

JAMES B. SPENCER  
PMB 183  
7001 SAINT ANDREWS ROAD  
COLUMBIA, SC 29212  
(803) 414-0889  
JAMESBSPENCER@SC.RR.COM

RECEIVED  
JUL 25 2016  
SC Court of Appeals

July 25, 2016

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

Re: James Spencer, et al. vs. John Rakowsky, et al.  
Appellate Case No: 2014-000019  
**Mr. Mike McCall's letter to your office dated July 15, 2016.**  
**Mr. Benjamin Bruner's letter to your office dated July 18, 2016**

Dear Ms. Kitchings:

In his July 15, 2016 letter to you, Mr. McCall referred to a second document that I failed to address in my letter. Upon receipt of the copy of Mr. McCall's July 15, 2016 letter to you, I immediately sent the attached email to Mr. McCall asking for the document he claims I failed to address. I have received no response to my request. Therefore, I stand by my letter of July 11, 2016 unless either Mr. McCall or your office produces the second letter Mr. McCall claims Appellant failed to address.

Furthermore, Mr. McCall's only response was to move to try to dismiss this case on a legal technicality in his June 28, 2016 letter. His claim is baseless. Mr. McCall stated that he was "served" on June 27, 2016 and the Appellant was therefore untimely. The May 26, 2016 Order deadline to respond with service, due to the weekend, was May 27, 2016. The Appellants response was mailed way before the due date as is documented by the Respondent himself. His attempt to confuse the Court is once again nothing but a delay tactic. Mr. McCall knows well the documentation was placed in the mail well within the time limits. The date that it was placed in the mail is the governing date of service.

Mr. McCall makes another demonstratively false claim in that he stated in his letter that the Record, "contained new materials that were not designated by any

party.” None of the six points in Mr. McCall’s affidavit and letter of June 28, 2016 makes this allegation. Mr. McCall simply argues the Appellant’s response was untimely, which it was not.

Concerning Mr. Bruner’s letter of July 18, 2016, the *Pro Se* Appellant spent countless hours adjusting the Record or pointing out the error in Mr. Bruner’s statements in making sure every matter raised by Mr. Bruner was addressed. Instead of reviewing the material sent to him by the *Pro Se* Appellant on July 7, 2016, Mr. Bruner offered boilerplate legalize to avoid facts in stating “I do not intend to glorify Mr. Spencer’s claims by responding point by point...Rather than allowing this madness to continue, the Court should deny Spencer’s motion to reinstate his appeal.” Mr. Bruner answered a nineteen page detailed letter with a six sentence response refusing to address and resolve the facts raised by the Appellant. This is just another delay tactic by Mr. Bruner.

The Appellant has agreed to add and adjust the Record in every legitimate way for both Respondents’ counsels.

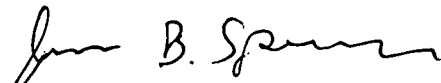
This total lack of cooperation violates the rights of the Appellant to due process under both the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution. The Respondents know the underlying case was never legitimately settled and seek to delay and/or have the case dismissed. Appellant asks the Court to step in and stop this misuse of due process and the continuing delays.

The Appellant wants to cooperate in completing the record in any way possible but it requires the cooperation of the Respondents. Therefore, Appellant respectfully requests the Court deny the motion for dismissal, have the case proceed reinstated and have the proposed Record accepted or have the Respondents’ supplement the Record.

Enclosed please find the original and (6) copies of this letter for the Court.

Respectfully submitted,

Sincerely,



James B. Spencer

Attachment

Cc: Benjamin Bruner, Esquire  
Michael McCall, Esquire

James

---

**From:** James <JamesBSpencer@sc.rr.com>  
**Sent:** Wednesday, July 20, 2016 9:24 PM  
**To:** 'mike.mccall@earhartoverstreet.com'  
**Subject:** Supplemental Return

Dear Mr. McCall:

Please send me by email if possible a copy of the second letter you referenced you sent in your letter of July 15, 2016. I have not received what you referred to as your supplemental return, therefore I have no idea what you are talking about in that regard. Please also provide me the date of when you sent this correspondence out. Thank you for your assistance in advance.

Sincerely,

James B. Spencer

**This electronic message and any attached files contain information intended for the exclusive use of the individual or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any viewing, copying, disclosure or distribution of this information may be subject to legal restriction or sanction and is strictly prohibited. If you have received this communication in error, please notify the sender by return electronic message or telephone, and destroy the original message without making any copies.**