032 Nance Cove Road Charlotte, NC 28214

Ancil Garvin
1905 Canterbury Drive
Dalton, Ga. 30720

By:

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