

The South Carolina Court of Appeals

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

Of whom James Spencer is the Appellant,

v.

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

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

Appellate Case No. 2014-000091

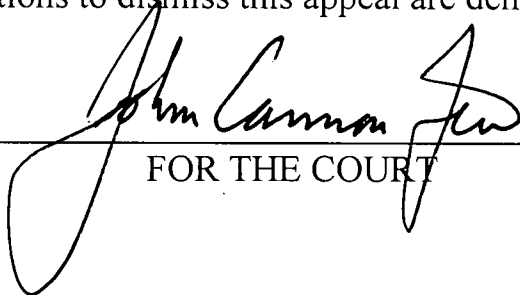
ORDER

Southern Holdings, Inc., and the Estate of Doris Holt filed a request to be added to the caption as respondents. We note that the Estate of Doris Holt (the Estate) and Dan Green, the former President of Southern Holdings, previously filed a motion to intervene "to have their names properly removed as parties in this action," which this court denied. In addition, the Estate and Southern Holdings filed a motion for joinder as additional appellants, which this court also denied.

In their request to be added to the caption as respondents, the Estate and Southern Holdings assert they were named as parties below, they were served with the notice of appeal, and they should be included as parties on appeal. Although James Spencer's complaint indicated the action was brought by Spencer, individually, and on behalf of the Estate and Southern Holdings, Spencer—a nonlawyer—lacked authority to act on behalf of the Estate and Southern Holdings. Accordingly, the Estate and Southern Holdings were not parties below, and they

are not parties to this appeal. Accordingly, their names shall be removed from the caption,¹ and their request to be designated as respondents is denied.

Appellant's motion to serve and file his initial brief and designation of matter out of time is granted. Respondents' motions to dismiss this appeal are denied.


FOR THE COURT

Columbia, South Carolina

cc:

James Spencer
Benjamin C. Bruner, Esquire
David W. Overstreet, Esquire
Warren C. Powell, Jr., Esquire
Michael B. McCall, Esquire

FILED
5/13/15

¹ This is subject to a panel's decision to include them on the caption after reviewing the merits of this appeal.