

# 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

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## ORDER

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This appeal was dismissed on March 4, 2016, due to Appellant's failure to serve and file a record on appeal that included all matters designated by the parties. Appellant has now filed a motion to reinstate the appeal, arguing Respondents' designations of matter were misleading and inaccurate, in violation of Rule 209, SCACR. Appellant also asserts Respondents have refused to produce documents designated for inclusion in the record. We note Respondent Falgione's return to the motion to reinstate included many of the excluded documents as exhibits. Accordingly, it is our understanding that Appellant should have a copy of the excluded documents, with the exception of the following: Court Exhibit 2 from a June 5, 2013 Hearing (Rakowsky's designated item 22); Falgione's Motion to Change Venue, filed May 17, 2012 (Rakowsky's designated item 14 & Falgione's designated item 9); and Memorandum in Support of Motion to Dismiss, dated January 27, 2012. Respondents shall provide Appellant a copy of any of these documents in their possession within ten days of entry of this order and notify this court when the documents have been sent. Within twenty days of receipt of the

documents, Appellant shall serve and file an amended record on appeal that includes the excluded documents and complies with Rule 210, SCACR. This court will consider Appellant's motion to reinstate upon receipt of the amended record or the expiration of thirty days.

  
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**  
5/26/16 