



Michael G. Sribnick, M.D., J.D., LLC

Attorney at Law

3 Kenilworth Avenue  
Charleston, S.C. 29403-4305



August 25, 2016

Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1229 Senate Street  
Columbia, South Carolina 29201  
Sent Via Fax (803)-734-1839  
And U.S. Mail

RECEIVED  
AUG 29 2016  
SC Court of Appeals

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

Dear Ms. Kitchings:

I have read Ms. Ballard's correspondence to you dated August 18, 2016 and *Pro Se* Appellant James Spencer response to you dated August 24, 2016 in detail. I am hoping Ms. Ballard's response represents a breakthrough in her cooperation to complete the ROA and move this case forward. I represent Appellants Rodney Lail and Irene Santacroce and the Estate of Doris Holt in these matters. I am doing this on a *Pro Bono* basis, as my clients are indigent, ill and deceased. I can assure you neither any appellant nor I have done or are going to do anything to delay action in this case. Our focus is on the simple basis that this Interpleader was wrongfully brought and there is no reason for delays.

The Respondent claims he followed all the accounting rules and that precludes Mr. Rakowsky from not knowing who the litigation funds belonged to. Furthermore, Mr. Rakowsky and Ms. Ballard have claimed that Mr. Rakowsky has followed South Carolina Appellate Rule 407 1.8(g), which requires all Mr. Rakowsky clients with diverse claims in the same case agree in writing ("informed consent agreement") to who receives what from an aggregate settlement before a settlement can be finalized. Mr. Rakowsky and Ms. Ballard claim that attorney client privilege prevents them releasing the accounting records and the informed consent agreement. The existence of these documents preclude the need for an Interpleader action. Furthermore, awarding the proceeds for legal fees negating the representation contracts mutually agreed which precludes the Respondent from earning legal fees, as expenses were not recovered cannot be enforceable. At some point these purported records need to be made public but the denial of discovery to date in this case for the Appellants has prejudiced this case against them by blocking access to these purported records. For these reasons, Respondent has taken all actions possible to delay and create technicalities hoping for a dismissal on any technicality rather than have the case adjudicated on the facts.

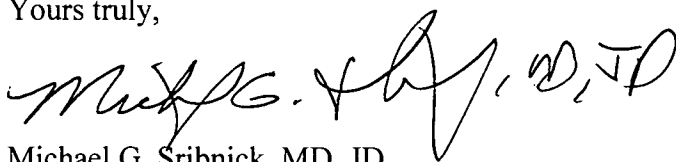
Page 1 of 2

Based on the above, I have also agreed to make all the adjustments possible that Ms. Ballard has asked for that can be made. I also agree to add all the documents she has asked to be added to the ROA be they properly designated or not. I cannot locate "the Form 4 order dated December 30, 2014" designated by Ms. Ballard. The Clerk of Court's Office does not have a record of its existence either as the case disposition date was 12/23/2014. Therefore, I am requesting Ms. Ballard to provide this document. Whether Ms. Ballard's misdesignations warranted amending the ROA is not a question worth disputing. Appellants will amend the ROA and have it to your office by Monday, August 29, 2016. The Appellants have both complied with the Court Order and the ongoing requests of Ms. Ballard.

I have enclosed the original and six copies of this letter with attachment for the court

Thank you very much.

Yours truly,

A handwritten signature in black ink, appearing to read "Michael G. Sribnick, MD, JD". The signature is fluid and cursive, with the initials "MD, JD" clearly visible at the end.

Michael G. Sribnick, MD, JD

Attachment

Cc:

Desa Ballard, Esquire

James B. Spencer, *Pro Se*



Michael G. Sribnick, M.D., J.D., LLC

Attorney at Law

3 Kenilworth Avenue  
Charleston, S.C. 29403-4305



August 25, 2016

Sent Via Fax and U.S. Mail

Ms. Desa Ballard  
226 State Street  
West Columbia, SC 29169  
Fax 803-796-1066

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

Dear Ms. Ballard:

I was very happy to receive your letter of August 18, 2016. Thank you for your new spirit of cooperation and finally we will be able to move this case forward. Enclosed please find a copy of my letter to Ms. Kitchings expressing the same.

Please provide a copy of the "the Form 4 order dated December 30, 2014" as I cannot locate it and the Clerk of Court office has no record of the document. Please email it to Mr. Spencer so we can submit the amended ROA by Monday, August 29, 2016.

I look forward to working with you on a professional basis. In that regard, would you please provide a copy of the informed consent agreement required under SCAP 407 1.8(g). Your basis of denial of providing it as privileged information is legally unsupported.

Thank you very much.

Yours truly,

A handwritten signature in black ink, appearing to read "Michael G. Sribnick".

Michael G. Sribnick, MD, JD

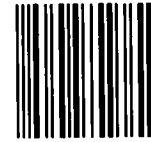
Attachment

Cc:

James B. Spencer, *Pro Se*



1000

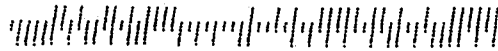


29201

U.S. POSTAGE  
PAID  
CHARLESTON, SC  
29403  
AUG 28, 16  
AMOUNT

**\$1.78**

R2303S100577-99



**Michael G. Sribnick, M.D., J.D., LLC**



3 Kenilworth Avenue  
Charleston, S.C. 29403-4305

Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1229 Senate Street  
Columbia, South Carolina 29201

**RECEIVED**

AUG 29 2016

SC Court of Appeals