



**Ballard & Watson**  
Attorneys at Law  
PERSISTENT. UNWAVERING.

Desa Ballard  
Harvey M. Watson III

Post Office Box 6338 | West Columbia, SC 29171  
226 State Street | West Columbia, SC 29169  
ph 803.796.9299 | fx 803.796.1066 | [desaballard.com](http://desaballard.com)

July 22, 2016

*Via U.S. Mail and Email*  
Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

**RECEIVED**  
JUL 25 2016  
SC Court of Appeals

Re: *Rakowsky v Falgione, LLC, Spencer, Holt, et. al.*  
Case No: 2014-002029

Dear Ms. Kitchings:

I have just received, via hand-delivery, a copy of Mr. Sribnick's letter enclosing Affidavit of Counsel dated July 22, 2016, with attachments. Mr. Sribnick attaches a copy of my letter to him dated May 27, 2016, which enclosed a copy of a cover letter he and Mr. Spencer claimed not to have, asserting this as proof that I have only supplied to them this single document.

This Court's order filed May 26, 2016 noted that Mr. Sribnick and Mr. Spencer had all the documents they needed to complete the Record on Appeal, except my letter to Mr. Spencer which we had designated. Pursuant to the Court's order, I forwarded the one document the Court noted Mr. Sribnick and Mr. Spencer still needed to complete an accurate Record on Appeal. That letter is the May 27, 2016 letter attached to Mr. Sribnick's affidavit. So, as of that date, this Court's order dated May 26, 2016 ordered Mr. Sribnick and Mr. Spencer to "serve and file an amended record on appeal that includes the excluded documents, corrected the deficiencies enumerated above, and otherwise complied with Rule 210, SCACR."

As you know, we received a copy of the Amended Record on Appeal on June 17, 2016 and attempted to prepare our Final Briefs, only to discover that five (5) of our designated items had not been included. That led to our letter to you dated July 8, 2016. We responded to Mr. Spencer's letter earlier today, again verifying that the items omitted from the Record on Appeal received on June 17, 2016 remain missing from the Record on Appeal.

Honorable Jenny Abbott Kitchings  
Re: Rakowsky v. Falgione, et al.  
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With warm personal regards, I am,

Sincerely yours,

A handwritten signature in cursive script that reads "Desa Ballard".

Desa Ballard  
Desab@desaballard.com

c. Michael G. Sribnick, Esquire  
James Spencer (*Pro Se*)  
John Rakowsky, Esquire (via email only)

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