



Earhart Overstreet
ATTORNEYS AT LAW

Main: 843.972.9400
www.earhartoverstreet.com
PO Box 22528, Charleston, SC 29413

Mike@earhartoverstreet.com
Direct: 843.628.3780

July 15, 2016

RECEIVED

JUL 18 2016

SC Court of Appeals

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

Re: James Spencer v. John R. Rakowsky, et al.
Case No.: 2014-000091
EO File No.: 110-0159

Dear Ms. Kitchings:

I am writing in response to Appellant James Spencer's letter dated July 11, 2016, which was mailed on July 12, 2016 and received by the undersigned today. I am hesitant to even respond, but feel compelled to do so because of Spencer's accusation that I knowingly provided an untruthful affidavit to the Court.

Spencer apparently reads my June 28, 2016 affidavit as if it were submitted in support of the affidavit from Respondent Falgione's counsel dated June 29, 2016. From that, he mistakenly concludes that my affidavit signed the day before was "false." To the contrary, and as is abundantly clear in the affidavit, it was prepared in response to an empty envelope that I received from Spencer. As set forth in the affidavit, the empty envelope was mailed on June 24, 2016, one day after the date he was required to serve and file a proper amended record pursuant to the Court's May 26, 2016 order.

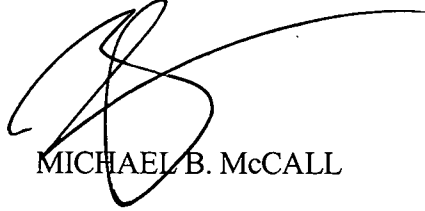
Upon receipt of the amended record that Spencer served on June 27, 2016, I submitted a supplemental return, again describing how Spencer mailed an empty envelope, but also acknowledging that Spencer had since served an amended record, and pointing out that the amended record still failed to comply with the Court's May 26, 2016 order, that it contained new materials that were not designated by any party, that it was untimely, and that Spencer misrepresented the date of service as June 22, 2016, five days earlier than the date it was actually deposited in the mail.

In typical fashion, Spencer brushes off his blatant disregard for the Appellate Court Rules and court orders without so much as a response, opting instead to lodge baseless accusations against counsel and frivolous requests for sanctions.

If you have any questions or require anything further with regard to Spencer's latest letter, please do not hesitate to contact me. By copy of this correspondence, I am serving a copy of the same upon Appellant and all counsel of record. With kind regards, I am

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Sincerely,

A handwritten signature in black ink, appearing to be "Michael B. McCall", with a long horizontal flourish extending to the right.

MICHAEL B. McCALL

MBM/cmg

cc: Benjamin Bruner, Esq.
Warren C. Powell, Esq.
James Spencer



Earhart Overstreet

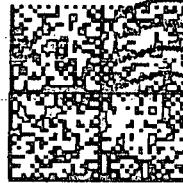
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Charleston, SC 29413

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