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RECEIVED

JUL 20 2016

SC Court of Appeals

July 18, 2016

The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: *Rakowsky v Falgione, et al.*
Appellate Case No.: 2014-002029

Dear Ms. Kitchings:

Enclosed, for filing, please find the original and six (6) copies of *Pro Se* Appellant's response to Respondent's letter dated July 8, 2010 in which Respondent asked for the case to be dismissed.

OVERVIEW

This letter is in response to another act by Respondent in a consistent pattern of delay that was part of the Respondent's objective in filing this lawsuit on September 12, 2008. The Respondent seeks to delay and avoid revealing that the *informed consent agreement* required under South Carolina Rule 407 1.8(g) and Federal Local Rule 83.I.08 for there to have a legally binding settlement simply does not exist. The informed consent agreement, if one existed, would document the division of the proceeds of an aggregate settlement amongst the parties with various claims by the Respondent in this case. It would also document whether the Plaintiff, Mr. Rakowsky, had authority from all of his diverse clients to enter into settlement negotiations at all. Respondent's counsel, Ms. Desa Ballard has stated there was an executed informed consent agreement but none of Mr. Rakowsky's clients signed such an agreement, nor have they ever seen it. Furthermore, the Appellants have subpoenaed the "informed consent agreement" (**See Exhibit "A"**) but the subpoenas were refused by Ms. Desa Ballard. Ms. Desa Ballard has raised the claim of attorney client privilege to protect this phantom agreement. Despite the attorney client

privilege claim having no justification, this proceeding has continued for over eight years as no request for this document by the Appellants has been fulfilled and the Court has refused to order the production of the "informed consent agreement." If the required agreement existed, there would be no need for this proceeding at all. Therefore, the lack of cooperation of Respondent continues and delay after delay occurs as desired by the Respondent. Appellant is required to respond to each delaying tactic.

SPECIFICS

The Respondent's counsel Ms. Desa Ballard's rationale for dismissal if taken in the best light is nothing more than unsubstantiated rhetoric offered in an attempt to delay and waste the court's resources. As an example, Ms. Desa Ballard stated in her opening paragraph that, *"I believe some of the documents included in the Record on Appeal were not designated, but I have not attempted an exhaustive review of that."* Ms. Desa Ballard holding a document in her hands and making an assumption about the contents is clearly an insult to the court. It is apparent this is another Respondent Rakowsky attempt to conjure up a technicality to attempt to dismiss the case rather than have this case heard on its merits.

In that regard, Ms. Desa Ballard states in her concluding paragraph that, *"The integrity of the entire Record on Appeal is suspect. We don't accuse anyone of any particular wrongdoing; however, there are so many different versions of various documents that we believe it is impossible to complete an accurate Record on Appeal."* Ms. Desa Ballard in her entire motion points to only one page of a single document in the immediately preceding paragraph to this statement in her motion, as the sole basis for this *global exaggeration* of *"various documents."* Appellant has reduced the grandiose concept of "various documents" to one page of a single document. Page 87 of Volume 1 is the single page raised by Ms. Desa Ballard. Ms. Desa Ballard who has no known forensic training, claims this page was, *"cut & pasted to delete the references to the Corporate Law Center and the line for the signature of attorney Ronald N. Serota."* Ms. Desa Ballard compares Page 87 of the Record with an executed date of 03/15/07, to R. Page 361 (Vol. 1) with an executed date of 03/05/07 and to R. Page 511 (Vol. 2) with an executed date of 03/02/07. All three documents were executed by John Rakowsky and each document has a unique signature and date affixed by him. The terms on each of the three pages are identical. There is no rationale that inclusion of these three pages can be viewed as having any negative impact on the integrity of the Record. The latter two pages are obviously

from earlier drafts of the same document circulated among counsels with the only differences being the dates and an additional signature of another lawyer who resigned from the case as demanded by Respondent Rakowsky. Therefore, Respondent's claim of various versions has no basis in fact and is another distorted allegation that insults the integrity of the court. Further, Ms. Ballard ignores the fact that Page 361 was produced by her expert witness whose testimony is inadmissible hearsay.

Appellants were not allowed to conduct discovery by reviewing the documents that were the basis of this "expert's report" and were not allowed to depose Ms. Mara Ballard the author of this expert's report. This was done in violation of Rule 26(b)(4)(A) of the South Carolina Rules of Civil Procedure making this report and its contents nothing more than inadmissible hearsay.

The Appellate Court of South Carolina has ruled a party to a lawsuit who presents an expert report is to both present the materials, upon which the report was based, and the availability of the individual(s) who presented the report to be presented for deposition by the adverse party(s). In *Allegro, Inc. v. Scully*, the South Carolina Appellate Court ruled:

"The report contained many instances of hearsay, including numerous statements by Scully. However," "the admission in evidence of inadmissible hearsay affords no basis for reversal where the out-of-court declarant later testifies at trial and is available for cross-examination." *Clark v. Ross*, 284 S.C. 543, 551, 328 S.E.2d 91, 97 (Ct. App. 1985), abrogated by *Sherer v. James*, 290 S.C. 404, 351 S.E. 2d 148 (1986)." *Allegro, Inc. v. Scully*, 400 S.C. 33, 48 (S.C. Ct. App 2012)

Here there was no hearing or trial to test the veracity of the "expert" witness. The Appellants issued timely subpoenas to depose the Respondent's expert, Ms. Mara Ballard, and requests for production of the documents used by Ms. Mara Ballard to formulate the "expert" report presented by her to the Court. Ms. Desa Ballard refused the subpoena to produce documents and refused to honor the subpoena to depose Ms. Mara Ballard. (See Exhibit "A.")

Ms. Desa Ballard in her shotgun attack on the Record asks the Court for page 87 be stricken from the Record, which clearly is untimely and without basis. Furthermore, Ms. Desa Ballard itemized five items she alleged were listed in her

designation of matter and that were not included in the Record. The Appellant responds to each of the five items as follows:

1. "Form Order of December 17, 2013, signed by Judge Barber." *There was no such Order issued or signed by Judge Barber. In Respondents motion to dismiss, he identified this order as signed by Judge Manning. Instead of amending their designation of matter to show they wanted to include an Order signed by Judge Manning, Ms. Desa Ballard sought to hold the Appellant responsible for not putting an improperly designated order into the record. On March 22, 2016, Respondent again submitted to the court as "Item 1. Form Order of December 17, 2013 signed by Judge Barber, Case No. 2008-CP-40-6656."*
2. "Form 4 Order of Judge Early dated September 10, 2014. Appellant has asked Respondent to supply this document, as there is no record of it at the Courthouse or being in existence. **(See Exhibit B)** *Appellant believes that Respondent actually designated the Order filed on June 27, 2014 which is the Order referenced by the Supplemental Order from point 3 immediately below in an email dated September 10, 2014. Respondent did not reply to the letter delivered by courier attached hereto as Exhibit B. Despite Ms. Desa Ballard's claim, that it was not in the Appellant's Record, it clearly was despite the Respondent's misdesignation.*
3. "Form 4 Order of Judge Early (re: Omnibus Emergency Motions filed September 11, 2014.)" **See Record Page 13.** *This "Supplemental Order" is an order signed by Judge Early that matches the September 11, 2014 date confirmed by the Clerk of Court's Record. Despite Ms. Desa Ballard's claim, it was not in the Appellant's Record, it clearly was.*
4. "Form 4 Order recorded December 30, 2014 re: Final Order Granting Interpleader." **See Record Page 26.** *The Appellant can find no such Order to match the date given by Ms. Desa Ballard. However, there is an Order entitled THE FINAL ORDER GRANTING INTERPLEADER that matches the title provided by Ms. Desa Ballard. Despite Ms. Desa Ballard's claim, that it was not in the Record it clearly was.*
5. "Reply to Counterclaims to Second Amended Complaint for Interpleader, filed February 18, 2011." *Appellant requested confirmation on this*

designation due to the simple fact Respondent counterclaims were not first filed by Appellant until August 29, 2011 and the Reply to the counterclaims could not have been written seven months prior to their submission (See Exhibit "B"). However, Respondent again failed to respond.

In Respondent's designation of matters, Respondent refuses to identify Documents correctly despite Appellants repeated requests and then asks this court to hold Appellants responsible for the Respondents misdesignation by having the case dismissed. In item (1) listed immediately above, the Respondent asked for "Form Order of December 17, 2013, signed by Judge Barber." Appellant pointed out to Respondent that there was no order signed by Judge Barber on that date. However, in Respondent's motion to dismiss of March 7, 2016 on page 5 item 1, Respondent lists as Item 1, "Form 4 Order of December 17, 2013 by Judge Barber" and in Respondents. Once again, Respondent in its response on March 22, 2016 on page two item (1) Respondent lists the failure to include in the record "Form Order of December 17, 2013 signed by Judge Barber, Case No. 2008-CP-40-6656" as a reason to dismiss Appellants appeal. Appellant communicated this to Respondent on May 19, 2016 (See Exhibit "B") but Respondent failed to address the issue except in its letter of July 8, 2016 again requesting dismissal and finally identifying the designation correctly for the first time as an Order from Judge Manning. The Appellants are communicating with the attorney for the Respondent. However, Ms. Ballard is intentionally or unintentionally not listening. If Ms. Ballard has a document make it available.

Likewise on item (2) listed above, "Form 4 Order of Judge Early dated September 10, 2014." There was no order in the Clerk of Court records dated September 10, 2014. (See Exhibit "B"). Appellant did locate an email from Judge Early, dated September 10, 2014 discussing the supplemental order and a second Order to be filed. Appellant included what it believes is the second order on the Record that is referred to with the May 10, 2014 date although no orders were executed or filed on that date (as documented by the Clerk of Court Record contained as part of Exhibit "B"). Therefore, item (1) was not designated properly, by the Respondent's own admission and items 2, 3, and 4 were included in the Record despite Respondent's allegations to the contrary.

It is important to note that Respondent's counsel admitted to not spending time reviewing the Record and was making assumptions on its content. These "assumptions" have worked to waste the court's time. They must stop and some cooperation between counsels must begin. As documented by Exhibit "B," Appellant has attempted to determine what the designations are intended to be by

Respondent. Item (5) above is another obtuse designation as Respondent. Counterclaims were not first filed by Appellant until August 29, 2011 and the Reply to the Appellant's counterclaims by Respondent were made in the May 7, 2012 hearing before Judge Barber who found for the Appellants.

The Respondent's reply to counterclaims could not have been legitimately written seven months prior to the submission of any counterclaims by Appellant. On February 18, 2011. Respondent's insistence on including documents that do not tie to actual filings is problematic. However, Appellants have responded to all five designations listed in Respondent's letter. Appellant pointing out that three of the five were included in the Record. Appellant also pointed out there was a problem with the Respondent's designation with the other two documents. As shown Respondent refused to resolve several unclear designations forcing the Appellant to make logical assumptions to complete the Record.

Appellant is now faced with additional allegations of Ms. Desa Ballard as she now alleges for the first time in her correspondence of July 8, 2016 that pages were now illegible and content was changed, claims she failed to mention in her first two filings to dismiss on flaws in the Appellant's record. This is an entirely new allegation since her first motions to dismiss based on flaws in the record content. Even though Ms. Desa Ballard claims she has not thoroughly reviewed the Record and has just assumed several allegations she has made as to flaws in the Record, she lists specific pages she claims content was changed or they are illegible.

Respondent's Counsel Ms. Desa Ballard alleges that numerous pages in the Record were illegible in whole or in part or contain stray markings that alter the content of the original documents. Ms. Ballard then lists R. Pages; 18-22, 46, 54-55, 83-84, 86, 98, 102, 105, 116, 160-161, 175, 178, 182-185, 194-196, 199-205, 217-219, 227, 232, 233, 249, 261, 264, 279, 306, 310, 310, 319, 342, 347-352, 357-358, 498-500, 502 as the pages that are illegible and/or the content was changed. This claim is baseless as the index shows these are documents filed as such in the court. Any changes would be tampering with the documents filed and changing the content from what was filed with the court.

Appellant will address these pages listed by Ms. Desa Ballard in the same sequential order. Appellant does not find these pages to be illegible or that they contain altered content due to stray markings: 18-22, 46, 54, 55, 83, 84, 86, 98, 102, 105, 116, 160, 161, 175, 178, 182-185, 194-196, 199-205, 217-219, 498-500, 502. Many of these pages were filed as exhibits to a motion and as such were marked with boxes when originally filed with the court and/or these pages are from the copies of documents filed with the Court that were written by third parties and/or filed by third parties. The *Pro Se* Appellant has not found the pages to be illegible.

The *Pro Se* Appellant has not found the content changed. As an example see **attached hereto, Exhibit "C."** Exhibit C consists of two documents with markings that Ms. Desa Ballard filed with the court and included in the Record exactly as filed with the court marked with a "**Res**" and two documents the Appellant filed with the court that Ms. Desa Ballard claims are illegible marked with "**App**" that are included in the Record. There is obviously no significant difference between the markings on the documents filed by Ms. Desa Ballard and the *Pro Se* Appellant. Based on this example the illegible documents identified as such by Ms. Desa Ballard clearly have the same markings and no content was changed. Ms. Desa Ballard is once again wasting time and raising nonissues trying to make them into issues. The index shows these are all filings and any attempt to make them more presentable will in fact be tampering with documents and changing what was filed including the content.

Furthermore, R. pages 227, 232, 233, 249, 261, 264, 279, 306, 310, 310, 319, 342, 347-352, 357-358, are from Ms. Mara Ballard's expert report and any markings on the hearsay-based documents were probably made by Respondent's counsel or expert that Appellant clearly had no control over.

REMEDY

It is time for the court to mandate the cooperation of the Respondent and stop the delaying tactics of the Respondent. Allegations made about problems with the documents in the record without looking at the document as admitted by Ms. Desa Ballard are nothing but delay tactics. Failure to answer simple questions of Appellants to speed up compilation of the record are clearly delay tactics. Putting the record together should not be a one sided guessing game.

Appellants ask that all motions to dismiss be denied.

Submitted by,



James Spencer
Appellant *Pro Se*

Attachments

Cc:

Michael Sribnick, MD, JD



STATE OF SOUTH CAROLINA
ISSUED BY THE CIRCUIT COURT IN THE COUNTY OF RICHLAND

JOHN RAKOWSKY, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

ADRIAN FALGIONE, et al., Defendants

Case Number: 2008-CP-6656

Pending in RICHLAND County

TO: JOHN RAKOWSKY

YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME AM

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a **VIDEOTAPED** deposition in the above case.

PLACE OF DEPOSITION - VIDEOTAPED Irmo Public Library Conference Room, 6251 Saint Andrews Road Columbia, SC 29212 - applicable mileage rates will be paid to Mr. Rakowsky after the deposition.	DATE AND TIME July 25, 2014, 10:00 AM
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects):

See attached.


PLACE Box 183, 7001 Saint Andrews Road, Columbia, SC 29212.	DATE AND TIME July 14, 2014, 5:00 PM
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME AM
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ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 34(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

	07/03/2014	Michael G. Scribner
Attorney Issuing Officer's Signature	Date	Print Name
Indicate if Attorney for Plaintiff or Defendant		
Attorney's Address and Telephone Number		

Attorney for the Defendants, Lail, Santacrose, & Estate of Doris Holt, 3 Kenilworth Ave., Charleston, SC, 29403, 843-789-3504.

Clerk of Court/Issuing Officer's Signature	Date	Print Name
Pay To (Litigant's Name, Address and Telephone Number):		

ATTACHMENT TO SUBPOENA DUCES TECUM

As a matter of law in this case as established by both the South Carolina Supreme Court, *South Carolina Court Rule 407, 1.8 (g)* and adopted by the South Carolina Federal District Court, *Federal District Court Local Rule 83.108*, in order for there to be a lawful settlement in the underlying case, a settlement claimed by Plaintiff John Rakowsky, there has to be a document of "informed consent" signed in writing by each of the seven individual clients who each had different interests and also different claims in the underlying proceeding. This document is required to show the participation of each client, who are defendants in the present case, in the aggregate settlement. This is a defining document in the present case, yet this document, which by law has to be in existence if there was a true settlement, has not been produced to date.

Therefore, please provide the "document of informed consent" with the written signatures of all seven clients that was the legally required basis for the alleged settlement agreement in the underlying case **CIVIL ACTION NO.: 4:02-1859-RBH, (Southern Holdings, Inc., et al. v. Horry County, et al.)**. A document which will show the agreed upon distribution of the aggregate settlement among the client-defendants in the present case, a key question currently before this court.

PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
	PLACE	
SERVED ON	MANNER OF SERVICE	
SERVED BY	TITLE	

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

 SIGNATURE OF SERVER

 ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedure, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance; or
 - (ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(ii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
 - (iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena:
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
 - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person. The court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1)(A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.

MICHAEL G SRIBNICK, M.D., J. D., LLC
3 KENILWORTH AVE
CHARLESTON, SC 29403-4305

1128
67-804/839
REANCH 210

7/3/14 Date

Pay to the Order of John Pakowicz \$ 75.00
Twenty-five and 00/100 Dollars

First Citizens

For deposit only Michael G. Sribnick, M.D., J.D., LLC

⑆053906041207950 4865101⑈ 1128

STATE OF SOUTH CAROLINA
ISSUED BY THE CIRCUIT COURT IN THE COUNTY OF RICHLAND

JOHN RAKOWSKY, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

ADRIAN FALGIONE, et al., Defendant

Case Number: 2008-CP-6656

Pending in RICHLAND County

TO: MARA T. BALLARD

YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
DATE AND TIME	AM

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a **VIDEOTAPED** deposition in the above case.

PLACE OF DEPOSITION -VIDEOTAPED- Ijano Public Library Conference Room, 6251 Saint Andrews Road Columbia, SC 29212 - applicable mileage rates will be paid to Ms. Ballard after the deposition.	DATE AND TIME July 25, 2014, 3:00 PM
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects:

See attached.

PLACE Box 183, 7001 Saint Andrews Road, Columbia, SC 29212.	DATE AND TIME July 17, 2014, 5:00 PM
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME	AM
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ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF. SHALL SET FORTH FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

<i>Michael G. Stribnick</i> Attorney Issuing Officer's Signature	07/03/2014 Date	Michael G. Stribnick Print Name
Indicate if Attorney for Plaintiff or Defendant Attorney's Address and Telephone Number: Attorney for Defendants Lail, Santacroce & Estate of Doris Holt, 3 Kenilworth Ave, Charleston, SC, 843-789-3504		

ATTACHMENT TO SUBPOENA DUCES TECUM

Please produce any and all documents, primary and other, used by Mara Ballard to produce her expert's report submitted to this court, dated April 17, 2014. This request includes all Mara Ballard's notes, calculations, correspondence, bills, travel logs, work logs, annotations, notes pertaining to conversations, interviews, library materials, telephone calls, in any form electronic or otherwise including, but not limited to production of documents that were reviewed and discarded and previous drafts of or related to the work product that was presented to the court as MTB0001 through MTB0145.

Under Rule 26 of the South Carolina Rules of Civil Procedure Mara Ballard, who identifies herself as an expert in the present case and presents an expert report to the court, on behalf of Plaintiff Rakowsky, is subject to discovery and deposition regarding the basis of her report, her credentials, scope of examination and her knowledge concerning matters before the court.

PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
	PLACE	
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedure, Parts (c) and (d).

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person; except that, subject to the provisions of clause (c)(3)(B)(ii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study, made not at the request of any party, or

SCCA 254 (11/2013)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on pages 2 and 3)

(iii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1)(A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(5)(B). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.

MICHAEL G SRIBNICK, M.D., J. D., LLC
3 KENILWORTH AVE
CHARLESTON, SC 29403-4305

1129

67-504533
BRANCH 215

7/3/13 Date

Pay to the
Order of

Mrs. T. Bellamy

\$ 25.00

twenty five dollars and 00/100

Dollars

First Citizens

For

medical bills for Mark Bellamy

⑆053906061⑆07950 4855101⑆ 1129

EXHIBIT "B"

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

AFFIDAVIT OF ROBERT H. WADLEY

PERSONALLY APPEARED before me the undersigned Robert H. Wadley who after being duly sworn states the following as being true based on his personal knowledge:

1. I am currently over eighteen years of age and competent to testify.
2. On May 19, 2016 I hand delivered the attached document to the offices of Desa Ballard at 226 State Street, West Columbia, 29169.
3. I have made numerous service deliveries to Ms. Ballard and/or Ms. Weissenstein over the past several years at this address.

AFFIANT FURTHER SAYETH NAUGHT

NOTARIZED SIGNATURE

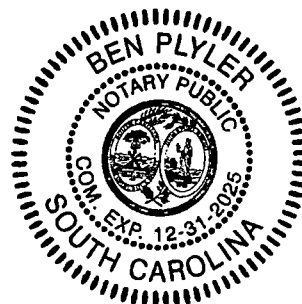
Signature: 

Subscribed and sworn before me, this 20th day of July of the year 2016.

Signature of Notary: 

Expiration date of Commission: 12-31-25

Notary Seal or Stamp



RAW

James B. Spencer
7001 Saint Andrews Road
Columbia, SC 29212
803-414-0889
JamesBSpencer@sc.rr.com

May 19, 2016

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

Re: *Rakowsky v Falgione, et al.*
Appellate Case No.: 2014-002029

Dear Ms. Ballard:

I am trying to finish the record and make sure everything you have designated has been included. I would appreciate your help in clarifying certain matters.

First your designations of: "Form Order of December 17, 2013 signed by Judge Barber." You keep designated this even after I have informed you I can find no such order in the Clerk of Court's Office. Please see Attachment A to this letter. It simply does not exist by all records I can find. Please send me a copy and I will include it in the record.

Second your designations of: "Form 4 Order of Judge Early dated September 10, 2014." Please see Attachment A to this letter. I can find no document dated or signed September 10, 2014. Please provide me this document so I can include it in the Record.

Third your designations of: "Form 4 Order of Judge Early (re: Omnibus Emergency Motions filed September 11, 2014).

Fourth your designations of: "Reply to Counterclaims to Second Amended Complaint for Interpleader filed February 18, 2011." The *Pro Se* Appellant did not file any counterclaims until August 29, 2011. In order to ensure this is not an

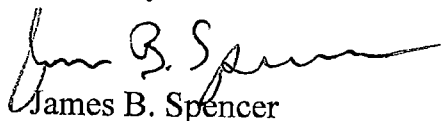
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oversight please confirm to me that you are not actually wanting your response to the Counterclaims filed by the Appellant which was not given by Respondent until the hearing on May 7, 2012. See Attached Document B.

Fifth your designation of: August 7, 2014 letter to *Pro Se* Appellant.

I await your response so I can add the documents you want to add irrespective of the apparent misdesignations by the Respondent.

Sincerely,



James B. Spencer
Pro Se Appellant

Attachments.

Cc: Michael Sribnick, MD, JD

11/17

RICHLAND COUNTY CLERK OF COURT RECORDS

Name	Description	Type	Motion Roster	Begin Date	Completion Date
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
Holt, Doris	Response to Notice of Motion to Dismiss or to Substitute Par	Filing		08/26/2014-09:24	12/23/2014-09:24
Spencer, James	Response to Email From Judge Early and Requested Proposed Or	Filing		08/25/2014-11:37	12/23/2014-11:37
Rakowsky, John R	Amended Plaintiffs Response to "Omnibus" Motions	Filing		08/21/2014-14:35	12/23/2014-14:35
Falgione, Adrian L	Motion to Dismiss or Substitute Party	Motion		08/20/2014-16:35	08/20/2014-16:35

ATTACHMENT "A"

1 not supposed to be interpleaded and for ---

2 THE COURT: Well, and that won't be dealt with
3 prior to trial.

4 MR. SPENCER: Okay.

5 THE COURT: Because that won't be --- what you
6 will probably have to do is seek some sort of
7 frivolous action if, in fact, they're not there.

8 MR. SPENCER: That's part of our counterclaim.

9 THE COURT: All right. Well, that will have to
10 be decided in the whole picture.

11 MR. SPENCER: We have a motion to amend our
12 answer for a counterclaim and for a jury trial.

13 THE COURT: Well, I don't think it's for a jury
14 trial.

15 MR. SPENCER: All right. Our counterclaim ---

16 THE COURT: It's an equitable action.

17 And you have a proposed counterclaim?

18 MR. SPENCER: Yes, sir.

19 THE COURT: On the amended complaint?

20 MR. SPENCER: We have had an amended complaint
21 and counterclaim since August of 2011.

22 THE COURT: Have you seen the amended complaint?

23 MS. WEISSENSTEIN: Your Honor, I couldn't
24 understand what he just said.

25 THE COURT: He said that since August of 2011, he

RHW

1 had filed a motion to amend the answer and the
2 counterclaim and when he did that, he submitted a
3 proposed answer and counterclaim, which is what you're
4 required to do. Are you going to fighting him on the
5 amendment? You're going to lose. Do you want to
6 fight him?

7 MS. WEISSENSTEIN: Your Honor, I believe that an
8 order of August 3rd, 2011 addressed that motion.

9 THE COURT: Let me see it.

10 MS. WEISSENSTEIN: I'm sorry?

11 THE COURT: Let me see it.

12 MS. WEISSENSTEIN: I don't have that with me
13 today, Your Honor.

14 THE COURT: Why wasn't it filed?

15 MS. WEISSENSTEIN: Because, Your Honor, I
16 believed that we were here to schedule the outstanding
17 motions and not litigate the issues.

18 THE COURT: We're here to determine the status of
19 the thing. I'm not litigating it, but you know as
20 well as I do, the rules liberally allows for amended
21 pleas, so you're probably going lose that.

22 What I'm trying to figure out is the if he
23 amends, when can they do the depositions and let's go
24 ahead and schedule the hearing on the merits of the
25 interpleader action.

RHW

1 MS. WEISSENSTEIN: Your Honor, if the --- this
2 action has been pending since 2008. He could have
3 moved for the depositions a long time ago, and we
4 would object to any further discovery at this point.
5 It's an interpleader action.

6 THE COURT: I don't care. We're going to give
7 him an opportunity to do it. We are going to give
8 everybody an opportunity to do what they need to do
9 before we go to a hearing, but we're going to schedule
10 a hearing. If they don't do it before we go to the
11 hearing, then they're going to give up their right to
12 do it. I want to get the issues framed so that
13 everybody knows what it is we're talking about when we
14 go to a hearing.

15 What you need to do is consent to his amending
16 the answer and the counterclaim, let's get on with
17 that. Find out when it is he can take these
18 depositions, let's get on with that and schedule a
19 hearing.

20 MS. WEISSENSTEIN: All right, Your Honor. We'll
21 consent to him filing his amended.

22 THE COURT: All right, they're consenting to
23 allow you to amend your answer and counterclaim, so
24 get them filed and get them served.

25 MR. SPENCER: Yes, sir.

RHW

EXHIBIT "C"

RES.1

Re: American Capital Partners

To: Ronald N. Serota, Corporate Law Center

02/23/07 11:20AM Page 8 of 11

Appendix I. IRREVOCABLE POWER OF ATTORNEY AND INSTRUCTIONS TO ATTORNEY

I, James Spencer, hereby irrevocably appoint Ronald N. Serota and the firm Corporate Law Center, and any other attorney or law firm that maybe added or substituted, as my true and lawful attorney-in-fact, in its name, title and stead, with full power to receive any monies and deposit into their trust account any check, draft or other financial instrument received in payment of my Claims, as defined in the Agreement. This power of attorney shall remain in full force and be binding and LawMax Legal Finance is put in full respect forth in the Agreement.

I further irrevocably instruct Ronald N. Serota and the firm Corporate Law Center, and any other attorney or law firm that maybe added or substituted, to place an irrevocable assignment, consensual lien and security interest against any and all of the Proceeds due to me from the Claim after payment of the attorney's fees and costs. I irrevocably instruct and direct Ronald N. Serota, the firm Corporate Law Center, or any other attorney or law firm that maybe added or substituted to protect and satisfy this assignment, consensual lien and security interest with respect to the LawMax Ownership Stake, which is set forth in Article 2 of the Agreement.

During the pendency of the Claim, I irrevocably instruct and direct Ronald N. Serota, the firm of Corporate Law Center, and any other attorney or law firm that maybe added or substituted, to provide written updates to LawMax Legal Finance at their request regarding the status of the Claim and any development that may be material to the Claim.

Upon the settlement, resolution, or any distribution of Proceeds related to the Claim, I irrevocably instruct and direct Ronald N. Serota, the firm of Corporate Law Center, and any attorney or law firm that may be added or substituted, to protect and satisfy this assignment, consensual lien and security interest in favor of LawMax Legal Finance before releasing any funds to me. If there is a dispute regarding this instrument or the Agreement, I irrevocably instruct and direct my attorney(s) not to release any funds to me until such dispute is resolved. I understand that LawMax Legal Finance has relied on this instrument to provide funding to me under the Agreement. In the event that Ronald N. Serota or the firm of Corporate Law Center ceases to represent me, I irrevocably instruct and direct Ronald N. Serota, the firm of Corporate Law Center, and any attorney or law firm that may be added or substituted to provide LawMax Legal Finance with information regarding the new attorney, applicable insurance, or any other information necessary for LawMax Legal Finance to protect their interest under the Agreement and to follow my irrevocable instructions that are contained in the Agreement and this instrument.

I fully read the Agreement and understand all the terms it contains. I also had the opportunity to ask questions regarding the Agreement and the transaction contained therein and all such questions have been answered. This instrument is a part of the Agreement and shall be decided by binding arbitration in the event a dispute arises relating hereto. This instrument may be executed in counterparts, each of which shall be deemed an original, and all of which shall together constitute one agreement.

Seller	Buyer
James Spencer	Max Volaky, President
On this 1st day of March, 2007, personally appeared before me James Spencer known to me to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.	
Notary Public	My Commission Expires: February 2, 2008
<p style="text-align: center;">Page 8 of 10 LawMax tel. 212-480-3707 fax 212-480-3674</p>	

Kimberly A. Sellers
Invoice for Independent Paralegal Services

Re: USDC, Florence Division
 Case No. 4:02-359-12
Southern Holdings, Inc. et al. v. Dorris County, South Carolina, et al.

6/30/05	meeting with Mark Hardover case review	1.0
7/9/05	meeting with client and John Rakowsky review materials	2.5
7/19/05	prepare trial exhibits	5.0
7/19/05	prepare trial exhibits and completion of exhibit list	12.25
7/14/05	organize depositions, trial materials, etc.	3.0
7/16/05	summary judgment preparation, trial prep	6.50
7/17/05	trial prep file organization	2.0
7/18/05	trial prep file organization	2.0

TOTAL TIME 44.25 hours

Hourly rate: \$50.00 per hour \$2,212.50

Expenses: attached \$ 67.50

TOTAL AMOUNT DUE: \$2,280.00

MTB0067

ATTACHMENT BPAGE 1 OF 3

IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF SOUTH CAROLINA
 FLORENCE DIVISION
 CIVIL ACTION NO: 4:02-CV-01859-RBH

SOUTHERN HOLDINGS, INC.; JAMES SPENCER; RODNEY KEITH
 LAIL; IRENE SANTACROCE; RICKY STEPHENS; MARGUERITE
 STEPHENS; DORIS HOLT; and NICHOLAS C. WILLIAMSON,
 Plaintiff.

vs.
 Horry County, South Carolina, Horry County Sheriff's
 Department; Horry County Police Department; JAMES
 ALBERT ALLEN, JR., Individually and in his official
 capacity as an officer with the Horry County Sheriff's
 Department; SIDNEY RICK THOMPSON, Individually and in
 his official capacity as an officer with the Horry
 County Sheriff's Department; JEFFREY S. CALDWELL,
 Individually and in his official capacity as an officer
 with the Horry County Sheriff's Department; CHARLES
 MCCLENDON, Individually and in his official capacity as
 an officer with the Horry County Police Department; JAY
 BRANTLEY, Individually and in his official capacity as
 an officer with the Horry County Police Department;
 ANDY CHRISTENSEN, Individually and in his official
 capacity as an officer with the Horry County Police
 Department; MICHAEL STEVEN HARTNESS; ANCIL B. GARVIN,
 III; DAVID SMITH; and JOHN DOES,
 Defendants.

THE DEPOSITION OF NOEL HERROLD,

taken on behalf of the Defendant, on May 7, 2007,
 commencing at 10:03 a.m., at the Law Offices of Senn,
 McDonald & Leinbach, 3 Wesley Drive, Charleston, South
 Carolina, 29464.

ORIGINAL

Douglas K. Liperote
 Court Reporter

1 \$67,000, I believe.

2 THE COURT: Wait. Hang on a minute. (Pause.) And
3 tell me what it is you want.

4 MR. SPENCER: An accounting of what was done with
5 over \$100,000 that Mr. Rakowsky received in
6 accordance with Rule 417.

7 THE COURT: He shows \$67,500.

8 MR. SPENCER: I just received that this morning and I
9 understand that. It -- we're saying that that number is
10 not correct. We want the records that are due us. That's
11 not the --

12 THE COURT: Are they any kind of a defendant? This
13 is just a straight interpleader action?

14 MS. WEISSENSTEIN: Your Honor, the account records as
15 required by Rule 417 and Rule 1.15 have been created.

16 However, there's absolutely nothing in either one of those
17 rules that requires a lawyer to turn over his bank records
18 to his client. The rule merely requires that an
19 accounting of all expenses be provided to the client.
20 This has been provided to Mr. Spencer during the
21 representation of him. It's been provided to other
22 parties and, again, we provided it again today.

23 We cannot perceive how there's any dispute or
24 question of fact or why that would even be relevant at
25 this juncture. We have the money. We want to inter plead