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July 29, 2016

RECEIVED

JUL 29 2016

SC Court of Appeals

Via Hand Delivery

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *John Rakowsky vs. Adrian Falgione, et al.*

Appellate Case No.: 2014-002029

Re: Respondent's letter dated July 22, 2016

Dear Ms. Kitchings:

Appellants have attempted to file a mutually agreeable Record with the Respondent. As you are aware after the May 26, 2016 Court Order the Respondent was asking for additional modifications to the Record. Appellants asked for clarification to accommodate Respondent. However, Respondent has refused all contact with Appellants. In her July 22, 2016 letter, Respondent admittedly made allegations based on assumptions instead of making an informed analysis. Respondent's counsel stated in her correspondence, "we are not going to try to figure that out." On July 8, 2016, Respondent stated in her correspondence "I believe some of the documents included in the Record on Appeal were not designated" however, Ms. Ballard admitted she did not review the Record in that regard and therefore she has no basis for such an allegation. Respondent refused to read the Record to see the documents she claimed were missing were in fact part of the Record. Appellant cannot force the Respondent to read the Record,

Therefore, Appellants filed simultaneously with this correspondence an amended Record in the hopes of avoiding any further delay tactics. Appellant has filed an original and six copies of this letter with the Court.

Respectfully,


James Spencer

Cc: Ms. Desa Ballard
Michael Sribnick, JD, MD