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James B. Spencer
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August 24, 2016

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1229 Senate Street
Columbia, South Carolina 29201
Sent Via Fax 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 truly do not understand why Ms. Ballard insists on communicating to this Appellant through you except for the insinuations she employs in lieu of producing key documents and dragging this case out. I will continue to not respond to these baseless slights and focus on moving this case forward.

Ms. Ballard stated in her August 18, 2016 letter to you, "The most recent ROA has included some of the missing items, but remains deficient in that it omits the following." She then listed the following items:

- **Designated Item 1**, which she states is in the ROA in an obvious contradiction.
- **Designated Item 5**, Ms. Ballard admits she incorrectly listed the item in her designation; however, she admits the Appellant guessed correctly and included the correct document in the ROA. She wants another document included in her misdesignation and provided a copy of it (**Exhibit A**) to be added to the ROA.
- **Designated Item 6**, which she states is in the ROA in an obvious contradiction.
- **Designated Item 7**, Ms. Ballard states the order dated December 23, 2014 she designated was included in the ROA. However, she also wants the Form 4 to that order that she claims was not filed until December 30, 2014 put in the

ROA. She did not supply a copy of this Form 4 for addition to the ROA. Please see **attachment A to this letter**, which is the computer, output from the Clerk of Court's office. It shows that the Disposition date of the case was December 23, 2014. It documents that no forms were filed beyond the date of December 23, 2014. Appellant is faxing her a copy of this response and asking her to submit it to Appellant by email and to stop making you the intermediary. I cannot produce a document that neither the Appellants nor the court has a record of.

- **Designated Item 9**, Ms. Ballard admits it is contained in the ROA in an obvious contradiction.

The Appellant has no idea why Ms. Ballard lists these items as still being omitted yet **admits** they are, in fact, in the ROA in the same statement except to confuse the court.

Ms. Ballard then adds to her previous objections new objections in her August 18, 2016 letter. These include:

- **Designation Item 10**, Ms. Ballard claims this redundant signature page is not in the ROA. She supplied a copy of the redundant page and the Appellant will resubmit an amended ROA with the redundant page she submitted as **Exhibit B** in her August 18, 2016 letter despite it not being necessary.
- **Designation Item 12**, it appears the copier condensed two pages 17 and 18 into page 514 of the ROA. Ms. Ballard supplied both pages in her **Exhibit C** for insertion in the ROA.
- **Designation Item 13**, in her letter Ms. Ballard asserts that pages 31-39 from Mara Ballard's "expert report" are wrongfully inserted after page 106 in the ROA. This is incorrect as these pages are attachments to a separate motion "Objections to Plaintiff Rakowsky's claim to Interpleader funds." These pages just happen to duplicate the pages that were apparently part of Mara Ballard's "expert report." The index clearly documents this fact and the pages referred to by the Respondent are clearly not stamped as part of Mara Ballard's report as every page in her report has her individualized stamp mark on it. Furthermore, the pages identified by her were not part of the copy of the Mara Ballard's Expert report provided to the *Pro Se* Appellant. The Appellants were denied all discovery by the court including discovery required under Rule 26(4)(A) of the South Carolina

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Rules of Civil Procedure regarding this “expert report.” Ms. Desa Ballard refused to comply with a subpoena for Mara Ballard to be deposed and the documentation that Mara Ballard used to compile her report. The Court refused to order a motion to compel. Therefore, the *Pro Se* Appellant did not know the “expert report” he received was incomplete. This report is nothing but inadmissible hearsay under SCRCF. Never the less, the *Pro Se* appellant will amend the ROA with all the changes requested by the Respondent to deny delay-provoking tactics by Respondent. This includes adding the pages provided by the Respondent in her **Exhibit D** included in her August 18, 2016 letter.

Ms. Ballard then objects to, for the first time, additional pages because of markings on the pages.¹ The black and white copies of the color areas in the original filings have a gray darkening of the color areas on the black and white copies. Appellant cannot change the content but will insert color-highlighted copies so the writing is more easily readable and the copy is still an exact duplicate of what was filed in the court. Appellant will insert the additional documents Respondent is requesting on an amended ROA rather than drag this into a dispute. Ms. Ballard now states she has not bothered to look at the Plaintiffs’ designations.

Appellant once again will inform Ms. Ballard that Appellants will ask the court for expenses from her for continually asking for adjusted ROA reports and Appellants spending hours trying to figure out what she is asking for and why she asks for what she admits is already in the ROA and/or what she failed to designate properly. Respondent should be held liable for the cost of continually printing and binding over a thousand pages of each iteration of the ROA.

Yours truly,


James B. Spencer

Attachments

Cc: Desa Ballard, Esquire
Michael Sribnick, Esquire

¹ In Ms. Ballard’s original listing of multiple pages that are hard to read, the vast majority of the pages were from the Respondent including Mara Ballard’s expert report. All those pages are now eliminated from this new listing of pages that Ms. Desa Ballard claims are hard to read.



Attachment A

John R Rakowsky vs Southern Holdings Inc, defendant, et al

| | | | | |
|----------------------|-----------------------|-------------------|------------------------------|--------------------|
| Case Number: | 2008CP4006656 | Court Agency: | Richland County Common Pleas | Filed Date: |
| Case Type: | Common Pleas | Case Sub-Type: | Special-Comp/Oth 699 | File Type: |
| Status: | Appeal | Assigned Judge: | Early, Doyet A. III | |
| Disposition: | Other / Circuit Civil | Disposition Date: | 12/23/2014 | Disposition Judge: |
| Original Source Doc: | | Original Case #: | | Restore Reason: |
| Judgment Number: | | Court Roster: | | |

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

| Name | Description | Type | Motion Roster | Begin Date | Completion Date | Documents |
|--------------------|---|--------|---------------|------------------|------------------|-----------|
| 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 | |

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August 23, 2016

Sent Via Fax and Email

Ms. Desa Ballard
226 State Street
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Fax 803-796-1066
Email: desab@desaballard.com

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

Dear Ms. Ballard:

Thank you for the exhibits you provided for the ROA in your August 18, 2016 letter. Please provide a copy of "the Form 4 order dated December 30, 2014." The Clerk of Court case record, documents that the case was terminated on December 23, 2014 and lists no filings after that date. Please see included record.

Please email it to me as soon as possible so it can be included in the joint Record on Appeal, otherwise I will not be able to include it. Further, since you are refusing to review the Appellants' filings in the ROA I will assume you are giving up your right to objection. We need to avoid these piecemeal objections, which continually delay the ROA, and as you know, we are indigent, very ill and cannot afford these continual filings of ROAs based on new objections you keep raising.

Thank you very much.

Yours truly,


James B. Spencer

Attachments

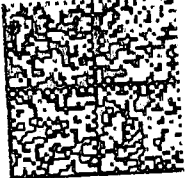
Cc: Michael Sribnick, Esquire

Page 1 of 1



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