

The South Carolina Court of Appeals

John R. Rakowsky, Respondent,

v.

Law Offices of Adrian L. Falgione, LLC; James Spencer;
Estate of Doris Holt; Nick Williamson, on behalf of
RSC; Irene Santacroce, Rodney Keith Lail; Marguerite
Stephens and Ricky Stephens; Michael Hartness; Horry
County, S.C.; 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.

Appellate Case No. 2014-002029

ORDER

Respondent has filed a motion to dismiss this appeal. Alternatively, Respondent asks this court to require Appellants to comply with Rule 210, SCACR, and pay the attorney's fees associated with filing Respondent's motion to dismiss, along with any future fees "incurred as a result of Appellants' future rule violations." Respondent argues Appellants untimely served and filed the Record on Appeal. Respondent also argues the record excludes several items from the parties' designations of matter, includes an improperly redacted item from Appellants' designation of matter, includes several items not designated by the parties, and contains errors in the table of contents.

In their return to the motion, Appellants assert they have unsuccessfully attempted to locate the excluded documents and comply with the Appellate Court Rules. Appellants also assert Respondent has refused to produce documents designated for inclusion in the record. As a result, Appellants filed a "Motion for Assistance

from the Court to Finalize the Joint Appendix," asking this court to order Respondent to answer their email communications and either produce any excluded documents in his possession or submit a supplemental record to this court. We note Respondent's reply to the motion to dismiss included many of the excluded documents as exhibits. Accordingly, it is our understanding that Appellants should now have a copy of the excluded documents, with the exception of a letter from Respondent's counsel to James Spencer. Respondent shall provide Appellants a copy of the letter within ten days of entry of this order and notify this court when the letter has been sent. Within twenty days of receipt of the letter, Appellants shall serve and file an amended record on appeal that includes the excluded documents, corrects the deficiencies enumerated above, and otherwise complies with Rule 210, SCACR. Appellants' motion for assistance is otherwise denied. This court will consider Respondent's motion to dismiss upon receipt of the amended record or the expiration of thirty days.


FOR THE COURT

Columbia, South Carolina

cc: Irene Santacroce
Rodney Keith Lail
James B. Spencer
Michael Gordon Sribnick, Esquire
Desa Ballard, Esquire

FILED
S. J. Lail