

**RECEIVED**

APR 15 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

The Honorable Frank R. Addy, Jr.

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Case No.. 2014-00091

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James Spencer, individually and on behalf of the Estate of Doris Holt  
and on behalf of Southern Holdings, Inc ; and Irene Santacroce, Plaintiffs,

of whom James Spencer is the Appellant, Appellant,

v.

John R. Rakowsky, Adrian L. Falgione, and The Law Offices  
of Adrian Falgione, LLC, Respondents,

of whom John R. Rakowsky and Adrian L. Falgione are the Respondents.

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**AFFIDAVIT OF COUNSEL**

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PERSONALLY APPEARED BEFORE ME, Benjamin C. Bruner, who being  
duly sworn, deposes and says as follows.

1. I represent Respondent Adrian Falgione in this matter.
2. This appeal has been pending for fifteen months, and yet the case is still in  
initial briefing.
3. On March 4, 2015, this Court issued an order requiring that the Appellant  
serve and file his initial brief within thirty days, or by April 3, 2015

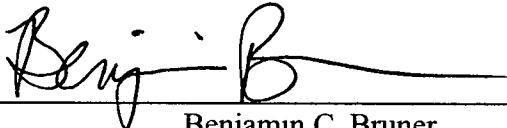
4. On Friday, April 10, 2015, my office received, by hand-delivery, a copy of a forty-one-page document entitled "Initial Informal Brief of *Pro Se* Appellant" in this matter

5. The final page of the document I received was a Certificate of Service, in which Appellant certified that he served his brief by "mail, fax or electronic transfer" on April 7, 2015, four days after the Court-ordered deadline. A true and accurate copy of the Certificate of Service is attached hereto as **Exhibit A**.

6. Based upon inquiries I made to my law firm's employees, I am informed and believe that my office has not received a copy of the Appellant's brief by mail, fax or electronic transfer, and further that the first copy of the brief my office received was the hand-delivered copy on April 10, 2015.

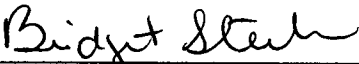
7. Upon information and belief, the Appellant made no request for an extension prior to the April 3<sup>rd</sup> deadline, nor has Appellant offered any excuse for failing to meet that deadline.

FURTHER AFFIANT SAYETH NOT.

  
Benjamin C. Bruner

SWORN TO ME this

13<sup>th</sup> Day of April, 2015

  
\_\_\_\_\_

Notary Public for South Carolina

My Commission Expires: 5-27-2018

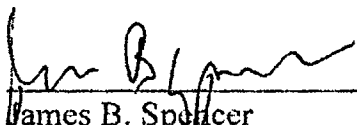
**CERTIFICATE OF SERVICE**

I, James Spencer, *Pro Se*, Plaintiff, do hereby certify that the foregoing Informal Initial Brief this day April 7, 2015, been served on the following person(s) by either mail, fax or electronic transfer a true and correct copy, as follows:

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APR 7 2015  
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3-1742-108

The Honorable Jenny Abbott Kitchings  
Clerk of Court, S.C. Court of Appeals  
PO Box 11629  
Columbia, SC 29211

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