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**RECORD NO: 14-1678**

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**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**RECEIVED**

SEP 18 2015

SC Court of Appeals

**Doris Holt, et al.,**

**Plaintiffs-Appellants**

**v.**

**Horry County, South Carolina, et al.,**

**Defendants-Appellees**

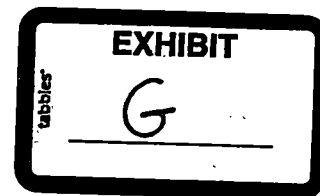
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**APPELLANTS REVISED REPLY TO DOCUMENT NO: 115**

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**ATTACHMENT IS INCLUDED**

Michael G. Sribnick, M.D., J.D., LLC  
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**APPELLANTS REPLY TO DOCUMENT NO: 115**

In accordance with Federal Rule of Appellate Procedure 27, Appellants Rodney Lail, Irene Santacroce and the Estate of Doris Holt (collectively "Appellants") through the undersigned, respond to Appellees Horry County Sheriff's Department, Allen, Thompson, Caldwell, McClendon, Brantley, and Christensen (hereafter "Appellees").

**APPELLEES' POSITION ON  
THE NEWLY DISCOVERED EVIDENCE<sup>1</sup>**

The Appellees position on the newly discovered evidence as stated was that, "The only "new" claim that the Appellants make in the current motion involves some notes that allegedly were obtained from SLED that the Appellants claim show that SLED may have forwarded the original videotapes from the two Horry County police vehicles to the FBI in October 2004 rather than in December 2004. The Appellants claims that this is evidence of "willful and intentional defiance" of a court order which amounts to "criminal contempt of court" by officials with SLED. While such allegations are absurd, they have no real bearing on this case or the issues before this Court on appeal. SLED is not a party to this case. This appeal involves whether the district court was correct in refusing to set aside the settlement reached by the

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<sup>1</sup> Doc. 115, p. 4, beginning line 6.

parties on the first day of trial in May 2007. Whether SLED did or did not send the videotapes to the FBI in October 2004 has no bearing on the issue on appeal.”<sup>2</sup>

### **THE RESPONSE OF APPELLANTS**

**The Appellants disagree with Appellees as it is the same as saying “*the ends justify the means*” and that fraud on the court is not relevant as long as it leads to a settlement, be it disputed or not. The United States Supreme Court disagrees with the Appellees and has long held fraud involving officers of the court, is such that relief will be granted irrespective of the term of entry.**

“Under certain circumstances, one of which is after-discovered fraud, relief will be granted against judgments regardless of the term of their entry.”  
**Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 239, 64 S.Ct. 997, 998 (1944)**

The newly discovered evidence provides a window which when held up to the light clearly indicates that the Appellees’ counsels, the Appellees and their colleagues participated in such extensive fraud on the Court, as described in Document 110-1, that the concept of fraud upon the court has reached boundaries the undersigned never thought was possible and beyond those anticipated by the standards set forth in **Hazel-Atlas Glass Co. v. Hartford-Empire Co.**

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<sup>2</sup> Doc. 115, p. 4 second paragraph.

The newly discovered evidence clearly details in written notes the events that occurred between October 13, 2004 and October 15, 2004 (**See Doc. 110-2, page 121-123**) and documents how Major Mark Keel, Esquire of SLED and Captain Caldwell of SLED conspired to violate Federal Court Order #109 to undermine the South Carolina Federal District Court proceeding by making the single most important piece of evidence disappear while under Court Order #109. Court Order #109 required the Appellees and Appellees' counsels to turn the original police videotapes taken at the scene and the police cameras and recorders over to Appellants forensic expert. To date this key evidence has never reappeared. Every alleged act of fraud after that falls into place. The fabricated postal receipts are explained because Court Order #109 was violated months earlier so these postal receipts had to be fabricated and submitted because they no longer had the police videotapes and they needed to make it look like they were shipped in December to carry on the fraud.

Appellees' counsel, Robert E. Lee, flew to Wisconsin to present the police videotapes to the Plaintiffs' forensic expert under Court Order # 109, but he suddenly flew back and took the tapes with him at the end of October 2004 and the Plaintiffs forensic expert never was allowed to even begin to examine them. Every action up to and including the purported evidentiary hearing on May 8, 2007, was

nothing but a series of fraudulent acts meant to bring the case to an end that was determined in October of 2004, when the sought after police videotapes disappeared. The detailed listing of the fraud on the court by the Appellees and Appellees' counsel is not addressed at all by the Appellees in regard to the new evidence in Doc. # 115. The Appellees try to wish it away rather than trying to explain the carefully detailed acts by using the magic word "duplicative."

### **OUTLANDISH FRAUD AND ARROGANCE**

The Appellants made discovery request after discovery request asking for such evidence for over fourteen years. The Appellants knew there had to be a reason why the Government Agencies would turn their backs on these law abiding citizens. Just one page of notes leaked out from SLED after fourteen years. Every move to gain discovery has been blocked by the Government and the Appellees. Using the newly discovered evidence the Appellants were finally able to put the pieces of this puzzle of fraud together and realized they had become unknowing victims of the desire for the various agencies to keep the lid on the dismantling of the al Qaeda funding operation out of Venezuela pre 9/11. This Honorable Court must allow the remand so the Appellants can regain what is left of their lives that were wrongly taken from them. The Justice Department paid for expert witnesses for the

Appellees and produced forged documents to undermine the case. The Appellants need the answers that they deserve as law abiding Americans.

**The Appellees then claim,** “That is particularly true because it would be absolutely unprecedented for this Court to remand a case to the district court before the Court even considers the merits of the appeal. The merits of an appeal are not to be decided on a motion.”<sup>3</sup>

**The Appellants strongly disagree with this contention. It is not unprecedented and the 4<sup>th</sup> Circuit often employs remand when needed to complete the court record.** Without a complete record and with contradictory statements as to when the case was purportedly settled the court cannot make a reasoned decision. Was Court Order # 127 a “shepherding order,” or an unconstitutional order? How did the default judgment against Appellees Garvin and Smith get dismissed? Judge Harwell has one version on the court record and the other officers of the court have other versions. Who brought forensic expert Noel Herold into the case? The record is replete with inconsistencies. This new evidence opens up a completely different view of what happened and why and given this new information discovery must be conducted to determine the extent of the fraud. The

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<sup>3</sup> Doc. 115, p. 4, last paragraph.

4<sup>th</sup> Circuit remands cases back when the record is incomplete to conserve the court's resources. As an example, In re Patriot's Point Assocs., the Fourth Circuit held:

“In the absence of a complete record, remand to the district court is the proper remedy to enable the appellate court to review the decision properly. In re Thompson, 788 F.2d 560 (9th Cir. 1986); Braniff Airways, Inc. v. Exxon Co., U.S.A., 814 F.2d 1030 (5th Cir. 1987). Accordingly, the Court remands this issue to the district court to make further findings of fact and set forth conclusions of law.”

**In re Patriot's Point Assocs., 1990 U.S. App. LEXIS 26964, \*27-28 (4th Cir. S.C. May 2, 1990)**

### **DISCUSSION**

Appellees, in their return, open by contending the Appellants first attempt to remand to complete the Court record Doc. #78 and the subject before the Court, Doc. #110, are duplicative attempts to delay and avoid the Court's briefing order. The Appellees falsely claim both motions contain the same arguments regarding National Security Issues and then in their return the Appellees “pick and choose” words and phrases out of context to avoid the very real and important issues first raised and/or clarified by the newly discovered evidence in Doc. # 110. These issues can only be addressed through remand and discovery so that a complete record can be developed of exactly what happened. Unfortunately, the Appellees seem to be afraid of the facts.

Appellants will now list “issues” the Appellees both raise and address by either employing misdirection or providing non-answers to the issue.

**APPELLEES' PREMISE AND APPELLANTS' RESPONSE**

**Appellees' claim:** *"They continue to argue that initials on Herold's report were forged despite the fact that Herold testified under examination at deposition by the Appellant's own lawyer that the report was his and contained his findings."*<sup>4</sup>

**Appellants' response:** ECF #753 clearly documents the forgery of Noel Herold's required handwritten confirmation on a Rule 26 expert's report. Noel Herold admitted in sworn testimony (ECF #401, p.34, lines 9-17) that:

"As a matter of fact, the report that you submitted, which is part of the package No. 23, it's called your report of the examination, Ms. Senn just referred to it. **Answer: Yes.** That report is not signed, and it actually wasn't sent to the judge, it was sent to SLED; is that not correct? **Answer: That's true.**

Appellees do not address any of the pertinent issues. Ignoring the fabricated postal receipts and continually changing statements on the record that need to be addressed.

**Appellees' claim:** *"He [Appellants' counsel] has repeatedly attacked the undersigned counsel for committing "extensive fraud on the court" without making the first showing of such conduct. (Dkt. #110-1, p.2 of 35). Yet, it is Appellants' counsel who has mischaracterized the very district court order that is at the heart*

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<sup>4</sup> Doc. #115, p.3, last two lines.

*of his alleged "conspiracy" and "fraud." The Appellants present Court Order #127 (entered December 10, 2004) as Exhibit "K" to this current motion and insists that Appellees' counsel "drafted" and "orchestrated the misuse" of that order which required the original videotapes from the two Horry County police vehicles to be delivered to the FBI for an analysis. (The undersigned counsel was not even involved in the case in 2004).<sup>5</sup>*

**Appellants' response:** The fact is that Judge Harwell himself characterized Court Order #127 as a "shepherding order," and Appellees Counsels, including Mr. Lindemann, put their agreement on the record on May 4, 2007 that Order # 127 was nothing more than a "shepherding order," issued only to make sure the police videotapes were transported to the Plaintiffs' forensic expert after the FBI and SLED were finished with their investigation and the order was nothing more than that. Judge Harwell maintained that SLED brought Noel Herold into the case as part of a criminal investigation that SLED was already conducting and that Court Order #127 had nothing to do with Noel Herold being brought into the case. The Appellees/Defendants' counsels, in unison with Judge Harwell at the May 4, 2007 hearing, agreed that the purpose of Court Order #127 was not to order an investigation

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<sup>5</sup> Doc. #115, p.3, footnote 1.

by the FBI. "**The Court:** *"You would agree with me that was not the intent? (Mr. Lindemann's Co- Counsel) **Mr. Saleeby:** Absolutely, Your Honor."6*

The Appellants did refer to evidence that indicated Mr. Lindemann's involvement in fraud on the court was committed not just on the District Court level but also at the 4<sup>th</sup> Circuit Appellate Court. Mr. Lindemann submitted to the 4<sup>th</sup> Circuit as evidence the examination report with the forged signature, a signature required for an Expert Witness Report under Rule 26 of the FRCP, to both the District Court and the 4<sup>th</sup> Circuit Court of Appeals. ECF #170 in South Carolina Federal District Court Case No. 4:02-cv-01859-RBH and the appeal of that motion to the 4<sup>th</sup> Circuit Court of Appeals in Case No. 05-1824. As a signatory to the Documents in both cases Mr. Lindemann was attesting to the validity of the submission. Mr. Lindemann, in that regard, appears to have a vested interest in Judge Harwell's refusal to hold a hearing on the documented forgery and alleged fraud on the court contained in ECF #753. Judge Harwell refused to review ECF #753 based on the untruthful and baseless claim he dismissed the forensic expert Durward Matheny from the case. This documentation of fraud was neglected to be mentioned by the counsel for the Appellees as shown herein. The conflicting views

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<sup>6</sup> See ECF #543, page 75, lines 17-19

of the facts represent another reason that this matter needs to be remanded so that a proper record of what happened can be developed.

Additionally, at no time has the undersigned ever suggested that the “heart of the conspiracy was Court Order #127”, nor did the undersigned suggest Mr. Lindemann was involved in the drafting of Court Order #127 as he was not part of the Appellees legal team when Appellees’ counsels drafted Court Order #127. These admonishments were apparently added by the Appellees to try to discredit the Appellants position of taking the high road.

**Appellees’ claim** *“The Appellants' counsel not only fails to advise this Court that Court Order #127 was a Consent Order that was actually signed and agreed to by the Appellants' own counsel at the time, Michael Goldberg, but counsel also fails to provide this Court with the entire order. Exhibit "K" includes only the first three pages of the Order and conveniently leaves off the signature pages for the attorneys -- including Mr. Goldberg -- which are prefaced with the words "we consent." The Court is urged to review the entirety of Court Order #127, which clearly demonstrates that it is as Judge Harwell described it, a consent order where the very bad acts complained of – the delivery of the videotapes to the FBI for an analysis and a report – were agreed to by the Appellants' own*

*lawyer. The Appellants cannot reasonably claim a fraud on the court when the court order and the procedures set forth therein were agreed to by all the parties.”<sup>7</sup>*

**Appellants’ response:** The Appellees statements here further show the need for the case to be remanded for discovery. On May 4, 2007, the Appellees and Judge Harwell claim Order # 127 was a “*shepherding order*,” to make sure the police video tapes got back to the Appellants forensic videotape expert after a criminal investigation was completed that was already underway. Now Mr. Lindemann and Judge Harwell is contending that Order #127 in fact ordered the FBI into the case to perform a criminal investigation. Appellants do not care if it was a Consent Order or not, Appellants need to know the purpose of the order which the record has alternative versions by Judge Harwell and the Appellees themselves.

There is no agreement on what Court Order #127’s purpose was. If it indeed was meant to Order the FBI into this private litigation then it was unconstitutional and unenforceable under the doctrine of separation of powers between the administration and the judicial. These changing stories by the Appellees do nothing more than point out to this Honorable Court the need for remand for discovery to find out what happened since the record is totally unclear as to what the Appellees now characterize as the “heart of the conspiracy.”

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<sup>7</sup> Ibid.

### ARGUMENT

Despite the Appellees claim Doc. # 110 is a duplicative motion it clearly is not. The Appellants are aware of the fact a remand is an extraordinary measure, but given the action of law enforcement tied to the Appellees and the fact the records have been tampered with by the Government Entities and this deals with the funding of terrorism the evidentiary value is obvious on its face. The belated appearance of this telltale document was through no fault of the Appellants. The Appellants were actively complying with the law in regard to dismantling a funding mechanism for al Qaeda. They reported their findings to the proper law enforcement agencies which took no remedial action. Now they are effectively punishing the Appellants for the Appellees own negligence which quite possibly if the case had been properly investigated instead of covered up it could have stopped the al Qaeda attacks against this country on September 11, 2001.

This document and others like it have been sought for more than a decade by every legal means possible by the Appellants. Now the document for whatever reason has come out. The Appellees just want to wish it away. However, the Appellants seek a remand on the other information supporting its arguments of withheld documents, including other SLED and Justice Department documents. This critical document recently leaked out. This warrants raising the matter through

discovery at the District Court. The Appellants had specifically sought this document because it would give the lower court the concrete proof that it demanded of the Appellees withholding material evidence. Moreover, since this appeal was delayed for years under the unjustified Doctrine of National Security and evidence was withheld from the Appellants under the wrongful application of the Doctrine of National Security, the Appellants have a right to see what they have been deprived of seeing by the respective agencies in which the majority of documents were wrongly claimed to be classified or non-existent to undermine the Appellants case and keep covered-up Appellants' knowledge of al Qaeda funding. The remand is further warranted when the serious questions of contempt, misrepresentation, or perjury are raised involving officers of the court and the Appellees' expert witnesses. Furthermore, in a private case not involving the United States Government the United States Government is paying for two forensic experts for the defendants, providing lawyers for those experts and concealing NCIC reports while submitting fabricated misleading reports to the Federal District Court, See Document 110-1.

On August 4, 2015, the United States Court of Appeals for the Fourth Circuit remanded the appeal of Ali Al-Timimi, the accused head of the so-called "Virginia Jihad" or "Virginia Paintball" case. **See Case No: 14-445, Doc.56-1.**

The remand was based on evidence that was discovered by the defense after

the appeal was filed. The Defendants had long argued that the government had withheld evidence in the case.

The case at bar is a mirror image of the case cited above as the recently discovered document shows the government had hidden the records showing SLED officials Mark Keel, and Captain David Caldwell had deliberately refused to comply with Court Order #109 (**Attached hereto as Exhibit "A"**) which required the police tapes and recording equipment be sent to the Appellants' forensic expert by October 6, 2004. The handwritten document details how Mark Keel and David Caldwell knew about Court Order #109 and disregarded it by sending the police recordings and camera equipment to the FBI on October 15, 2004. The subsequent detailed trail of fraud is laid out in Document 110-1 that involved both the Appellees' counsels and government officials. Discovery must be allowed to uncover the other documents as just one page of handwritten notes for seven years is not conceivable and the Appellants have a right to have full access.

### CONCLUSION

This newly discovered evidence is one document out of the many documents that has been concealed from the Appellants despite subpoenas and discovery requests. This Honorable Court must allow the record to be completed and true

discovery be conducted without the imposition of National Security to prevent the proper litigation of this case that does not involve National Security.

Not allowing the proper deposition of Rule 26 experts by invoking National Security and withholding information and documents under the same is not acceptable in this case and obviously is a part of the orchestrated fraud on the court. All the documents and notes need to be released and the Government agencies and personnel need to be removed from the shadows so that the Appellants can pursue justice as anticipated by the justice system this country was founded on. It all starts with remanding the case back so that proper discovery can be conducted under an independent District Judge and the rest of the documents hidden by the government agencies in conjunction with Appellees' counsels for over a decade must be discovered so proper and fair litigation can be conducted.

By:

s/Michael G. Sribnick, M.D., J.D.  
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Fax: (843) 789-3504,  
Email: michael.g.sribnickmdjllc@gmail.com

**CERTIFICATE OF SERVICE**

I, Michael Sribnick, MD, JD do hereby certify that the foregoing **APPELLANTS CORRECTED REPLY TO DOCUMENT NO: 115**, This day September 17, 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  
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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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 ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
Florence Division

**FILED**

SEP 7 2004

LARRY W. PROPPS, CLERK  
FLORENCE, SC

ENTERED  
9-8-04

SOUTHERN HOLDINGS, INC.; )  
JAMES SPENCER; RODNEY KEITH )  
LAIL; IRENE SANTACROCE; RICKY )  
STEPHENS; MARGUERITE )  
STEPHENS; DORIS HOLT; and )  
NICHOLAS C. WILLIAMSON, )

Plaintiffs, )

CIVIL ACTION NO. 402185912

vs. )

HORRY COUNTY, SOUTH )  
CAROLINA; HORRY COUNTY )  
SHERIFF'S DEPARTMENT; HORRY )  
COUNTY POLICE DEPARTMENT; )  
JAMES ALBERT ALLEN, Jr., )  
Individually and in his official capacity )  
as an officer with the Horry County )  
Sheriff's Department; SIDNEY RICK )  
THOMPSON, Individually and in his )  
official capacity as an officer with the )  
Horry County Sheriff's Department; )  
JEFFREY S. CALDWELL, Individually )  
and in his official capacity as an officer )  
with the Horry County Sheriff's )  
Department; CHARLES McCLENDON, )  
Individually and in his official capacity )  
as an officer with the Horry County )  
Police Department; JAY BRANTLEY, )  
Individually and in his official capacity )  
as an officer with the Horry County )  
Police Department; ANDY )  
CHRISTENSEN, Individually and in his )  
official capacity as an officer with the )  
Horry County Police Department; )  
MICHAEL STEVEN HARTNESS; )  
HAROLD STEVEN HARTNESS; )  
ANCIL B. GARVIN, III; DAVID )  
SMITH; and JOHN DOES, )

Defendants. )

**EXHIBIT "A"**

402185912-34  
SEP 10 2004

*RBH*  
#1

**CONSENT ORDER**

WHEREAS, on August 18, 2004, the Court conducted a hearing on plaintiffs' motion to compel production of original videotapes and entered an Order granting plaintiffs' motion with certain guidelines necessary to protect the rights of defendants; and

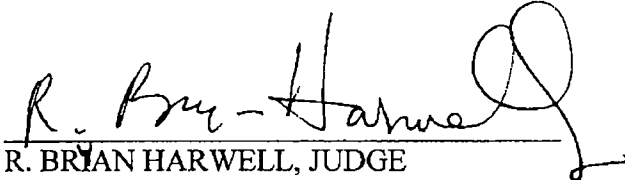
WHEREAS, counsel for plaintiffs and defendants stated that they would prepare an Order outlining the production of the videotapes;

It is hereby Ordered and Adjudged that the original videotapes from Officer Brantley and Officer McClendon's vehicles and the video equipment used to record the videotapes from the officers vehicles will be produced to plaintiffs' expert Steve Cain at 638 W. Main Street, Lake Geneva, Wisconsin 53147, within the next thirty (30) days under the following circumstances:

1. Plaintiffs will pay for the airfare of a representative of defendant Horry County to attend the testing of the videotapes and equipment at a prearranged date within the next thirty (30) days;
2. Plaintiffs will pay for any costs associated with the shipment of the videotapes and equipment to defendant's facility;
3. If a representative of defendant Horry County is to attend the testing, the representative will bring with him the original videotapes and recording equipment, and will bring the same back to defendant's facility after the testing is completed;
4. Otherwise, defendant Horry County is required to ship the original videotapes and equipment to plaintiffs' expert's facility under the packaging conditions provided by the plaintiffs. The plaintiffs shall be responsible for the cost of the shipping;

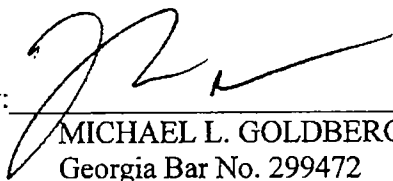
*RAH*  
*#2*

5. Plaintiffs agree to be responsible for the safe keeping of the original videotapes and equipment until they are returned to defendant's facility;
6. The production and inspection of the videotapes shall be completed within thirty (30) days from the date of this Order;
7. Defendants shall have the opportunity to depose plaintiffs' expert within thirty (30) days of completion of the inspection;
8. Plaintiffs' expert must provide a report to defendants prior to the taking of his deposition.

  
R. BRIAN HARWELL, JUDGE

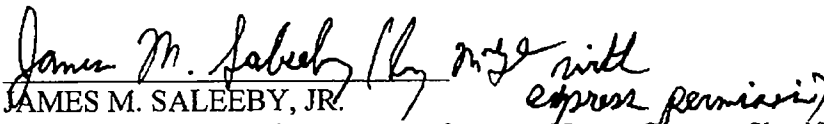
Consented to:

STRAWINSKI & GOLDBERG

By:   
MICHAEL L. GOLDBERG  
Georgia Bar No. 299472  
Attorneys for Plaintiffs

3423 Piedmont Road, Suite 510  
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By:   
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Attorneys for Defendants Horry County, Horry County Sheriff's Department, Horry County Police Department, James Albert Allen, Jr., Sidney Rick Thompson, Jeffrey S. Caldwell, Charles McClendon, Jay Brantley, and Andy Christensen

P. O. Drawer 1931  
Florence, South Carolina 29503

RAA  
#3

AIKEN, BRIDGES, NUNN, ELLIOTT & TYLER, P.A.

By: E. Glenn Elliott (by MJE with copy power)  
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By: David N. Smith (by MJE with copy power)  
David N. Smith, Pro Se

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RAH  
#4

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the foregoing CONSENT ORDER , by depositing same in the United States Mail in a properly-addressed envelope with adequate postage thereon to:

James M. Saleeby, Jr., Esq.  
Robert E. Lee, Esq.  
Aiken, Bridges, Nunn, Elliott & Tyler, P.A.  
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Florence, South Carolina 29503

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SEP 18 2015  
SC Court of Appeals

Counsel for Defendants Horry County, Horry County Sheriff's Department, Horry County Police Department, James Albert Allen, Jr., Sidney Rick Thompson, Jeffrey S. Caldwell, Charles McClendon, Jay Brantley, and Andy Christensen


E. Glenn Elliott, Esq.  
Aiken, Bridges, Nunn, Elliott & Tyler, P.A.  
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Greensboro North Carolina 27410

Ancil Garvin, Pro Se  
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Surfside, South Carolina 29575

This 3<sup>rd</sup> day of September, 2004.

  
MICHAEL L. GOLDBERG

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

SEP 18 2015

SC Court of Appeals

---

Appeal from Richland County  
Doyet A. Early III, Circuit Court Judge  
Case No. 2008-CP-40-6656  
Appellate Case No. 2014-002029

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John R. Rakowsky, Respondent,

v.

Law Offices of Adrian L. Falgione, LLC,  
James Spencer, Estate of Doris Holt, Nick Williamson  
On behalf of RSC, Irene Santacroce, Rodney Keith Lail,  
Marguerite Stephens, Ricky Stephens, Michael Hartness,  
Horry County, SC, Eugene Chewning and Glenn W.  
Harrison, Defendants.

Of whom:

Irene Santacroce, Rodney Keith Lail and Estate  
Of Doris Holt are, Appellants.

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**CERTIFICATE OF SERVICE**

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I, Lynn Gregory, an employee with the Ballard & Watson, Attorneys at Law, do hereby certify that on September 17, 2015, I served a copy of **Exhibit G to the Return in Opposition to Joint Motion to Extend Time due to Newly Discovered Evidence** in the above-captioned case on the following individuals by United States Mail, with sufficient first-class postage affixed, addressed as follows:

Michael Sribnick, MD, Esquire  
3 Kenilworth Avenue  
Charleston, South Carolina 29403

James Spencer  
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P.O. Box 183  
Columbia, South Carolina 29212

  
Lynn Gregory, Project Assistant

September 17, 2015  
West Columbia, South Carolina



**Ballard & Watson**  
Attorneys at Law  
PERSISTENT. UNWAVERING.

Desa Ballard  
Harvey M. Watson III

September 17, 2015

Post Office Box 6338 | West Columbia, SC 29171  
226 State Street | West Columbia, SC 29169  
ph 803.796.9299 | fx 803.796.1066 | [desaballard.com](http://desaballard.com)

Via U.S. Mail

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RECEIVED  
SEP 18 2015  
SC Court of Appeals

Re: *John Rakowsky vs. Adrian Falgione, et al.*  
Appellate Case No.: 2014-002029

Dear Ms. Kitchings:

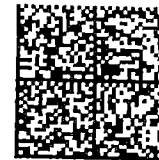
Enclosed for filing with your office, please find the original and seven (7) copies of Exhibit **G to the Return in Opposition to Joint Motion to Extend Time due to Newly Discovered Evidence** which was filed on September 4, 2015 in the above-referenced matter. This additional exhibit was filed with the Fourth Circuit Court of Appeals today. I would appreciate you submitting this additional exhibit to the Court along with the motion and return for the Court's consideration. Please have your office file the original and return the stamped filed copy via our self-addressed, stamped envelope that is provided.

By copy of this letter, I am serving the same upon the *pro se* Defendant and Mr. Sribnick. If you have any questions please do not hesitate to call. With warm personal regards, I am,

Sincerely yours,

*Beth Cogan*  
Beth Cogan, Paralegal

cc: (all via U.S. mail)  
Michael Sribnick, Esquire  
James Spencer  
John Rakowsky, Esquire (via Email)



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