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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Frank R. Addy, Jr. Circuit Court Judge

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APPELLATE CASE NO. **2014-000091**

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John R. Rakowsky, Respondent  
Adrian Falgione, Respondent

v.

James Spencer, Appellant

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**CROSS MOTION FOR EXTENSION OF TIME  
TO AMEND AND FILE RECORD ON APPEAL IN  
RESPONSE TO MOTIONS TO DISMISS**

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**CROSS MOTION FOR EXTENSION OF TIME**  
**TO AMEND AND FILE RECORD ON APPEAL**

Appellant James Spencer, *Pro Se*, (hereinafter “Appellant”) moves this court under Rule 240 of the South Carolina Rules of Appellate Procedure (SCRAP) for an extension of fifteen (15) days to amend the documentation listed to be included in the record on appeal and file the record on appeal. The requested extension would apply up to and including November 28, 2015. This is in response to Respondents Rule 260 (SCRAP) filings.

**DISCUSSION**

In assembling the documentation for the record on appeal, the Appellant has discovered key documents that are missing from the files of the clerk of court that were a basis for Judge Addy’s rulings that are being appealed. The lay Appellant understood that the documentation was present and should have been present in the Lexington County Clerk of Court files, as he never has had access to see the documents. It is not and the cited documents are nowhere to be found.

This unexpected circumstance has necessitated an amendment to the record on appeal by the Appellant. Appellant will be able to provide the amendment and documents for the record on appeal with this short extension. The missing documents are an integral part of the appeal and the Appellant has been using every legal means possible to obtain the documents cited by Judge Addy in his decision.

**Medical Condition:**

The Appellant’s medical condition continues to deteriorate as Appellant is

now dealing with renal disease. Appellant's involvement in several cases before the court and the numerous filings required severely taxes the lay disabled Appellant. The Respondent's tactic of filing motions to dismiss based on service by courier that never happened saps the strength of this Appellant in responding to such filings. Further trying to deal with missing documents at the same time and with the burden of no legal training puts extra stress on the Appellant.

### SUMMATION

This short extension does not prejudice the Respondents and the documents that are missing are absolutely essential to this appeal.

- The missing records are integral parts of this case.
- No briefs have been filed by the Respondents in this captioned matter before the Appellate Court.
- There will be no prejudice to the Respondents by this short expansion.

### CONCLUSION

**THEREFORE**, for the foregoing reasons the Appellant humbly moves for leave of the Appellate Court for an expansion time up to and including November 27, 2015, for the filing of an amended Initial Appellant Brief and the filing of the documents Appellant has for the record on appeal. In that regard, the Appellant requests denials of the Respondents' Rule 260 motions to dismiss to allow the Appellant to file the necessary amended record on appeal.

SIGNATURE ON THE FOLLOWING PAGE

Respectfully submitted this 12<sup>th</sup> day of November, 2015,

By:

A handwritten signature in cursive script, appearing to read "James B. Spencer", is written over a horizontal line.

James Brian Spencer, Appellant, *Pro Se*  
Suite 183, 7001 Saint Andrews Road,  
Columbia, SC 29212

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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 November 13, 2015.

Documents served: **CROSS MOTION FOR EXTENSION OF TIME  
TO AMEND AND FILE RECORD ON APPEAL**

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