

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

RECEIVED

JUL 29 2015

The Honorable Frank R. Addy, Jr.

SC Court of Appeals

Case No.: 2014-00091

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.

RESPONDENT ADRIAN L. FALGIONE'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

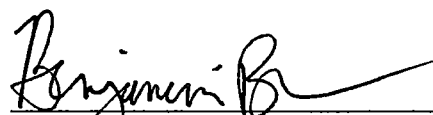
Respondent Adrian L. Falgione, by and through his undersigned counsel,
proposes that the following be included in the Record on Appeal:

1. Complaint filed August 11, 2012.
2. Notice of Appearance, November 2, 2011.
3. Motion to Dismiss, November 2, 2011.
4. Notice of Appearance, November 4, 2011.
5. Motion to Dismiss, November 4, 2011.
6. Amended Motion to Dismiss, January 3, 2012.

7. Memorandum in Support of Motion to Dismiss, January 27, 2012.
8. Order Denying Motion for Entry of Default, signed June 14, 2012, and filed June 28, 2012.
9. Motion to Transfer Venue, May 17, 2012
10. Letter from Court to Parties, July 31, 2012.
11. O. Granting Def.'s Mot. to Change Venue, August 15, 2012.
12. E-mail from Headley to Court, May 7, 2013.
13. Order of the Circuit Court, May 8, 2013.
14. Order of S.C. Supreme Court, June 11, 2013.
15. Ans. Regarding Waiver or Recusal, May 28, 2013.
16. Letter from Court to Parties, May 30, 2013.
17. Falgione's Motion for Admissions filed May 16, 2013 (10 pages with exhibits).
18. Order Nunc Pro Tunc, June 25, 2013.
19. Order of Dismissal, signed August 19, 2013 and filed August 23, 2013.
20. Order Denying Rule 59(e) Motion, December 6, 2013.
21. Order Denying Motions to Set Aside Settlement in Southern Holdings, Inc. v. Horry County, et al., C/A No. 4:02-cv-1859 (July 3, 2007).
22. Order Denying Motion for Entry of Default, signed June 14, 2012 and filed June 28, 2012.
23. Order of Continuance signed June 14, 2012 and filed June 28, 2012.
24. Falgione's Motion to be Relieved as Counsel, filed July 10, 2007 in Southern Holdings, Inc., et al. v. Horry County, et al., C/A No. 4:02-cv-1859, Docket Entry 516.
25. Transcript of May 7, 2012 status conference, page 39, lines 1 to 25.
26. Transcript of June 5, 2013 hearing: page 5, line 2 to page 7, line 4; page 39, lines 18 to 24; p. 44, line 21 to p. 45, line 24; p. 49, line 22 to p. 50, line 5; p. 51, lines 13 to 15; Page 52, lines 16 to 21; page 58, line 24 to page 59, line 3; Page 64, lines 1 to 19

Pursuant to Rule 208, SCACR, that this designation contains no matter which is irrelevant to the appeal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Benjamin C. Bruner", written over a horizontal line.

Warren C. Powell, Jr.

Benjamin C. Bruner

Bruner, Powell, Wall & Mullins, LLC

P.O. Box 61110

Columbia, South Carolina 29260

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*Attorneys for Respondent Adrian L.
Falgione*

July 27, 2015

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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.

PROOF OF SERVICE

I, Benjamin C. Bruner, certify that I have served *RESPONDENT ADRIAN L. FALGIONE'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL* by depositing a copy of it in the United States Mail, postage prepaid, on July 27, 2015, addressed to the *pro se* Appellant, James B. Spencer, 7001 Saint Andrews Road, Suite 183, Columbia, South Carolina 29212, and to Respondent John R. Rakowsky's attorneys of record, David W. Overstreet, Esquire and Michael B. McCall, Esquire at Carlock, Copeland & Stair, LLP, 40 Calhoun Street, Suite 400, Charleston, South Carolina 29401.

July 27, 2015



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AUTHOR'S E-MAIL: BBRUNER@BRUNERPOWELL.COM

July 27, 2015

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
1220 Senate Street
Columbia, SC 29201

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SC Court of Appeals

Re: James Spencer, et al. v. John Rakowsky, et al.
Case No.: 2014-00091
BPWM File No.: 3-1742.108

Dear Ms. Kitchings:

Enclosed please find an original and one (1) copy of the Initial Brief, Designation of Matter and Certification of Counsel by Respondent Adrian L. Falgione in the above referenced action. Please file the original, clock-in the copy and return them to me in the envelope provided.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

With my kindest regards, I am,

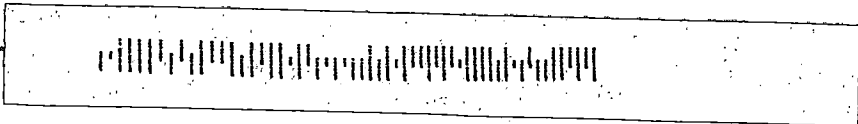
Very truly yours,



Benjamin C. Bruner

Enclosure

CC: James B. Spencer
David W. Overstreet, Esq.
Michael B. McCall, Esq.



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