

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY

Court of Common Pleas

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JUN 01 2015

SC Court of Appeals

The Honorable Frank R. Addy, Jr. Circuit Court Judge

CASE NO: 2012-CP-32-3428

APPELLATE CASE NO: 2014-000091

John R. Rakowsky, Respondent

Adrian Falgione, Respondent

v.

James B. Spencer, *Pro. Se.*, Appellant

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following to be included in the Record on Appeal:

1. Order, August 19, 2013;
2. Complaint, August 15, 2011;
3. Order, October 18, 2011;
4. Answer of John Rakowsky in November of 2011;
5. Answer of Adrian Falgione in November of 2011;
6. Motion for Disqualification of Amanda Dudgeon and her firm, March 27, 2012;
7. Amend Complaint by withdrawal of Southern Holdings, October 2012;
8. Amend Complaint of Doris Holt, October 2012;
9. Amended Answer of Adrian Falgione, January 3, 2013;
10. Correspondence dated Nov. 27, 2012, to Mr. Bruner regarding request for consent for withdrawal of Southern Holdings for lack of standing;
11. Motion to Amend Complaint removing Doris Holt and Southern Holdings, May 2013, for lack of standing and lack of representation;
12. May 7, 2012 Hearing Transcript Pages: 9, 10, 11, 32, 34, 37-42, 44, 45, 48, 51, 52, 56-58, 60, 67;
13. June 5, 2013 Hearing Transcript Pages: 1-5, 7-9, 41, 64, 65, 66;
14. Exhibit 1 – October 26, 2012, Notice of Withdrawal of Complaint Regarding Plaintiff Southern Holdings, Inc.; September 9, 2013, Rule 59 (e) Motion for Reconsideration and to Strike Court's Rulings in Regard to the Dismissal of the

Legal Malpractice Action Captioned Above; June 3, 2013 Motion to Amend Complaint;

15. Exhibit 2 – July 30, 2012, Expedited Motion to Compel and to Stay Hearings in the Above Captioned Case Until the Court Rules on this Motion to Compel the Defendants to Comply with this Court's Previous Orders; July 30, 2012, Declaration of Irene Santacroce;

16. Documents to Judge Addy where he received authority, instructions, and an overview of the case as detailed in June 5, 2013 hearings transcript by Judge Addy;

17. Exhibit 3 – September 9, 2013, Rule 59 (e) Motion for Reconsideration and to Strike Court's Rulings in Regard to the Dismissal of the Legal Malpractice Action Captioned Above; Motion to Amend Complaint;

18. Exhibit 4 – August 15, 2012, Judge Goldsmith's Order Granting Defendants' Motion to Change Venue;

19. Exhibit 5 – August 1, 2012, Proposed Order Granting Defendants' Motions to Change Venue;

20. Exhibit 6 – December 6, 2013, Judge Frank R. Addy, Order Denying Rule 59 (e) Motion;

21. Exhibit 7 – May 23, 2014, Affidavit of John Rakowsky;

22. Exhibit 8 – August 15, 2011, Complaint (Jury Trial Demanded);

23. Dkt #367 – March 26, 2007, First Motion to Dismiss Ron Serota;
24. Dkt #410 – April 30, 2007, Order by Judge Harwell for Ron Serota to turn over legal documents and his work papers on the case to Rakowsky, as Rakowsky and Falgione had forced Ron Serota off the Plaintiffs' legal team;
25. Dkt #482 – May 8, 2007, Evidentiary Hearing Transcript before Judge Harwell, Pages 1-29;
26. Dkt #486 – Page 2, June 7, 2007, Rakowsky's Letter to Law Max lending agency, Mr. Rozenzaft, describing many discrepancies, which remain on the Court record;
27. Dkt #491 – June 13, 2007, Officer of the Court, E. Glenn Elliott, claimed the settlement terms were discussed on May 8, 2007, during the Evidentiary Hearing behind the closed doors;
28. Dkt #492 – June 14, 2007, Memorandum in Opposition to Plaintiffs' Motion to Vacate Settlement by Andrew Lindemann;
29. Dkt #510 – July 3, 2007, Order on Motions Pursuant to F.R.A.P. 4(a)(4), by Judge Harwell, Pages 1-9;
30. Dkt #519 – July 12, 2007, Certain Plaintiffs' Motion for Clarification of Court Order #510;

31. Dkt #582 – January 30, 2008, Certain Plaintiffs’ Motion for Reconsideration of Court Order #577, in regard to Plaintiffs’ Motion for Clarification [Docket Entry #519];
32. Dkt #639-5 – July 20, 2007, Court Reporter, Vince Rolland’s letter to Irene Santacroce regarding the Evidentiary Hearing on May 8, 2007;
33. Dkt #659 – August 5, 2008, Plaintiffs’ Second Motion for Clarification of the Events and Decisions of the May 8, 2007, Evidentiary Hearing;
34. Dkt #668 – August 13, 2008 – Section regarding evidence not being received and not ordering dismissal of non-represented absent *pro se* Defendants;
35. Dkt #719 – September 29, 2008, Plaintiffs’ Response to Defendants’ Memorandum in Opposition to Plaintiffs’ Second Motion for Clarification and Second Motion for Recusal (Defendants’ Document #711), Pages 1-6;
36. June 27, 2013, Plaintiffs’ Brief on Corrections;
37. Documentation presented to the Court on Ben Brunner Esquire’s misrepresentation in this case regarding service of complaints and related documentation;
38. The letter from Judge Griffith dated May 30, 2013, to Judge Addy and the materials provided to Judge Addy;

39. The Order from Justice Toal, dated January 17, 2013, which appointed Judge Griffith as Chief Judge for Administrative purposes to hear specifically Case No: 2012-CP-32-3428;
40. The case overview on Case No.: 2012-CP-32-3428, written by Judge Griffith's clerk and sent to Judge Addy;
41. The FOIA request and response regarding items 38, 39 and 40, herein above
42. Affidavit of Robert Wadley Regarding FOIA cited in 41 herein.

I certify that this designation contains no matter that is irrelevant to this appeal.

Submitted this May 27, 2015,

By:



James B. Spencer, Appellant, *Pro Se*
Box 183
7001 Saint Andrews Road
Columbia, SC 29212

CERTIFICATE OF SERVICE

I, James Spencer, *Pro Se*, Plaintiff, do hereby certify that the foregoing DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL this day May 27, 2015, been served on the following person(s) by either mail, fax or electronic transfer a true and correct copy, as follows:

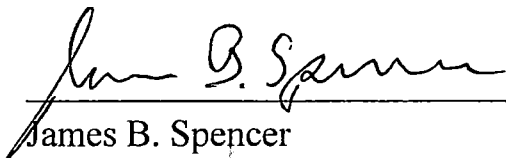
Andrew Countryman, Esquire
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acountryman@carlockcopeland.com

Benjamin C. Bruner, Esquire
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SC Court of Appeals


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CERTIFICATE OF SERVICE

I, James Spencer, *Pro Se*, Plaintiff, do hereby certify that the foregoing Informal Initial Brief this day May 27, 2015, been served on the following person(s) by either mail, fax, courier or electronic transfer a true and correct copy, as follows:

Andrew Countryman, Esquire
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May 27, 2015

Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211
Attn: Ms. Elizabeth Carter

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RE: **Appellate Case No: 2014-000091**
James Spencer, Appellant,

v.

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

Dear Ms. Carter:

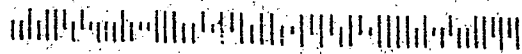
Per our conversation, yesterday please find enclosed Initial Brief and Designation of Matter served on this date as we discussed yesterday in accordance with our discussion.

Respectfully,


James B. Spencer, *pro se*

Cc:

Benjamin Bruner
Andrew Countryman (Carlock and Copeland)



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THU 28 MAY 2015 PM

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