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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Case No: 2014-002029

MAR 31 2016

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge Doyet A. Early, III, Circuit Court Judge

Case No. 2008-CP-40-6656

John R. Rakowsky, Respondent

v.

Irene Santacroce, *Appellant*
Estate of Doris Holt, *Appellant*
Rodney Lail, *Appellant*

and

James B. Spencer, *Appellant, Pro Se*

MOTION FOR ASSISTANCE FROM THE
COURT TO FINALIZE THE JOINT APPENDIX

Irene Santacroce, the Estate of Doris Holt, Rodney Lail, represented by the undersigned counsel, Michael Sribnick, MD, JD, (hereinafter “represented Appellants”) and James Spencer on a *Pro Se* basis, humbly move this Court under SCACR 240, to facilitate the finalization of the Joint Appendix by using the Court’s authority to stop Respondent from using direct and/or indirect delaying tactics to deter the completion of the Joint Appendix.

BACKGROUND

Respondent withdrew from representing his seven individual clients on the underlying Federal District Court Case: 4:02-cv-01859-RBH, on July 13, 2007, ECF # 525. A year later Appellants had not received the remaining litigation funds and an accounting of the use of the litigation funds. Appellants requested such an accounting and the return of the remaining litigation funds from Respondent under Rule 1.15 (a) in accordance with Rule 417, SCACR (Financial Recordkeeping).

The Respondent in response filed this Interpleader action, Case No. 2008-CP-40-6656, claiming he did not know whom the remaining litigation funds belonged to and refusing to provide the records required under Rule 417, SCACR. The lay *Pro Se* Appellants also requested under Rule 407 1.8 (g), SCACR for the required executed informed consent agreement as to the distribution of aggregate funds to the seven parties individually represented by the Respondent which is a legally required part of any settlement agreement in this case. For eight years, the Appellants sought

RI 17
this information, which if produced would resolve all disputes in this and all other related cases. However, the Respondent has never provided these documents and in the alternative has drug out this case for eight years.

RESPONDENT'S COUNSEL ISOLATION OF APPELLANTS

Respondent's counsel Desa Ballard refuses to have any email communication nor mail correspondence with the *Pro Se* Appellant despite her statement to the contrary regarding having left open the possibility of mail correspondence. Please see attached **Exhibit A, pg. 1**. Ms. Ballard instructs the represented Appellants' counsel, Michael Sribnick to handle a communication with the *Pro Se* Appellant instead of her mailing a letter to the *Pro Se* Appellant. See Attached **Exhibit A, pg.2**, Ms. Desa Ballard, list the parties to a mailing and addresses the letter to **"Gentlemen and Mr. Spencer."**

The *Pro Se* Appellant and represented Appellants have no desire to respond in kind and simply want to complete the Joint Appendix. In that regard the Appellants have thoroughly reviewed their own records for documents designated by the Respondent (**See attached Exhibit D**) and have gone to the extent of writing the Judges and Clerk's offices repetitive times and attempted to deal with documented tampering with files in the Clerk's Office on several occasions. Please see attached **Affidavits Exhibit B and Exhibit C**.

When counsel Bruner was caught presenting untruthful affidavits to the Court

regarding a service that never happened and then admitting to it, Mr. Bruner limited the *Pro Se* Appellant to communication by letter only as a punishment. The *Pro Se* Appellant believes the only way he might not be misunderstood is by having emails which are independently documented by the server be used so he can avoid any misinterpretation by the Respondent's and other adverse parties counsels.

Furthermore, see **Exhibit C**, points 7, 8, and 9. Mara Ballard has made unprovoked inflammatory remarks concerning the represented Appellants undersigned counsel. The referenced recording of the service and these remarks was produced to Ms. Desa Ballard after she wrongfully claimed she had not been served with the Omnibus Motion by the *Pro Se* Appellant and the undersigned counsel as cited in **Exhibit C**. See **Affidavit Exhibit E**. Instead of working together, to complete the **Joint** Appendix the Respondent would rather have the case dismissed and therefore respondents counsel hides behind these self-imposed communication blocks.

The Appellants are willing to add to the Joint Appendix documents missed and which can be provided by the Respondent's counsel. The Appellants wish to complete this Joint Appendix as soon as possible. The Appellants desire to establish verifiable email communications to resolve this matter rather than risk the misinterpretation of the other forms of communications that are not verifiable.

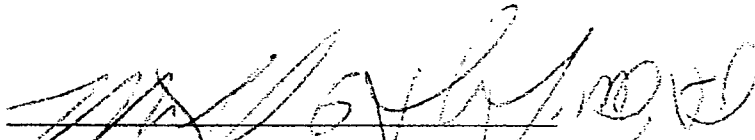
CONCLUSION AND REMEDY

For whatever reason cordial and professional relations are not possible in order to resolve these matters regarding the Joint Appendix. Therefore, respectfully the Appellants move this Court to require the Respondents counsel to open up verifiable email communications and supply any documents they feel the Appellants are withholding for inclusion into the Joint Appendix or in the alternative submit a supplement directly to the Court for the Joint Appendix under SCACR 212(b).

Respectfully Submitted,

this March 29, 2016,

By:



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

3 Kenilworth Avenue

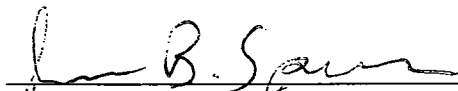
Charleston, S.C. 29403

Phone: (843) 789-3504

Fax: (843) 720-8907

Email: michael.g.sribnickmdjdllc@gmail.com

By:



James B. Spencer, *Pro Se*

Suite 183

7001 Saint Andrews Road

Columbia, SC 29212

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

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

The Honorable Doyet A. Early, III, Circuit Court Judge

APPELLATE CASE NO. 2014-002029

John R. Rakowsky, *Respondent*

v.

Irene Santacroce, *Appellant*
Rodney Lail, *Appellant*
Estate of Doris Holt, *Appellant*

and

James Spencer, *Pro Se, Appellant*

AFFIDAVIT OF ROBERT WADLEY

RHW

AFFIDAVIT OF ROBERT WADLEY

PERSONALLY APPEARED before me the undersigned Robert Wadley who after being duly sworn states the following:

1. I am over eighteen years of age and qualified to testify.
2. The information in this affidavit is based on my personal knowledge.
3. On September 29, 2014, I went to the Richland County Clerk of Court's office to search for the Form 4 Order of Judge Early (re: Omnibus Emergency Motions).
4. I spent four hours in the Clerk of Courts office and went through the entire file of Case No. 2008-CP-40-6656 document by document with the help of Deputy Clerk of Court, Gloria Tribble.
5. Ms. Tribble verified my findings in writing that the attached Form 4 Order was the only order possibly related to the Form 4 that I was seeking.
6. Ms. Tribble showed me how to use the computer Records system for the Clerk of Courts office and verified again the attached Form 4 Order was stamped and entered into the system on September 18, 2014. See attached to this Affidavit, **Attachment A; page 4 and 5**, a previously submitted Affidavit in this case by me verifying my findings on September 29, 2014.
7. I rechecked the Richland County Clerk of Court records on March 24, 2016 a Form 4 date stamped September 11, 2014 was in the hard document case file and listed on the Clerk of Court computer record system, of which were neither on the Clerk of Court computer nor in the case files on September 29, 2014.
8. **Attachment B** of this Affidavit is a printout of the March 24, 2016, Clerk of Court computer records. The document dated September 18, 2014 (**See point 6 above**) is now missing (*emphasis added*) from both the case file and the

RHW

Clerk of Court computer listing system .

9. I asked the Deputy Clerk of Court how this possibly could be and she told me that she did not know how this happened but what was on the computer system now, March 24, 2016 was the official record at this time.
10. The attached email to this affidavit (**Attachment I, pg. 2**) dated September 10, 2014 is from Judge Early stating he filed the attached Supplemental Order and a Form 4 Order denying the Omnibus Emergency Motions. Judge Early attached a copy of the Supplemental Order, which is not signed nor dated; see **Attachment I, pg. 3**.
11. However, the Supplement Order that was sent to the Clerk of Court, which was not in existence according to the Clerk's records on September 29, 2014, was found in the Clerk of Court files on March 24, 2016 signed and dated by Judge Early on September 9, 2014 (**See attachment I, pg. 4**).
12. I sought an explanation of why a blank specifically drafted for this case "supplemental order" was emailed to the Appellants on September 10, 2014, when the actual supplemental order in the Clerk's files was **signed, and dated September 9, 2014**. I talked with Alecia Bores, the name on the email from Judge Barber dated September 10, 2014 and the Richland County Deputy Clerk of Court.
13. Alecia Bores stated she did not have time to explain the paperwork procedures but she was sure I was mistaken. She did not want the documents emailed to her for comparison and told me the matter was closed and to check with the Richland County Clerk of Court.
14. The Richland County Deputy Clerk of Court told me that matter was outside the Clerk's Office control and for me to take it up with Judge Early's office.

AFFIANT FURTHER SAYETH NAUGHT

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THE 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

Adrian I. Falgione,
James Spencer,
Estate of Doris Holt, Irene
Santacroce, and Rodney Keith Lail.....Defendants

Of whom, Estate of Doris Holt, Irene Santacroce, and Rodney
Lail, are.....Appellants

AFFIDAVIT OF ROBERT WADLEY

RHW

RHW

PERSONALLY APPEARED before me the undersigned Robert Wadley who after being duly sworn states the following:

I, Robert Wadley, declare under penalty of perjury:

1. I am over eighteen years of age and am qualified to testify.
2. The information in this affidavit is based on my personal knowledge.
3. I am a part time legal assistant for Dr. Michael Sribnick, Esquire and have been doing legal research of this nature for over two years.
4. In the above named capacity, on September 29, 2014, I went to the Richland County Clerk of Court's Office to review the files regarding Case No. 2008-CP-40-6656 as directed by Dr. Michael Sribnick, Esquire.
5. I was specifically looking for the "Form 4 Order" that Judge Early claimed he filed regarding his ruling against the Omnibus Motions heard on August 20, 2014, in a hearing which I attended.
- 6. I could not find any documentation regarding the "Form 4 Order" and/or reason for dismissing the Omnibus motions that Judge Early stated he filed with the Richland County Clerk of Court's Office on September 9, 2014.
7. In order to make certain that I did not miss anything in the file I sought the help of Ms. Gloria Tribble, Administrative Deputy Clerk. Along with the assistance of Ms. Tribble, I was able to confirm that the Form 4 Order was both the correct document filed by Judge Early dismissing the Omnibus Motions and there was no required documentation as to legal rationale despite the affirmation such was attached on the "Form 4 Order" itself.
8. I have attached to this Affidavit the "Form 4 Order" related to the dismissal of the Omnibus Motions in this proceeding.
9. This "Form 4 Order" does not have any attachment of explanation with it as to the reasons for the dismissal of the Omnibus Motions despite the box checked indicating that it does. I have initialed the attached document.

AW
R.H.W

- 10. As of the date of this affidavit, based on a search of the files, there still is no explanation formal or informal in the Clerk of Court's case file as to the reasons for the dismissal of the Omnibus Motions heard before Judge Early on August 20, 2014.
- 11. The signed statement attached, which I have initialed, I obtained from Ms. Tribble on September 29, 2014, which confirms my findings.
- 12. While searching in the Clerk of Court's Office on September 29, 2014, I could find no record, nor could Ms. Tribble find any record of the voiding of the *ex parte* Order executed on June 23, 2014 that Judge Early claimed he had sent to the Richland County Clerk of Court's Office.
- 13. As of the date of this affidavit based on my exhaustive search of the Richland County Clerk of Court's office file on this case there is still no documentation in the file validating that the Order issued by the Judge Early and Plaintiff's counsel Desa Ballard on June 23, 2014, was ever withdrawn in this case.
- 14. I did find an executed Supplemental Order which states Judge Early stands by the *ex parte* Order he issued on June 23, 2014, also attached and referenced by Gloria Tribble hereto.

AFFIANT FURTHER SAYETH NAUGHT

Affiant: _____

[Handwritten Signature]

Robert Wadley

Date: 10/24/2014

Sworn and subscribed to before me

this 27 day of October, 2014

[Handwritten Signature]

Notary Public for South Carolina

GAYLE RABON
Notary Public - State of South Carolina
My Commission Expires February 26, 2017

My Commission expires on: _____

[Handwritten Initials]

Monday, September 29, 2014

The Only Document provided to the Court regarding the Order ruling against the Omnibus Motion is the attached Form 4 which I have also initialed, dated and certified stamped.

4

My name is Gloria Tibbbs, Admin. Deputy Clerk and we don't have the Supplemental Order that you're requesting 08-6656; it's possible that the Order is on the Judge's Desk. If you have any questions I be contact @ 803-576-1952

Gloria Tibbbs

RHW

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

CASE NUMBER: 2008CP4006656

John R Rakowsky

Southern Holdings Inc

Law Max Legal Finance

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 of heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Dismissal); 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:

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC 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
		\$
		\$
		\$

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 _____ Judge Code _____ Date _____

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 18 September 2014 to attorneys of record or to parties (when appearing pro se) as follows:

Desa Ballard

Ernest H Morton Jr
Andrew F. Lindemann
James Brian Spencer
Irene Santacrocce

Linda Wilamson Lawrence
Adrian Lee Falgione
Rodney Keith Lail
James Brian Spencer

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Jeanette W. McBride

RHW

KHW

John R Rakowsky vs Southern Holdings Inc , defendant, et al					
Case Number:	2008CP4006656	Court Agency:	Richland County Common Pleas	Filed Date:	09/12/2008
Case Type:	Common Pleas	Case Sub Type:	Special-Comp/Oth 699	File Type:	Non-Jury
Status:	Appeal	Assigned Judge:	Early, Doyet A. III		
Disposition:	Other / Circuit Civil	Disposition Date:	12/23/2014	Disposition Judge:	Early, Doyet A. III
Original Source Doc:		Original Case #:		Restore Reason:	Reopened Case
Judgment Number:		Court Roster:			

Case Parties: Actions/Financials							
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents	
Rakowsky, John R	SC Court of Appeals Order Partial Remittitur	Order		08/05/2015-14:18			
Spencer, James	Filing/Notice of Appeal	Filing		02/20/2015-10:09			
Rakowsky, John R	Certificate Of Service	Filing		12/29/2014-16:47	12/23/2014-16:47		
Rakowsky, John R	Final Order GRANTING Interpleader and Related Relief	Order		12/23/2014-10:07			
Rakowsky, John R	Order/Order Filing Fee	Filing		12/23/2014-09:57	12/23/2014-09:57		
Rakowsky, John R	Submission by Plaintiff	Filing		12/02/2014-14:09	12/23/2014-14:09		
Rakowsky, John R	Affidavit Of Service on James Spencer	Filing		11/13/2014-11:16	12/23/2014-11:16		
Rakowsky, John R	Submission by Plaintiff	Filing		11/13/2014-11:15	12/23/2014-11:15		
Spencer, James	Response in Opposition to Government Defendants and Plaintiff	Filing		11/07/2014-16:45	12/23/2014-16:45		
Spencer, James	Response to Plaintiffs Draft Order With Exhibits and Attache	Filing		10/31/2014-15:50	12/23/2014-15:50		
Spencer, James	Response to Plaintiffs Draft Order and Attached Suggested Or	Filing		10/30/2014-14:35	12/23/2014-14:35		
Santacroce, Irene	Amended Response to Plaintiffs Proposed Order With Attached	Filing		10/30/2014-10:12	12/23/2014-10:12		
Spencer, James	Judicial Notice to The Court and Request For The Interventio	Filing		10/27/2014-15:14	12/23/2014-15:14		
Spencer, James	Response to Plaintiffs Draft Order Regarding The Above Capti	Filing		10/27/2014-15:10	12/23/2014-15:10		
Lail, Rodney Keith	Request For Clarification by Judge Early	Filing		10/06/2014-09:24	12/23/2014-09:24		
Spencer, James	Clarification Questions Requested by Judge Early	Filing		10/03/2014-14:43	12/23/2014-14:43		
Rakowsky, John R	Amended Certificate of Service	Filing		09/23/2014-14:09	12/23/2014-14:09		
Santacroce, Irene	Filing/Notice of Appeal	Filing		09/19/2014-13:43	12/23/2014-13:43		
Rakowsky, John R	Form 4 Order Defendant's Omnibus Emergency Motions including	Order		09/11/2014-09:47	12/23/2014-09:47		
Rakowsky, John R	Supplemental Order	Order		09/11/2014-09:32	12/23/2014-09:32		
Santacroce, Irene	Response to Email From Judge Early	Filing		08/29/2014-14:50	12/23/2014-14:50		
Spencer, James	Correction of Obvious Typographical Error	Filing		08/29/2014-14:34	12/23/2014-14:34		
Rakowsky, John R	Certificate Of Service	Filing		08/28/2014-11:07	12/23/2014-11:07		
Holt, Doris	Response to Return For Omnibus Motion	Filing		08/26/2014-09:25	12/23/2014-09:25		

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Lindemann, Andrew F.	Notice of Case Roster Publication Sent	Action		04/21/2011-14:29	07/12/2011-14:29
Ballard, Desa	Notice of Case Roster Publication Sent	Action		04/21/2011-14:29	07/12/2011-14:29
Morton, Ernest H Jr	Notice of Case Roster Publication Sent	Action		04/21/2011-14:29	07/12/2011-14:29
Lawrence, Linda Wilamson	Notice of Case Roster Publication Sent	Action		04/21/2011-14:29	07/12/2011-14:29
Falgione, Adrian Lee	Notice of Case Roster Publication Sent	Action		04/21/2011-14:29	07/12/2011-14:29
Rakowsky, John R	Certificate of Service	Filing		03/08/2011-11:44	07/12/2011-11:44
Rakowsky, John R	Certain Pro Se Defendants' Response in Opposition of John Ra	Filing		03/08/2011-11:43	07/12/2011-11:43
Rakowsky, John R	Letter/Letter Re Return Notice	Filing		02/24/2011-13:51	07/12/2011-13:51
Rakowsky, John R	Certificate of Service	Filing		02/24/2011-09:44	07/12/2011-09:44
Rakowsky, John R	Plaintiff's Motion to Strike and to File Under Seal	Motion		02/24/2011-09:43	07/12/2011-09:43
Rakowsky, John R	Motion/Motion Filing Fee	Filing		02/24/2011-09:43	07/12/2011-09:43
Rakowsky, John R	Motion/Motion Filing Fee	Filing		02/23/2011-15:11	07/12/2011-15:11
Falgione, Adrian L	Motion to Quash Subpoena	Motion		02/23/2011-10:04	07/12/2011-10:04
Rakowsky, John R	Certificate of Service	Filing		02/22/2011-14:06	07/12/2011-14:06
Rakowsky, John R	Plaintiff's Motion to Quash Subpoena	Motion		02/22/2011-14:02	07/12/2011-14:02
Rakowsky, John R	Motion/Motion Filing Fee	Filing		02/22/2011-11:27	07/12/2011-11:27
Rakowsky, John R	Motion/Motion Filing Fee	Filing		02/18/2011-14:43	07/12/2011-14:43
Rakowsky, John R	Certificate of Service	Filing		02/18/2011-13:50	07/12/2011-13:50
Rakowsky, John R	Reply to Counterclaims to Second Amended Complaint for Inter	Filing		02/18/2011-13:48	07/12/2011-13:48
Rakowsky, John R	Certificate of Service	Filing		01/18/2011-13:14	07/12/2011-13:14
Rakowsky, John R	Certain Defendants Response to John Rakowsky's Second Amende	Filing		01/18/2011-13:11	07/12/2011-13:11
Rakowsky, John R	Certificate of Service	Filing		01/04/2011-14:51	07/12/2011-14:51
Rakowsky, John R	Answer to Second Amended Complaint of Defendant Horry County	Filing		01/04/2011-14:50	07/12/2011-14:50
Rakowsky, John R	Service/Certificate Of Service	Filing		12/30/2010-11:18	07/12/2011-11:18
Rakowsky, John R	Service/Certificate Of Service	Filing		12/30/2010-11:17	07/12/2011-11:17
Rakowsky, John R	Answer of Defendant	Filing		12/28/2010-09:58	07/12/2011-09:58
Rakowsky, John R	Service/Certificate Of Service	Filing		12/17/2010-09:38	07/12/2011-09:38
Rakowsky, John R	Second Amended Complaint for Interpleader	Filing		12/03/2010-09:40	07/12/2011-09:40
Rakowsky, John R	Second Amended Summons	Filing		12/03/2010-09:37	07/12/2011-09:37
Rakowsky, John R	Order GRANTING Motion to Amend Complaint	Order		11/15/2010-10:20	07/12/2011-10:20
Rakowsky, John R	Form Order - Motion to amend is GRANTED. Appearing Counsel	Order		11/04/2010-10:39	07/12/2011-10:39
Rakowsky, John R	Service/Certificate Of Service Certified Mail	Filing		10/19/2010-12:00	07/12/2011-12:00
Lawrence, Linda Wilamson	Notice of Motions Roster Publication Sent	Action		10/06/2010-16:29	07/12/2011-16:29
Lindemann, Andrew F.	Notice of Motions Roster Publication Sent	Action		10/06/2010-16:29	07/12/2011-16:29

RHW

James B. Spencer

From: Early, Doye: A. Law Clerk (Cassie M. Weathersbee) [dearlylc@sccourts.org]
Sent: Thursday, July 10, 2014 3:37 PM
To: Michael Sribnick
Cc: desab@desaballard.com Ballard; Andrew Lindemann; Ben Bruner; David L.
Subject: Re: Who drafted the order regarding the litigation funds?

Counsel:

Please see below for correspondence from Judge Early:

Ms. Ballard prepared a proposed order. I modified and signed the order. I assumed she provided everyone with a copy. If you did not receive a copy and if anyone cares to submit a proposed order, I will void the filed order and give everyone who wishes 45 days to submit. I will then make my decision.

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>>

On Jul 9, 2014, at 1:36 PM, Michael Sribnick
<michael.g.sribnickmdjdllc@gmail.com><<mailto:michael.g.sribnickmdjdllc@gmail.com>>> wrote:

Dear Your Honor, Counselors, and pro se litigant:

I respectfully ask for the third time that His Honor, Judge Doyet Early, answer my question as to who drafted the order regarding the litigation funds. I am not out of order in this request for information which is my right to know as a diligent attorney and officer of the court.

Regards, I am

Michael G. Sribnick, M.D., J.D., Attorney at Law Michael G. Sribnick, M.D., J.D., LLC
www.michaelsribnicklaw.com<<http://www.michaelsribnicklaw.com/>>

--
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.



James B. Spencer

Subject: FW: Rakowsky v. Falgione Case No. 2008-CP-40-6656
Attachments: ATT00001.htm; Supplemental Order - Rakowsky v. Adrian falgione, et al.docx

RECEIVED

SEP 19 2014

SC Court of Appeals

From: Early, Doyet A. Law Clerk (Aliccia Bores) <dearlylc@sccourts.org>

Date: Wed, Sep 10, 2014 at 2:47 PM

Subject: Rakowsky v. Falgione Case No. 2008-CP-40-6656

To: Beth Cogan <Beth@desaballard.com>

Cc: "Early, Doyet A. Law Clerk (Aliccia Bores)" <dearlylc@sccourts.org>, "Early, Doyet A." <dearlyj@sccourts.org>, "alindemann@dml-law.com" <alindemann@dml-law.com>, "bbruner@brunerpowell.com" <bbruner@brunerpowell.com>, "michael.g.sribnickmdjdlc@gmail.com" <michael.g.sribnickmdjdlc@gmail.com>, Desa Ballard <desab@desaballard.com>, Mara Ballard <Mara@desaballard.com>

All,

Please see attached the Supplemental Order which was signed by Judge Early and mailed to the Clerk of Court in Richland County to be filed. Judge Early has also signed a Form Order Denying the Defendants Omnibus Motions. Please let me know if you have any questions. Thank you.

~~~~ 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.

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

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RAW

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 John Rakowsky, )  
 )  
 )  
 Plaintiff, )  
 )  
 Vs. )  
 )  
 Adrian Falgione, James Spencer, et al., )  
 )  
 Defendant. )

COURT OF COMMON PLEAS  
 FIFTH JUDICIAL CIRCUIT

**RECEIVED**

Case No.: 2008-CP-40-6656

SEP 19 2014

**SC Court of Appeals**

**SUPPLEMENTAL ORDER**

I signed an order on June 23, 2014 ruling on certain matters before me. All parties did not receive a copy of the proposed order. By e-mail dated July 10, 2014, I gave everyone an opportunity to submit a proposed order.

I have reviewed the proposed order from pro se defendant James Spencer. I stand by my original order.

**SO ORDERED.**

\_\_\_\_\_  
 The Honorable Doyet A. Early, III  
 Presiding Judge of the Fifth Judicial Circuit

\_\_\_\_\_, SC  
 Date: \_\_\_\_\_

*RHW*

STATE OF SOUTH CAROLINA )

COURT OF COMMON PLEAS )

COUNTY OF RICHLAND )

FIFTH JUDICIAL CIRCUIT )

John Rakowsky, )

Case No.: 2008-CP-40-6656 )

Plaintiff, )

Vs. )

**SUPPLEMENTAL ORDER** )

Adrian Falgione, James Spencer, et al., )

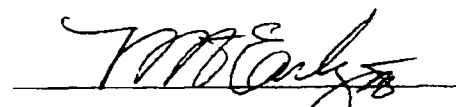
Defendant. )

RICHLAND COUNTY  
FILED  
2014 SEP 11 PM 12:01  
JEANETTE W. MCBRIDE  
C.C.P. CLERK

I signed an order on June 23, 2014 ruling on certain matters before me. All parties did not receive a copy of the proposed order. By e-mail dated July 10, 2014, I gave everyone an opportunity to submit a proposed order.

I have reviewed the proposed order from pro se defendant James Spencer. I stand by my original order.

**SO ORDERED.**



The Honorable Doyet A. Early, III  
Presiding Judge of the Fifth Judicial Circuit

*Barnwell* SC  
Date: *Sept 9, 2014*



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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2008CP4006656

John R Rakowsky

Southern Holdings Inc

Law Max Legal Finance

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.
- 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 \_\_\_\_\_

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:

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC 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 |
|-------------------------------------------|---------------------------------------|--------------------------------|
|                                           |                                       | \$                             |
|                                           |                                       | \$                             |
|                                           |                                       | \$                             |

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 \_\_\_\_\_ Judge Code \_\_\_\_\_ Date \_\_\_\_\_

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 18 September 2014 to attorneys of record or to parties (when appearing pro se) as follows:

Desa Ballard

Ernest H Morton Jr  
Andrew F. Lindemann  
James Brian Spencer  
Irene Santacroce

Linda Wilamson Lawrence  
Adrian Lcc Falgione  
Rodney Keith Lail  
James Brian Spencer

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

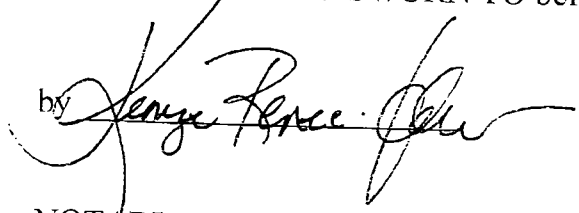
Court Reporter \_\_\_\_\_

Clerk of Court Jeanette W. McBride

*[Handwritten initials]*

Signature 

SUBSCRIBED AND SWORN TO before me this 28<sup>th</sup> day of March, 2016,

by 

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 7/14/2018

**KEONVE RENEE JOHNSON**  
Notary Public - State of South Carolina  
My Commission Expires July 14, 2018

*RHW*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

The Honorable Doyet A. Early, III, Circuit Court Judge

---

APPELLATE CASE NO. 2014-002029

---

John R. Rakowsky, *Respondent*

v.

Irene Santacroce, *Appellant*  
Rodney Lail, *Appellant*  
Estate of Doris Holt, *Appellant*

and

James Spencer, *Pro Se, Appellant*

---

AFFIDAVIT OF ROBERT WADLEY

---

*RW*

---

## AFFIDAVIT OF ROBERT WADLEY

PERSONALLY APPEARED before me the undersigned Robert Wadley who after being duly sworn states the following:

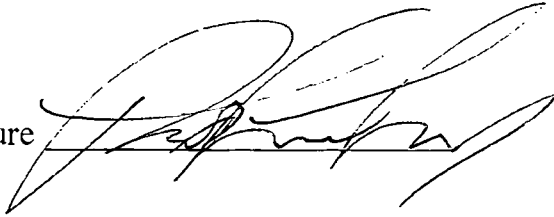
1. I am over eighteen years of age and qualified to testify.
2. The information in this affidavit is based on my personal knowledge.
3. On August 20, 2014, I attended the hearing conducted by Judge Early regarding Case No. 2008-CP-40-6656.
4. During the hearing, Ms. Ballard denied she had been served the omnibus motion of Mr. Spencer. See August 20, 2014 transcript, Pg. 16, lines 1-2.
5. On my own I started audio and at times video recording the service of documents to Ms. Ballard and Mr. Bruner due to repetitive claims of not having been served.
6. In this particular instance case, I both served and documented the service of the omnibus motion by audio recording.
7. Ms. Mara Ballard of Ms. Ballard's law firm took service of the omnibus motion that Ms. Ballard stated in Court she never received.
8. Also captured on tape were unsolicited derogatory comments from Mara Ballard directed at Michael Sribnick, MD, JD.
9. I sent my Proof of Service to Ms. Ballard with a link to the confirming recording.
10. Ms. Ballard sent an email through Michael Sribnick to Mr. Spencer which I received acknowledging the service of the omnibus motion stating her office must have misplaced the omnibus motion.
11. Ms. Ballard refused to contact Mr. Spencer directly or by email.

**AFFIANT FURTHER SAYETH NAUGHT**

SIGNATURE ON FOLLOWING PAGE

*RW*

Signature



SUBSCRIBED AND SWORN TO before me this 28<sup>th</sup> day of March, 2016,

by



NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 07/14/2018

**KEONYE RENEE JOHNSON**  
Notary Public - State of South Carolina  
My Commission Expires July 14, 2018

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

---

**EXHIBIT "D"**

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

The Honorable Doyet A. Early, III, Circuit Court Judge

---

**APPELLATE CASE NO. 2014-002029**

---

John R. Rakowsky, *Respondent*

v.

Irene Santacroce, *Appellant*  
Rodney Lail, *Appellant*  
Estate of Doris Holt, *Appellant*

and

James Spencer, *Pro Se, Appellant*

---

**AFFIDAVIT OF IRENE SANTACROCE**

---

**AFFIDAVIT OF RODNEY LAIL**

PERSONALLY APPEARED before me the undersigned Rodney Lail who after being duly sworn states the following:

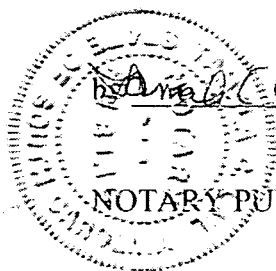
1. I am over eighteen years of age and qualified to testify.
2. The information in this affidavit is based on my personal knowledge.
3. I had no idea that Plaintiff Rakowsky filed a Reply to Counterclaims of the Defendants on November 18, 2011 because the Defendants simply had not filed Counterclaims at any point in time up to and including November 18, 2011.
4. Furthermore, I and to my knowledge none of the other Appellants ever received a Reply to Counterclaims dated November 18, 2011 from the Plaintiff/Respondent.

**AFFIANT FURTHER SAYETH NAUGHT**

Signature

*Rodney Lail*

SUBSCRIBED AND SWORN TO before me this 29<sup>th</sup> day of March, 2016,



NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires:

*April 3, 2023*

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

---

**EXHIBIT "D"**

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

The Honorable Doyet A. Early, III, Circuit Court Judge

---

**APPELLATE CASE NO. 2014-002029**

---

John R. Rakowsky, *Respondent*

v.

Irene Santacroce, *Appellant*  
Rodney Lail, *Appellant*  
Estate of Doris Holt, *Appellant*

and

James Spencer, *Pro Se, Appellant*

---

**AFFIDAVIT OF RODNEY LAIL**

---

**AFFIDAVIT OF IRENE SANTACROCE**

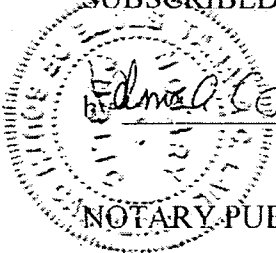
PERSONALLY APPEARED before me the undersigned Irene Santacroce who after being duly sworn states the following:

1. I am over eighteen years of age and qualified to testify.
2. The information in this affidavit is based on my personal knowledge.
3. I had no idea that Plaintiff Rakowsky filed a Reply to Counterclaims of the Defendants on November 18, 2011 because the Defendants simply had not filed Counterclaims at any point in time up to and including November 18, 2011.
4. Furthermore, I and to my knowledge none of the other Appellants ever received a Reply to Counterclaims dated November 18, 2011 from the Plaintiff/Respondent.

**AFFIANT FURTHER SAYETH NAUGHT**

Signature 

SUBSCRIBED AND SWORN TO before me this 29<sup>th</sup> day of March, 2016,



NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires:  
04/03/23

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

---

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

The Honorable Doyet A. Early, III, Circuit Court Judge

---

**APPELLATE CASE NO. 2014-002029**

---

John R. Rakowsky, *Respondent*

v.

Irene Santacroce, *Appellant*  
Rodney Lail, *Appellant*  
Estate of Doris Holt, *Appellant*

and

James Spencer, *Pro Se, Appellant*

---

**AFFIDAVIT OF MICHAEL SRIBNICK, MD, JD**

---

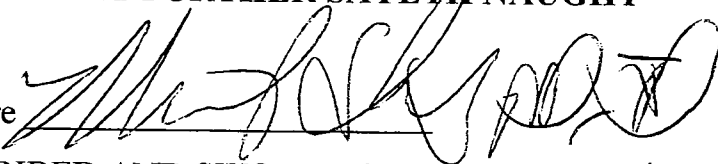
**AFFIDAVIT OF MICHAEL SRIBNICK, MD, JD**

PERSONALLY APPEARED before me the undersigned Michael Sribnick who after being duly sworn states the following:

1. The information in this affidavit is based on my personal knowledge.
2. I listened to the recording independently made by the process server regarding of the insulting remarks made by Ms. Mara Ballard about me when she was accepting service for Desa Ballard of the Omnibus Motion from me.
3. Ms. Desa Ballard wrongfully claimed I did not have served this Motion to her during the hearing on August 20, 2014.
4. I have never taken any action in response to these actions.
5. I do desire and think it is necessary to complete the Joint Appendix for the Court to order the reinstatement of email communications and for the Respondent to provide any documents he feels are being withheld by the Appellants for inclusion in the Joint Appendix to stop any delays as the Appellants do not want to delay this action in any manner.

**AFFIANT FURTHER SAYETH NAUGHT**

Signature

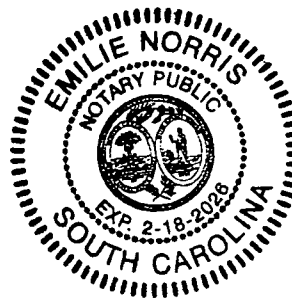


SUBSCRIBED AND SWORN TO before me this 29<sup>th</sup> day of March, 2016,

by  \_\_\_\_\_

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 2/18/2024



**CERTIFICATE OF SERVICE**

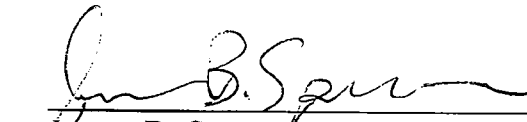
The undersigned hereby certifies that on March 30, 2016, the document described below, was(were) served on all parties of record in this case by mailing a copy, by US mail or by courier.

Documents Served: **MOTION FOR ASSISTANCE FROM THE**

**COURT TO FINALIZE THE JOINT APPENDIX**

Parties Served:

Desa Ballard, Esquire  
Ballard and Watson, Attorneys at Law  
PO Box 6338  
West Columbia, SC 29171

  
\_\_\_\_\_  
James B. Spencer, *Pro Se*  
Suite 183

7001 Saint Andrews Road  
Columbia, SC 29212

**RECEIVED**  
MAR 31 2016  
SC Court of Appeals