

The South Carolina Court of Appeals

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.

Appellate Case No. 2014-000091

ORDER

Appellant has filed a motion to strike Adrian L. Falgione's initial brief and designation of matter as untimely. Appellant has also filed a motion for sanctions against Falgione on the ground he submitted false information in an affidavit filed with this court. Falgione opposes both motions, and Appellant has filed replies in support of each motion, along with a separate motion to file the replies out of time. Appellant's motion to file the replies out of time is granted. Appellant's motion to strike and motion for sanctions are denied.

Respondents have filed motions to dismiss this appeal due to Appellant's failure to timely serve them with the record on appeal or file proof of service of the record with this court. Appellant thereafter filed a motion for an extension of time to file the record on appeal and a motion to remand the appeal in order to supplement the record. Respondents' motions to dismiss and Appellant's motion to remand are

denied. Appellant's request for an extension is granted,¹ and he shall serve Respondents with the record on appeal within twenty days of entry of this order.


The parties are reminded that continued failure to adhere to the timelines established by the South Carolina Appellate Court Rules and this court's orders may result in dismissal of this appeal.



FOR THE COURT

Columbia, South Carolina

cc: James Spencer
Benjamin C. Bruner, Esquire
David W. Overstreet, Esquire
Warren C. Powell, Jr., Esquire
Michael B. McCall, Esquire

FILED
11/25/15 

¹ In his motion for an extension, Appellant also requested leave to file an amended initial brief. This request is denied.