

**JAMES B. SPENCER
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COLUMBIA, SC 29212
803-414-0889**

September 22, 2016

Honorable Ms. Elizabeth Carter
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina, 29201
Via Fax: (803) 734-1839

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Dear Ms. Carter,

Please note the following attachments that I do not think you are aware of in regards to scheduling dates. The Supplemental ROA shows a service date of September 12, 2016 to the Appellants. However, as you can see by the attached letter and document of service it was not even mailed to the Appellants until September 16, 2016 and wrongly states it was hand delivered to you on September 16, 2016. This of course means, and you have stressed to me personally numerous times, that the key date is the date of service which in this case was not until four days after the court received a date of service to the Appellants of September 12, 2016. I am not sure how this is supposed to be remedied, as it appears Ms. Ballard wrongly notified the court that service was completed on September 12, which means all the documents she filed are in error, and apparently needs to be corrected. Could you please clarify this, as this is counter to everything I have tried to comply with under the rules.

Additionally I do agree with Dr. Sribnick regarding:

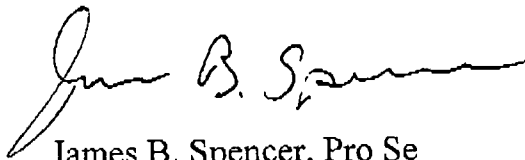
1. The supplemental ROA is in many places not legible (e.g., Supp. ROA 0070). Furthermore, this particular page is a comparably unreadable duplicate of the Main ROA page 291. Please recall numerous times Ms. Ballard had Appellant redo several times pages because she alleged they were not readable, none of which is in the poor condition of her supplement page 70.
2. The third item in her supplemental ROA consists of 148 pages of documents (Mara Ballard's affidavit) already contained in the ROA. See Supplemental ROA pages 0004-0148. The main difference the copy quality is much poorer.

3. Supp. ROA 001- 002, is not in either set of the Respondent's designations.
4. Supp. ROA 003, is not in the court record and was purportedly put in the court record after the case was closed although the court had no record of it.

Since none of the 148 pages in the Supplemental ROA are listed in the Respondents Final Brief and since the 144 pages are much poorer copies that duplicate the more readable ROA copies is there an actual purpose for this Supplemental Brief? This appears to have been put together to justify the Respondent's delays in allowing the ROA to be put together and nothing more.

Given the misdesignation of the certificate of service will the Respondent be asked to correct her supplemental brief? I am on hold until I am able to understand how the rules apply and when the actual due date for the Final and Reply brief will be due based on this information that you just received. Please provide the due date for the Appellants Final Reply Brief and Final Brief and do the Appellants concurrently file the 15 copies of the ROA with our two briefs?

Thank you for your help and I am sure you can understand my confusion given the rules and the fact you did not know the Certificate of Service she filed with the Supplemental Brief did not comply with the law at least my lay understanding of the law.



James B. Spencer, Pro Se
Box 183
7001 Saint Andrews Road
Columbia, SC 29212

Attachments

Cc: Via Fax
Desa Ballard, Esquire (803) 796-1066
Michael Sribnick, M.D., J.D., L.L.C.

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Ballard & Watson
Attorneys at Law
PERSISTENT. UNWAVERING.

Desa Ballard
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September 16, 2016

Via Hand-Delivery

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

Re: *John Rakowsky v. Adrian Falgione, et al.*
Appellate Case No: 2014-002029

Dear Ms. Kitchings:

Please find enclosed for filing an original and fifteen (15) copies each of the **Final Brief Respondent and Supplemental Record on Appeal** in the above-referenced matter. After both have been filed, please return the clocked copies to our courier.

By copy of this letter, I am serving the *pro se* Defendant and counsel of record. Please do not hesitate to contact our office if you should have any questions. With warm personal regards, I am,

Sincerely yours,

Desa Ballard

Desa Ballard
desab@desaballard.com

cc: Via U.S. Mail and Email
Michael Stribnick, Esq.
James Spencer, *pro se*

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SC Court of Appeals



Law Offices of Desa Ballard

226 State Street
West Columbia, SC 29169

To:
James Spencer
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Columbia, SC 29212

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Doyet A. Early III, Circuit Court Judge
Case No. 2008-CP-40-6656
Appellate Case No. 2014-002029

John R. Rakowsky, Respondent

v.

Law Offices of Adrian L. Falgione, LLC, James Spencer,
Estate of Doris Holt, Nick Williams on behalf of RSC,
Irene Santacroce, Rodney Keith Lail, Marguerite Stephens
Ricky Stephens, Michael Hartness, Horry County, SC,
Eugene Chewing, and Glenn W. Harrison,
Defendants,

Of whom James Spencer, Irene Santacroce, Rodney Keith
Lail, and the Estate of Doris Holt are the
Appellants.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Supplemental Record on Appeal contains
all material proposed to be included by any of the parties and not any other material.

Respectfully submitted,



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ATTORNEYS FOR APPELLANT

September 12, 2016

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SC Court of Appeals

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facsimile transmittal

To: Ms. Elizabeth Carter

Fax: 803-734-1839

From James Spencer

Date: 9/22/2016

Re: Attachments

Pages: 6

CC: Ms. Ballard & Dr. Sribnick

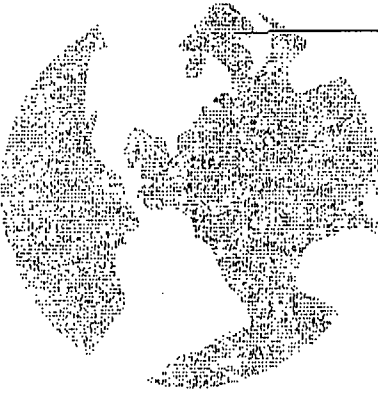
Urgent

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