

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

RECEIVED
NOV 03 2015
SC Court of Appeals

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.

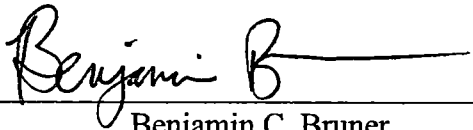
AFFIDAVIT OF COUNSEL

PERSONALLY APPEARED BEFORE ME, Benjamin C. Bruner, 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 represent Respondent Adrian L. Falgione in this appeal.
4. I have reviewed my file to confirm the facts set forth below.
5. As of 9:57 A.M. on November 3, 2015, I have not been served with a copy of the record on appeal in this appeal.

6. I am informed and believe the record on appeal has not been served on anyone in my office.

FURTHER AFFIANT SAYETH NOT.



Benjamin C. Bruner

SWORN TO ME this 3rd day of November, 2015



Notary Public for South Carolina

My Commission Expires: 5-27-2018

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PROOF OF SERVICE

I, Bridget Steele, an employee of Bruner, Powell, Wall & Mullins, LLC, attorneys for Respondent Adrian L. Falgione, certify that I served a copy of the attached *Motion to Dismiss* and *Affidavit of Counsel* by depositing a copy of it in the U.S. Mail, postage prepaid, on November 3, 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.

November 3, 2015


Bridget Steele