

STATE OF SOUTH CAROLINA
IN THE 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

John R. Rakowsky,

Respondent

v.

RECEIVED

MAR 22 2016

SC Court of Appeals

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

Defendants,

Of whom James Spencer, Irene Santacroce, Rodney Keith
Lail, and the Estate of Doris Holt are the

Appellants.

**REPLY TO RESPONSE:
MOTION TO DISMISS
OR MOTION TO REQUIRE COMPLIANCE WITH RULE 210(C) AND (G)
AND TO PAY RESPONDENT'S ATTORNEY FEES**

In its response to the Motion to Dismiss or Require Compliance with Rule 210(C) and (D), Appellants assert that certain items designated for inclusion in the Record on Appeal by Respondent Rakowsky do not exist or cannot be located. However, attached hereto and incorporated by reference are the following items designated by Rakowsky which Appellants assert do not exist or cannot be located (each is filed of record with the Richland County Clerk of Court):

Item 1. Form Order of December 17, 2013 signed by Judge Barber, Case No. 2008-CP-40-6656.

Item 6. Form 4 Order of Judge Early (re: Omnibus Emergency Motions) filed September 11, 2014

Item 9. Reply to Counterclaims to Second Amendment Complaint for Interpleader, filed February 18, 2011.

As to designated Item 15, Appellants are correct that Rakowsky's designation contained a typographical error in the reference date used in the designation (correct date October 4, 2014). A copy of the correct email is enclosed for clarity.

At no point has Rakowsky's counsel been contacted by the *pro se* Appellant or Appellant's counsel in an effort to obtain a copy of these documents¹. Appellants have had almost three months (designations filed and served on December 30, 2015) to ask for assistance in locating the documents designated. The insinuation that Rakowsky designated matters that do not exist, simply to make things more difficult for Appellants, is absurd.

The appellate court rules do not allow an Appellant to unilaterally omit items designated by a party. At a minimum, an appellant must make a reasonable effort to

¹ Mr. Spencer claims that he cannot communicate because he is blocked from email access to with Rakowsky's counsel. He is blocked from communication via email as he mentions, but that measure was a protective one in response to prior abuse effectuated via email. It was a reasonable measure, taken with direct and adequate notice, almost two years ago. See attached email dated May 14, 2014. Rakowsky nor his counsel have seen any order requiring that communications between parties be conducted via email. Appellants have a habit of referencing isolated lines from the transcript of a status conference with Judge Barber and claiming they are "orders of Judge Barber" when they are not, in fact, orders.

Even so, since the openly declared moratorium on email, other means of communication have remained accessible and acceptable. Mr. Spencer or one of his agents have hand delivered copies of filings in this matter to our office, during which neither he nor the documents being delivered have ever been refused or turned away. Had either Mr. Spencer or Mr. Sribnick bothered to communicate in any other manner besides email, including any of those expressly indicated as remaining acceptable (i.e. phone, fax, or regular mail), copies of any documents believed to have been unavailable, mistakenly referenced or not in existence could have been provided promptly. No one ever asked.

assemble the materials designated by an opposing party. Appellants contend they have made “every possible effort” to comply with their responsibilities when they have not even made reasonable effort.

As of today, no conforming Record on Appeal has been filed and served. This appeal has been pending for eighteen (18) months, and Appellants have repeatedly ignored deadlines and obligations. They simply take the time they want to take, then demand that this Court bow to their wishes. So far, it has done so.

In an earlier appeal filed by some of these same parties, this Court finally dismissed the appeal after more than two (2) years of frivolous filings by Appellants. Appellants in that case managed, by their dilatory tactics, to never get a Record on Appeal filed in that appeal. *James Spencer v. John Rakowsky*, Appellate Case No. 2014-000091 (dismissed March 4, 2016).

Here, Appellants have shown no “extraordinary circumstances²” to warrant their continuing failure to comply with the deadlines in this appeal. Based on the multiple and repeated failure of the Appellants to comply with the rules and the orders of this Court, this appeal should be dismissed.



Desa Ballard
Bar # 00498
BALLARD & WATSON
Post Office Box 6338
West Columbia, South Carolina 29171
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desab@desaballard.com

March 21, 2016

ATTORNEY FOR RESPONDENT

² This Court’s order dated November 25, 2015 said “no further extensions will be granted absent extraordinary circumstances...”

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2008-CP-40-6656

John R. Rakowsky

Southern Holdings Inc., defendant, et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Consent); Rule 43(k), SCRPC (Settled); Other _____
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX): Affirmed; Reversed; Remanded; Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

That this case be assigned to the Honorable Doyet A. Early, III to hear and handle all pre-trial motions and other matters pertaining to this case.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge *J. Pleasant* Judge Code 2061 Date 12/17/13

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 30 day of Dec, 2013 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court *Jeanette W. McBride*

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT A CIVIL CASE

CASE NO. 2008 CP-40-6656

John Rakowsky

Adrian Falgione, James Spencer, et al.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded; Other

RICHLAND COUNTY
 FILED
 2014 SEP 11 PM 12:01
 JUDGE SYSTEM RECORDS
 C.P. 05

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: Defendant's Omnibus Emergency Motions including Motion to Compel Dated July 29, 2014 and heard on August 20, 2014, is DENIED.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

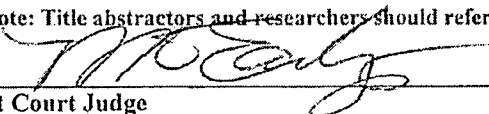
INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.


 Circuit Court Judge

0136
Judge Code

9/10/14
Date

RECEIVED
Via US Mail From Common Pleas Date 2-23-11

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

John R. Rakowsky)
)
Plaintiff,)

Case No. 2008-CP-40-6656

vs.)

**REPLY TO COUNTERCLAIMS TO
SECOND AMENDED COMPLAINT
FOR INTERPLEADER**

Adrian L. Falgione, James Spencer, Doris)
Holt, Rodney Keith Lail, Irene Santacroce,)
Marguerite Stephens and Ricky Stephens,)
Michael Hartness, Horry County, S.C.,)
Eugene G. Chewing, and Glenn W. Harrison)

Defendants.)

FILED
2011 FEB 18 PM 2:43
JOHNETTE W. McBRIDE
C.P. & G.S.
RICHLAND COUNTY

NOW COMES Plaintiff John Rakowsky, to Reply to the allegations and requests for relief set forth in the "Certain Defendants' Response to John Rakowsky's Second Amended Complaint for Interpleader," (herein Answer) filed on January 18, 2011 and faxed to Plaintiff by the court that same day.

MOTION TO DISMISS

To the extent that this Answer may be deemed also a Counterclaim, Plaintiff moves to dismiss the counterclaim pursuant to Rule 12(b)(6), SCRCP, on the ground that the pleadings do not state claims upon which relief can be granted.

ANSWER

Reserving his rights under the motions to dismiss set forth above, and with caution that the Court may view the Answer as a counterclaim, Plaintiff answers the counterclaim of the "certain defendants" herein and denies the relief requested therein.

REPLY

Reserving all rights under the motion to dismiss set forth above, Plaintiff replies to the

Answer as follows:

FOR A FIRST REPLY

Each and every allegation of the Second Amended Complaint is incorporated herein and realleged as specifically as if repeated herein

1. Paragraphs 1 through 7 of the Answer do not require a response.
2. The allegations set forth in Paragraphs 8 are denied except that Plaintiff admits that he was part of a legal team and recommended certain co-counsel.
3. Paragraph 9 does not require a response.
4. The allegations of Paragraph 10 are denied, as written. Further, Plaintiff would show that the entire purpose of this action, to which Defendants Rodney Keith Lail, Nicholas Williamson, Doris Holt, James Spencer, Margaruerite Stephens, Ricky Stephens, and Irene Santacrocce (herein, "these defendants") are vehemently objecting, is to secure an objective third party to hold the funds until such time as the court, or its appointee, can determine the proper distribution of the funds.
5. The allegations of Paragraph 11 are denied and strict proof is demanded, thereof.
6. The allegations of Paragraph 12 are denied.
7. The allegations of Paragraph 13 are unintelligible and therefore denied.
8. The allegations of Paragraph 14 are denied as written.
9. Paragraph 15 does not require a response.
10. Plaintiff admits that his counsel is holding certain funds in trust. The remaining allegations of Paragraph 16 are denied.
11. Paragraphs 17 and 18 do not require a response.
12. Any allegations in the un-numbered paragraphs of the Answer, which include a

prayer for relief, inconsistent with the Second Amended Complaint for Interpleader are denied.

FOR A SECOND REPLY

13. Each and every paragraph set forth above is incorporated herein where relevant, as fully as if repeated herein verbatim.

14. That relief sought by these Defendants that is equitable in nature is barred by virtue of these Defendants' unclean hands in connection with the matters which are alleged, which precludes any equitable recovery by them.

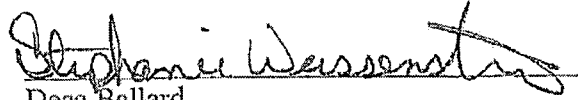
FOR A THIRD REPLY

15. Each and every paragraph set forth above is incorporated herein where relevant, as fully as if repeated herein verbatim.

16. The Answer (or "counterclaims") of these defendants is frivolous, in bad faith, asserted for an improper motive, and support an award of sanctions against these Defendants pursuant to Rule 11, SCRPC and the Frivolous Civil Proceedings Sanctions Act, S. C. Code Ann. Section 15-36-20.

Wherefore, having fully replied to the Answer of the Defendants Rodney Keith Lail, Nicholas Williamson, Doris Holt, James Spencer, Margaruerite Stephens, Ricky Stephens, and Irene Santacroce, the plaintiff moves for an order:

- A. Reserving his right to move for sanctions against the Defendants pursuant to the South Carolina Frivolous Civil Proceedings Act;
- B. Granting the relief prayed for the in Second Amended Complaint in this action, or any amended complaints as may hereafter be filed;
- C. Dismissing the counterclaims of the Defendants; and
- D. For the statutory costs of this action.



Desa Ballard

Stephanie Weissenstein

BALLARD WATSON WEISSENSTEIN

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Facsimile: 803.796.1066

E-mail: desab@desaballard.com

E-mail: Stephanie@desaballard.com

ATTORNEYS FOR PLAINTIFF

February 16, 2011

Desa Ballard

From: Early, Doyet A. Law Clerk (Alicia Bores) <dearlylc@sccourts.org>
Sent: Saturday, October 04, 2014 11:42 AM
To: Michael Sribnick; Desa Ballard; Ben Bruner; Andrew Lindemann; James B. Spencer
Cc: Early, Doyet A.
Subject: RE: Orders

Dear Mr. Sribnick,

The proposed order should address whether or not the interpleader should be granted. Judge Early has informed me that he will extend the due date to October 26th. Please let me know if you have any questions.

Best,

Alicia Bores
Law Clerk to the Honorable Doyet A. Early, III

From: Michael Sribnick [mailto:michael.g.sribnickmdjdlc@gmail.com]
Sent: Friday, October 03, 2014 8:00 PM
To: Early, Doyet A. Law Clerk (Alicia Bores); Desa Ballard; Ben Bruner; Andrew Lindemann; James B. Spencer
Subject: Orders

Dear Your Honor,

Despite sever attempts, I have still not received answers to my questions about the proposed orders due Monday Oct. 6, 2014. This effectively precludes me from being able to propose orders whose subject matter I do not understand. Will you please extend the deadline until my questions re: these proposed orders are answered. I await your response.

Regards,
Michael G. Sribnick, M.D., J.D.

--

Michael G. Sribnick M.D., J.D., LLC

DISCLAIMER:

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential medical and/or legally privileged material. Any review, retransmission, dissemination or other use of this information, directly or indirectly, by persons or entities other than the intended recipient is prohibited. If you are not the intended recipient please contact the sender and delete the material from all computers in which it resides. Internet communications cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late, incomplete, or contain viruses. Therefore, I do not accept responsibility for any errors or omissions that are present in this message, or any attachments, that have arisen as a result of e-mail transmission. If verification is required, please request a hard-copy version. Any views or opinions represented are solely those of the author.

~~~~ CONFIDENTIALITY NOTICE ~~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate

this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

## Desa Ballard

---

**From:** Desa Ballard  
**Sent:** Wednesday, May 14, 2014 4:11 PM  
**To:** 'James B. Spencer'; 'Michael Sribnick'; 'Andrew Lindemann'; 'Ben Bruner'  
**Cc:** Mara Ballard; Mara Ballard; Beth Cogan; Mara Ballard; Beth Cogan; Mara Ballard; Beth Cogan  
**Subject:** RE: Filing of a Motion for Clarification

The last time you became insulting and abusive in your emails I blocked you. As soon as I send this response to you, I will block you again. You can communicate with me via phone or fax or mail.

We plan to file and serve the documents requested by Judge Early on the deadline, May 23, 2014.

db

Desa Ballard  
Ballard & Watson  
Attorneys at Law  
Telephone 803.796.9299  
Facsimile 803.796.1066  
E-mail: [desab@desaballard.com](mailto:desab@desaballard.com), copy to [mara@desaballard.com](mailto:mara@desaballard.com)

---

**From:** James B. Spencer [<mailto:jamesbspencer@sc.rr.com>]  
**Sent:** Wednesday, May 14, 2014 3:42 PM  
**To:** Desa Ballard; 'Michael Sribnick'; 'Andrew Lindemann'; 'Ben Bruner'  
**Cc:** Mara Ballard; Mara Ballard; Beth Cogan; Mara Ballard; Beth Cogan  
**Subject:** RE: Filing of a Motion for Clarification  
**Importance:** High

Please let me know what that is that you are planning to turn over as you know I do not have the same records as Mr. Rakowsky. I am positive you are not planning to submit a accurate accounting as you have not done so for eight years and this is why you will not even answer this question.

Jim Spencer

---

**From:** Desa Ballard [<mailto:desab@desaballard.com>]  
**Sent:** Wednesday, May 14, 2014 3:17 PM  
**To:** James B. Spencer; Michael Sribnick; Andrew Lindemann; Ben Bruner  
**Cc:** Mara Ballard; Mara Ballard; Beth Cogan; Mara Ballard; Beth Cogan  
**Subject:** RE: Filing of a Motion for Clarification

We will submit the information that Judge Early requested. You have the same direction from the court that I have; there has not been any "conversation" that I am aware of. I have not had any contact with the court to which you were not a party.

db

Desa Ballard  
Ballard & Watson  
Attorneys at Law  
Telephone 803.796.9299  
Facsimile 803.796.1066  
E-mail: [desab@desaballard.com](mailto:desab@desaballard.com), copy to [mara@desaballard.com](mailto:mara@desaballard.com)

---

**From:** James B. Spencer [<mailto:jamesbspencer@sc.rr.com>]  
**Sent:** Wednesday, May 14, 2014 3:14 PM  
**To:** Desa Ballard; 'Michael Sribnick'; 'Early, Doyet A. Law Clerk (Cassie M. Weathersbee)'; 'Andrew Lindemann'; 'Ben Bruner'  
**Cc:** Mara Ballard; Mara Ballard; Beth Cogan  
**Subject:** RE: Filing of a Motion for Clarification  
**Importance:** High

Dear Ms. Ballard,

What information are you planning on submitting ten days prior to the hearing. I assume it will not be the information required to be kept under Rule 417. Is my assumption correct? Since I was not a party to the conversation, what information are you producing?

Sincerely,

James Spencer

---

**From:** Desa Ballard [<mailto:desab@desaballard.com>]  
**Sent:** Wednesday, May 14, 2014 2:21 PM  
**To:** Michael Sribnick; Early, Doyet A. Law Clerk (Cassie M. Weathersbee); Andrew Lindemann; James B. Spencer; Ben Bruner  
**Cc:** [mara@desaballard.com](mailto:mara@desaballard.com); Mara Ballard; Beth Cogan  
**Subject:** RE: Filing of a Motion for Clarification

Cassie, we have briefed all issues and will submit the information requested by Judge Early 10 days prior to the hearing as required. All issues regarding discovery, subpoenas, jury trial, counter-claims and other matters have already been ruled upon in prior orders by prior judges. Mr. Sribnick is not entitled to depositions under Rule 30.

We look forward to seeing you and Judge Early at the hearing.

db

Desa Ballard  
Ballard & Watson  
Attorneys at Law  
Telephone 803.796.9299  
Facsimile 803.796.1066  
E-mail: [desab@desaballard.com](mailto:desab@desaballard.com), copy to [mara@desaballard.com](mailto:mara@desaballard.com)

---

**From:** Michael Sribnick [<mailto:michael.g.sribnickmdjdllc@gmail.com>]  
**Sent:** Wednesday, May 14, 2014 2:05 PM  
**To:** Early, Doyet A. Law Clerk (Cassie M. Weathersbee); Andrew Lindemann; James B. Spencer; Desa Ballard; Ben Bruner; Stephanie Weissenstein  
**Subject:** Re: Filing of a Motion for Clarification

Dear Ms. Cassie Weathersbee Hall:

I am not sure what to make of this email. It appears to be a prelude to a response from Judge Early to a motion I filed after my emails went unanswered. That motion also consisted of several questions including one concerning hearing for a motion for sanctions, a jury trial, counterclaims and depositions, and other questions that have not been addressed to date. It is my understanding they were supposed to have been addressed as a result of the hearing in January. I also inquired about the documentation regarding accounting that I desired access to which is supposed to document the dollar amounts fully under Rule 417 as part of my discovery and the ability to depose the plaintiff after I had time to study the documents prior to any hearing, as I believe would be proper. However, your email falls far short of addressing my motion for clarification to the Court and I can only assume that an answer from the court is forthcoming. For eight years the defendants I represent have been trying to get an accounting as just part of this case and the plaintiff has done nothing but delay providing one. After eight years I still have no idea when the money is to be turned into the court and the undisputed funds be turned over. It appears we are starting all over again after eight years to try and get an answer that was asked at the first hearing and every other hearing since then. I certainly think that Plaintiff Rakowsky is quite happy as not one dollar has been turned over to his former clients and not one question has he been required to answer in eight years and now I cannot receive an answer from the currently presiding Judge even after I am forced to file a motion in court. Of course as I laid out in the motion as part of discovery I would like to have all the required documentation under Rule 417 provided to me and I be allowed to depose Plaintiff Rakowsky prior to any hearing. I feel my clients have been deprived of their rights to equal protection of the law and their right to proper due process. Why must I file a motion to receive a non-binding response via email and my emails go unanswered? Please advise if your email was a prelude to an official ruling being issued covering all the areas I covered in my motion duly filed before the court.

Thank you very much for your kind attention to this matter,

Michael G. Sribnick, M.D., J.D.

On Wed, May 14, 2014 at 11:02 AM, Early, Doyet A. Law Clerk (Cassie M. Weathersbee)

<dearlylc@sccourts.org> wrote:

Mr. Sribnick:

The hearing scheduled for June 4th is strictly to determine the amount paid in and amounts paid out of the litigation funds. What discovery do you feel is necessary? Please provide a list of the discovery you would like to conduct.

Cassie Weathersbee Hall, Esq.  
Law Clerk to the Honorable D.A. Early, III  
The Circuit Court of the 2nd Judicial Circuit  
PO Box 90  
Bamberg, SC 29003  
Telephone: 803.245.4004

Fax: 803.245.2983

[dearlylc@sccourts.org](mailto:dearlylc@sccourts.org)<<mailto:dearlylc@sccourts.org>>

On May 8, 2014, at 3:04 PM, Michael Sribnick

<[michael.g.sribnickmdjdlc@gmail.com](mailto:michael.g.sribnickmdjdlc@gmail.com)<<mailto:michael.g.sribnickmdjdlc@gmail.com>>> wrote:

Counselors:

I have on this filed an emergency motion for clarification. You will be receiving a hard copy, but as a courtesy, please see attached copy.

Regards, I am

Michael G. Sribnick, M.D., J.D.

Michael G. Sribnick M.D., J.D., LLC

DISCLAIMER:

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential medical and/or legally privileged material. Any review, retransmission, dissemination or other use of this information, directly or indirectly, by persons or entities other than the intended recipient is prohibited. If you are not the intended recipient please contact the sender and delete the material from all computers in which it resides. Internet communications cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late, incomplete, or contain viruses. Therefore, I do not accept responsibility for any errors or omissions that are present in this message, or any attachments, that have arisen as a result of e-mail transmission. If verification is required, please request a hard-copy version. Any views or opinions represented are solely those of the author.

<Southern Holdings Interpleader Case Emergency Motion for Clarification (3) (2).docx>

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Michael G. Sribnick M.D., J.D., LLC

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STATE OF SOUTH CAROLINA  
IN THE 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

---

RECEIVED  
MAR 22 2016  
SC Court of Appeals

John R. Rakowsky, Respondent

v.

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

Of whom James Spencer, Irene Santacroce, Rodney Keith  
Lail, and the Estate of Doris Holt are the  
Appellants.

---


**CERTIFICATE OF SERVICE**

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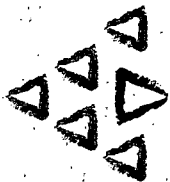
I, Beth Cogan, an employee with Ballard & Watson, Attorneys at Law, do hereby certify that on March 21, 2016, I served a copy of the **Reply to Response: Motion to Dismiss or Motion to Require Compliance with Rule 210(C) and (G) and to Pay Respondent's Attorney Fees** in the above-captioned case on the following individual by United States Mail, with sufficient first-class postage affixed, addressed as follows:

James Spencer  
7001 Saint Andrews Road  
P.O. Box 183  
Columbia, South Carolina 29212

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

  
Beth Cogan, Paralegal

March 21, 2016  
West Columbia, South Carolina



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

Desa Ballard  
Harvey M. Watson III

Post Office Box 6338 | West Columbia, SC 29171  
226 State Street | West Columbia, SC 29169

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March 21, 2016

Via U.S. Mail

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

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

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MAR 22 2016  
SC Court of Appeals

Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of the **Reply to Response: Motion to Dismiss or Motion to Require Compliance with Rule 210(C) and (G) and to Pay Respondent's Attorney Fees** concerning the above-referenced matter. Please return a filed stamped copy to us in the enclosed self-addressed, stamped envelope.

By copy of this letter, I am serving the *pro se* Defendant and all counsel of record. Thank you for your time in this matter. If you have any questions or concerns, please do not hesitate to contact me or Desa Ballard. With warm personal regards, I am,

Sincerely yours,

Beth Cogan, Paralegal  
[beth@desaballard.com](mailto:beth@desaballard.com)

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



*Law Offices of Desa Ballard*

226 State Street  
West Columbia, SC 29169

To: Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

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MAR 22 2016

SC Court of Appeals