

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SEP 29 2015

APPEAL FROM LEXINGTON COUNTY SC Court of Appeals
Court of Common Pleas

Frank R. Addy, Jr. Circuit Court Judge

APPELLATE CASE NO. 2014-000091

John R. Rakowsky, Respondent
Adrian Falgione, Respondent

v.

James Spencer, Appellant

**REPLY TO RETURN TO APPELLANT'S
MOTION FOR SANCTIONS**

Appellant James Spencer, *Pro Se*, (“Appellant”) submits this reply to return (“Return”) from Respondent Adrian L. Falgione, Esquire (“Respondent”) to Appellant’s Motion for Sanctions.

In the return, the Respondent, through his counsel Benjamin Bruner, resorts primarily to personal attacks on Appellant rather than reasoned argument. However,

the Appellant will not respond in kind nor address the personal attacks. Appellant will simply present the facts and this Honorable Court will easily see through the Respondent's superficial arguments and personal attacks.

RELEVANT BACKGROUND

- The complaint was filed on August 15, 2011 with the Richland County Clerk of Court.
- On January 25, 2012, Respondent through Mr. Bruner moved to have the complaint dismissed based on "Insufficient Service of Process" pursuant to Rule 12(b)(5) SCRPC.

As a basis for the dismissal, Respondent claimed he was improperly served through a part time legal assistant at Respondent's law office who did not have the authority to receive the summons and complaint. (See **Attachment "A" attached hereto.**)

- Since the date the complaint was filed Respondent's counsel has served approximately one hundred items on Appellant and the only item that was "purportedly" served via hand delivery (the "unique delivery") by Respondent is the one in question on December 13, 2013. This "unique delivery"¹ method

¹ Except in this one instance, Respondent's counsel has exclusively executed service through the US Mail under Rule 262 of the SCACR, which makes this service a "unique delivery" in this specific case.

in this case was employed as part of an attempt to have the Appeal dismissed by Respondent's counsel for "Appellant's purported untimely service of Respondent" by two days.

- In the motion to dismiss, Respondents' counsel submitted an affidavit with attachments that clearly stated that he served Appellant in accordance with Rule 5, SCRCP, which can only be interpreted as meaning that he had the Appellant personally served in order for Rule 5 to be applicable; there simply is no other possible interpretation of the statement under Rule 5 given the circumstances. **(See Respondent's Exhibit "A" attached hereto as Attachment "B").**
- In his Return to Appellant's motion for Sanctions based on the perjured affidavit of Respondent's counsel, Respondent now claims his courier served an unknown individual at the location of the Appellant's UPS box and that the courier did not personally serve the Appellant.²
- This further makes Respondent's service unique in that instead of placing the documents in the U.S. mail addressed to the UPS postal box of Appellant, Respondent **now claims** to have used a courier to hand deliver it to a UPS

² The lay Appellant equates this situation to the tar baby struggling in the tar, and the more Respondent struggles by continuing to add more untruths the more entangled Respondent gets.

postal box. This not only violates Title 39 of the Code of Federal Regulations³ (See Attachment "C"), it also fails to meet the standards for proper service contained in SCRAP Rule 262. The courier stated in his affidavit that he left the documents with an individual "*who appeared to be a store employee*".⁴

Attachment "C" is a sworn affidavit by the owner/operator of the UPS store to whom the courier claimed he made the delivery. This affidavit documents that after interviewing his employees who were at the store on December 13, 2013, no employee of the UPS store received any such document from the Respondent. Furthermore, the owner/operator acknowledges that it is his understanding that it would be against the law for anyone to introduce any such document into the UPS store for delivery. He further states that all his employees have been trained to refuse any such attempt.

³ "The mailbox restriction deters acceptance by a private mailbox provider, commercial mail receiving agency (CMRA), to United States Postal Mail, UPS deliveries, Federal Express deliveries, DHL deliveries, and commercially licensed shipment companies. Placement of such materials is allowed because (1) the Postal Inspection Service currently has authority under other laws to investigate violations involving items delivered to mailboxes and is aided by the mailbox restriction, which limits access to mailboxes to the Postal Service the CMRA provider and the postal customer and (2) the mailbox restriction essentially makes a suspect of anyone opening a mailbox other than the Postal Service, the CMRA provider and the postal customer." Under United States Postal Regulation DMM 508, except as noted above, the CMRA provider under Rule 4.3.2 Mail Only, "Only mail and official USPS notices may be placed into a PO box."

⁴ See Attachment "D" line 8 from Exhibit A of Respondent's return, Affidavit of Charles Edgar.
Page 4 of 11

- Respondent's counsel should have known that this was not proper service in the best-case scenario and should have never untruthfully claimed proper service in his motion and once again maintained the untruthful claim in his Return that proper service was executed under Rule 5, SCRCP.

DISCUSSION

The Respondent's counsel was clearly taken by surprise when it turned out the problematic hand delivery he claimed he served on Appellant, a claim supported by Respondent's counsel's affidavit and a bogus letter written by Respondent's counsel, was to a UPS address.

Respondent in his return in order to attempt to remedy his claim that service was made directly to Appellant produced an affidavit with his Return by Charles Edgar, which, taken in the best light, documents service was not made as required under the Rules.

Rule 262 (b) states:

“Whenever under these Rules service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney unless service upon the party himself is ordered by the appellate court. Service upon the attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address or, if no address is known, by leaving it with the clerk of court. Delivery of a copy within this Rule means: handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there be no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no

office, leaving a copy at his dwelling place usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing.”

Rule 5, SCRPC states:

“Whenever under these rules service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney unless service upon the party himself is ordered by the court. Service upon the attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address or, if no address is known, by leaving it with the clerk of court. Delivery of a copy within this rule means: handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there be no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving a copy at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing of all pleadings and papers subsequent to service of the original summons and complaint.”

There is no way the Respondent can twist his new version of service in the Return into acceptable service under the applicable Rules cited above.

Respondent and Respondents’ counsels attorneys are experienced South Carolina licensed attorneys with over sixty years of experience among them. They clearly knew or should have known that any such service described in the new affidavit was improper.

In an apparent attempt to avoid sanctions and the perception of being untruthful in sworn affidavits to this Honorable Court (committing fraud upon the court) Respondent chose to respond in his Return with an affidavit from an

individual claiming to be the courier.

However, as shown above, this affidavit documents service would not have been acceptable under the Rules and that they both violated federal law and failed to comply with **Rule 262** SCRAP and **Rule 5** SCRPC, regarding service if the version of the story in the Return has merit. Respondent's twenty-five page Return accomplishes nothing to change the fact that Respondent knew that there was no proper service⁵ and, therefore the Respondent's motion is still based on fraud and, is a violation of *Rule 269 of the South Carolina Rules of Appellate Procedure*.

Regarding Rule 262

SCACR Rule 262 (a)(2) states, "The date of filing shall be the date of delivery or the *date of mailing*." The "*date of the mailing*" is not established by the manually adjustable date on the postal meter but by the United States Post Office stamp, which is considered an unassailable third party confirmation of the true *date of mailing*.

Respondent, however, goes so far as to question the date of the mailing stamp by the United States Post Office, which is on the South Carolina Court of Appeals website. The Respondent states,

"the stamp [US Postal Stamp which indicates the true mailing date] if it is the work of the U.S. Postal Service at all, (emphasis added) must

⁵ Respondent's argument of improper service made earlier in this litigation, which is contrary to Respondent's argument of service in his Return, is presented in **Attachment "A"**.

have been placed on the envelope at some later time and, therefore, is no reflection of the date the document was deposited into the U.S. Mail.”

The United States Government requires all tax returns to be dated by midnight on April 15 by the postal stamp each year as proof of “*the date of mailing*”. There is no plot to change the dates of when a letter was mailed so one can safely assume the date stamp by the post office is the legally defined “*date of mailing*” irrespective of the suggestion of a postal dating conspiracy by the Respondent regarding the date.

Further, the Respondent himself cites and attaches as an exhibit a U.S postal stamped envelope to establish a “*date of mailing*” of January 15, 2014 as part of his argument to deny Appellant’s motion. (See Attachment “E”).

Appellant asserts the only reason to claim a hand delivery instead of mailing the service was to circumvent the affixing of the “*date of mailing*” by the US postal service as part of the act of fraud. No other possible explanation has merit.

Regarding Pattern of use of Perjured Affidavits

In Appellant’s Motion for Sanctions Appellant presented an affidavit as part of Attachment “D”. Attachment D consisted of a sworn affidavit dated July 19, 2012 by Respondent and documented evidence clearly indicating that Respondent’s affidavit was untruthful. This documented evidence of the prior

fraud was presented for the first time before this court. The Motion for sanctions before this court is the first time sanctions were sought for such actions.

In his Return Respondent wrongfully stated that physical evidence documenting this perjured affidavit by Respondent was previously presented to the court. It had not been and Respondent knew or should have known this when he filed his Return to the Motion for Sanctions and wrongfully claimed it had been.

CONCLUSION

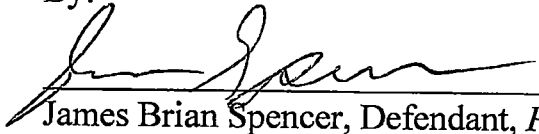
Respondents twenty-five page Return clearly and concisely is refuted by the above. Appellant reluctantly submitted the motion for Sanctions as a final resort to bring the SCRAP and the South Carolina Rules of Professional Ethics into the litigation. The Respondent continues to disrespect this Honorable Court, the SCRAP, and the South Carolina Rules of Ethics as demonstrated by the content of his Return.

THEREFORE, in accordance with Rule 269 of the South Carolina Rules of Appellate Procedure, Appellant humbly requests the sanctions sought be granted.

SIGNATURE ON FOLLOWING PAGE

Respectfully submitted this 29th day of September, 2015,

By:

A handwritten signature in black ink, appearing to read "James Spencer", written over a horizontal line.

James Brian Spencer, Defendant, *Pro Se*

Box 183

7001 Saint Andrews Road

Columbia, SC 29212

SCRCP (summons and complaint must be filed, and then served). By rule, the deadline for service was December 13, 2011. Thus, the Plaintiffs failed to timely serve the summons and complaint, and this action should be dismissed with prejudice.

IV. Insufficient Service of Process

Finally, the complaint should be dismissed because the Plaintiffs have not yet properly served the Summons and Complaint. Instead, the Plaintiffs attempted to serve Falgione and the Law Firm by delivering a copy of the Summons and Complaint to a temporary employee, who had no authority—actual, implied, or apparent—to accept service of process. In a recent decision, the Supreme Court of South Carolina recognized,

The class of persons authorized to sign on behalf of defendants is narrow: “Actual appointment for the specific purpose of receiving process normally is expected and the mere fact a person may be considered to act as defendant’s agent for some purpose does not necessarily mean that the person has authority to receive process.” Service on an employee is effective when the employee has apparent authority to receive it on behalf of the employer.

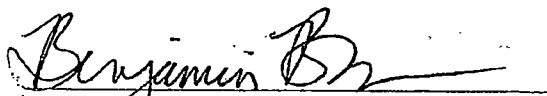
Graham Law Firm, P.A. v. Makawi, Op. No. 27086, 2012 WL 130671 (S.C. Jan. 17, 2012) (quoting Moore v. Simpson, 322 S.C. 518, 473 S.E.2d 64 (Ct.App.1996)). The Makawi court relied in part on Roberson v. S. Fin. of S. C., Inc., 365 S.C. 6, 615 S.E.2d 112 (2005), a case in which the plaintiff attempted service by certified mail. In Roberson, a clerical employee of the defendant signed the return receipt, and the defendant failed to answer and the trial court entered a default judgment. 365 S.C. at 8-9, 615 S.E.2d at 114. The defendant/employer moved to set aside the judgment under Rule 60(b), but the court denied the motion. 365 S.C. at 9, 615 S.E.2d at 114. On appeal, the Court noted that the employee testified she was never authorized to accept service of process. Id. (“[A]n agent has no implied authority unless she herself believed she had such authority.”). Reversing the trial court, the Supreme Court held there was no evidence on the record that the defendant/employer had manifested that the employee was its

agent for service of process, nor was there any evidence that the employee had actual or implied authority to act as the defendant's registered agent. 365 S.C. at 11, 615 S.E.2d at 115.

Similarly in this case, there is no evidence that Julie Owens, the temporary clerical employee who received the Summons and Complaint, was authorized to accept service of process for either Falgione or his law firm. To the contrary, the Affidavits of record demonstrate that Ms. Owens never had authority to accept service of process. Therefore, the Plaintiffs have failed to properly serve the Falgione Defendants in accordance with the South Carolina Rules of Civil Procedure, and the Complaint should be dismissed pursuant to Rule 12(b)(5), SCRCPP.

V. Conclusion

Based upon these several grounds, the Falgione Defendants seek dismissal of the claims against them. Not only have the Plaintiffs failed to file the required expert affidavit, they also failed to commence their action within three years of the May 9, 2007, hearing, at which they watched their case being settled without their consent. Furthermore, dismissal is appropriate because the Plaintiffs' failed to timely and properly serve the summons and complaint pursuant to the South Carolina Rules of Civil Procedure. Although the Plaintiffs are appearing in this action *pro se*, these Rules and statutes still apply with full force.



Warren C. Powell, Jr.
Benjamin C. Bruner
Bruner, Powell, Wall & Mullins, LLC
P.O. Box 61110
Columbia, SC 29260
803-252-7693
*Attorneys for Adrian L. Falgione and The Law
Offices of Adrian L. Falgione, LLC*

January 25, 2012
Columbia, South Carolina

BRUNER, POWELL, WALL & MULLINS, LLC **Attachment "B"**

ATTORNEYS AND COUNSELORS AT LAW
1735 ST. JULIAN PLACE, SUITE 200
POST OFFICE BOX 61110

COLUMBIA, SOUTH CAROLINA 29260-1110
TELEPHONE 803-252-7693
FAX 803-753-0060
WWW.BRUNERPOWELL.COM

JAMES L. BRUNER, P.A.
WARREN C. POWELL, JR., P.A.*
HENRY P. WALL
E. WADE MULLINS, III, P.A.
BRIAN P. ROBINSON, P.A.

WESLEY D. PEEL, P.A.
JOEY R. FLOYD, P.A.
WILLIAM D. BRITT, JR., P.A.

BENJAMIN C. BRUNER
MATTHEW H. STABLER

* Also Admitted in District of Columbia

AUTHOR'S E-MAIL: BBRUNER@brunerpowell.com

December 13, 2013

VIA HAND DELVIERY

James B. Spencer
7001 St. Andrews Road, Suite 183
Columbia, South Carolina 29212

RE: *James Spencer, individually and on behalf of the Estate of Doris Holt and on behalf of Southern Holdings, Inc. vs. John R. Rakowsky; Adrian L. Falgione; and The Law Offices of Adrian Falgione, LLC*
Civil Action No.: 2012-CP-32-03428
BPWM File No.: 3-1742-108

Mr. Spencer:

Please find enclosed a copy of the Court's Order denying the Rule 59 Motion you filed in this action, hereby hand-delivered to you pursuant to Rule 5, SCRPC.

Sincerely,



Benjamin C. Bruner

BCB/gh

/Enclosure

cc: Amanda K. Dudgeon, Esquire (via e-mail only)

RECEIVED

APR 14 2014

SC Court of Appeals

EXHIBIT A

bcc: Adrian L. Falgione, Esquire (via e-mail only)
Kara Honerbaum, J.D. (via e-mail only: Claim No. 23192)

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas**

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

APPELLATE CASE NO.: 2014-000091

**John R. Rakowsky, Respondent
Adrian Falgione, Respondent**

v.

James Spencer, Appellant

AFFIDAVIT OF MARK TOLLEY

PERSONALLY APPEARED BEFORE ME, Mark Tolley, who
being duly sworn, deposes and says as follows:

1. I am of sound mind and competent to testify.
2. I am over eighteen years of age.
3. I have been managing owner of commercial mail-operating

agencies (CMRAs) for over ten years,

4. CMRA procedures are regulated by the United States Post Office under Title 39 of the Code of Federal Regulations.

5. I am currently owner operator of the UPS store, a CMRA, at
★ 7001 Saint Andrews Road, Columbia, South Carolina, 29212.

6. I was owner operator of the UPS store at 7001 Saint Andrews Road, Columbia, South Carolina during the month of December 2013.

7. I trained all personnel who work for me to follow the rules as
★ set out by the US Postal Service and store policy.

8. I have rented the postal box identified as 183 to the individual
★ known as James Spencer for years.

9. Federal Postal Regulations restrict what can be accepted by
★ CMRA's rented boxes to United States Postal mail, UPS deliveries, Federal Express deliveries, DHL deliveries or deliveries by commercially licensed shipping companies.

10. I have read Exhibit "A" and point two of Exhibit "I" the sworn affidavit of Benjamin Bruner. **(Both attached hereto).**

11. Mr. Bruner claims in point two of Exhibit "I" and in Exhibit

★

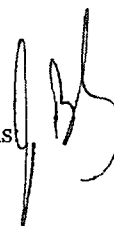
"A", a runner personally hand-delivered a document to James Spencer at 7001 Saint Andrews Road, Suite 183, Columbia, South Carolina, on December 13, 2013.

12. That is not possible, as this address is to my CMRA and it is not the residence of James Spencer.

13. I have interviewed each member of my staff that was working on December 13, 2013 and not one individual was approached to accept any hand delivered correspondence or item to be placed into our facility for delivery to James Spencer on that date nor any other date to their knowledge.

14. Based upon my personal inquiries with all personnel that worked at the facility in question on that date no such document was delivered to, or through my facility.

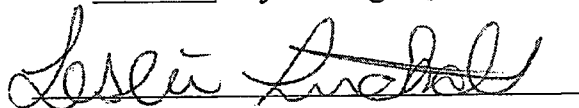
15. The postal boxes are not accessible to the public and are kept under lock and key.

Handwritten initials, possibly "JB", written in black ink.

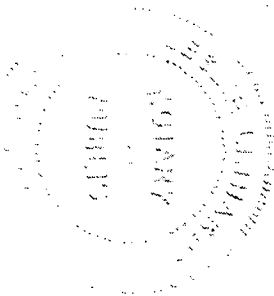
FURTHER AFFIANT SAYETH NOT.


MARK TOLLEY

Sworn and subscribed to before me
this 19th day of August, 2014


Notary Public for South Carolina

My Commission expires on: Sep. 21st 2019



THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

The Honorable Frank R. Addy, Jr.

Case No.: 2014-00091

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.

AFFIDAVIT OF COUNSEL

PERSONALLY APPEARED BEFORE ME, Wesley D. Peel, who being duly sworn, deposes
and says as follows:

1. I am the attorney for Respondent Adrian Falgione.

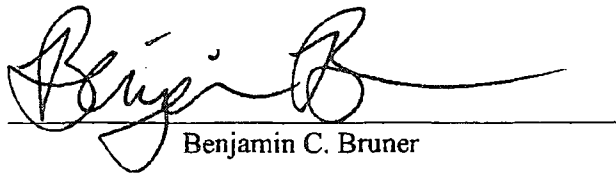
2. On December 13, 2013, I had a runner hand-deliver a copy of the Circuit Court's
order denying the Appellant's Rule 59 Motion to the Appellant at his address: 7001 Saint
Andrews Road, Suite 183, Columbia, South Carolina 29212. A true and accurate copy of that
letter is attached as **Exhibit A**.

3. The document attached as **Exhibit B** is a true and accurate copy of the envelope I
received from Mr. Spencer containing the notice of appeal he filed in this matter.

4. During a hearing before the Circuit Court in this matter, the Court denied the Appellant's motion to proceed *in forma pauperis*. The document attached as **Exhibit D** is a true and accurate copy of Page 63 of the transcript from that hearing with the relevant portion highlighted.

5. I am aware of no court order granting the Appellant in forma pauperis status, either in Lexington County or in any of the other courts where the Appellant has filed a lawsuit.

FURTHER AFFIANT SAYETH NOT.


Benjamin C. Bruner

SWORN TO ME this

11th Day of April, 2014



Notary Public for South Carolina

My Commission Expires: 5-27-2018

BRUNER, POWELL, WALL & MULLINS, LLC

ATTORNEYS AND COUNSELORS AT LAW
1735 ST. JULIAN PLACE, SUITE 200

POST OFFICE BOX 61110
COLUMBIA, SOUTH CAROLINA 29260-1110
TELEPHONE 803-252-7693
FAX 803-753-0060
WWW.BRUNERPOWELL.COM

JAMES L. BRUNER, P.A.
WARREN C. POWELL, JR., P.A.*
HENRY P. WALL
E. WADE MULLINS, III, P.A.
BRIAN P. ROBINSON, P.A.

WESLEY D. PEEL, P.A.
JOEY R. FLOYD, P.A.
WILLIAM D. BRITT, JR., P.A.

BENJAMIN C. BRUNER
MATTHEW H. STABLER

* Also Admitted in District of Columbia

AUTHOR'S E-MAIL: BBRUNER@brunerpowell.com

December 13, 2013

VIA HAND DELVIERY

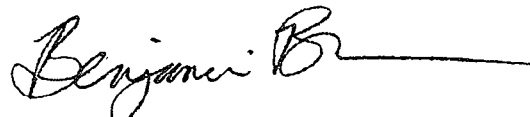
James B. Spencer
7001 St. Andrews Road, Suite 183
Columbia, South Carolina 29212

RE: *James Spencer, individually and on behalf of the Estate of Doris Holt and on behalf of Southern Holdings, Inc. vs. John R. Rakowsky; Adrian L. Falgione; and The Law Offices of Adrian Falgione, LLC*
Civil Action No.: 2012-CP-32-03428
BPWM File No.: 3-1742-108

Mr. Spencer:

Please find enclosed a copy of the Court's Order denying the Rule 59 Motion you filed in this action, hereby hand-delivered to you pursuant to Rule 5, SCRCP.

Sincerely,



Benjamin C. Bruner

BCB/gh

/Enclosure

cc: Amanda K. Dudgeon, Esquire (via e-mail only)

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APR 14 2014

SC Court of Appeals

EXHIBIT A

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE LEXINGTON COUNTY
Court Of Common Pleas

Frank R. Addy, Circuit Court Judge

APPELLATE CASE NO.: 2014-000091

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.

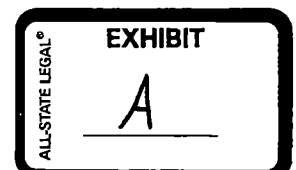
John R. Rakowsky, Adrian L. Falgione, and The Law Offices of
Adrian Falgione, LLC, Defendants,

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

AFFIDAVIT OF CHARLES EDGAR

PERSONALLY APPEARED BEFORE ME, Charles Edgar, who being duly
sworn, deposes and says as follows:

1. I am over 18 years old.
2. I have personal knowledge of the facts stated herein, except for those set
forth upon information and belief.
3. I am currently a youth minister at a church.
4. Prior to my current job, I was a runner at Bruner, Powell, Wall & Mullins,
LLC.
5. On December 13, 2013, I was handed a letter and was asked to deliver the



letter to 7001 Saint Andrews Road, Suite 183, Columbia, South Carolina.

6. I drove to that address with the letter.

7. Upon arriving at the address, I learned that the address was for a UPS Store.

8. I entered the store and asked a man who appeared to be a store employee about the address on the envelope. I showed the employee the envelope with Mr. Spencer's name on it and asked whether Mr. Spencer had a box at that store.

9. The employee informed me that it was the store's policy not to provide any information about who rented or used the boxes.

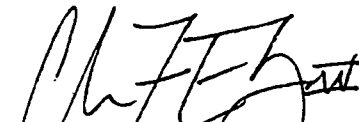
10. I informed the employee that I was a runner for a law firm and had a letter to deliver.

11. The employee repeated the store's policy but then told me to leave the letter there and made it clear to me that he would see that Mr. Spencer received the letter.

12. Based upon the employee's representations to me, I left the letter with the employee at the store.

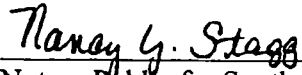
13. If I had not believed the employee would see that Mr. Spencer received the letter, I would not have left it at the store and instead would have returned to the office with it.

FURTHER AFFIANT SAYETH NOT.



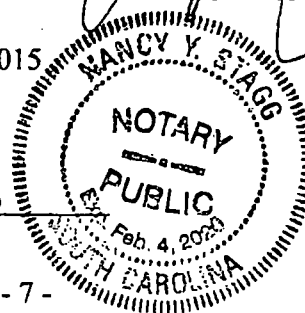
Charles Edgar

SWORN TO ME this 27th day of August, 2015



Notary Public for South Carolina

My Commission Expires: 2/4/2020



ATTACHMENT "E"

Box 183
7001 Saint Andrews Road
Columbia, SC 29212

EXHIBIT C

COLUMBIA SC 290

15 JAN 2014 PM 1 L



Bruner, Powell, Wall & Mullins, LLC
1735 Saint Julian Place
Suite 200
PO Box 61110
Columbia, SC 29260-110

2926011010



RECEIVED

SEP 29 2015

SC Court of Appeals

PROFF OF SERVICE

The undersigned hereby certifies that on , the document described below, was(were) served on all parties of record in this case by mailing a copy, by US mail and/or delivery by courier on this date September 29, 2015.

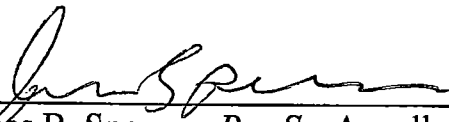
Documents served: **REPLY TO RETURN TO APPELLANT'S**
MOTION TO STRIKE

Parties Served:

Benjamin C. Bruner
Bruner, Powel, Wall & Mullins, LLC
1735 St. Julian Place, Suite 200
Post Office Box 61110
Columbia, South Carolina 29260-1110

David W. Overstreet
Carlock, Copeland & Stair, LLP
40 Calhoun Street, Suite 400
Charleston, South Carolina 29401
Attorneys for John Rakowsky

By:


James B. Spencer, *Pro Se*, Appellant
Box 183
7001 Saint Andrews Road
Columbia, SC 29212
(803) 414-0889