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PERSISTENT. UNWAVERING.

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October 3, 2016

Via U.S. Mail and Email

Michael G. Sribnick, Esquire
3 Kenilworth Avenue
Charleston, South Carolina 29403

Via U.S. Mail Only

James Spencer
7001 Saint Andrews Road
Box 183
Columbia SC 29212

RECEIVED

OCT 04 2016

SC Court of Appeals

Re: *Rakowsky v Falgione, LLC, Spencer, Holt, et. al.*
Case No: 2008-CP-40-6656
Appeal No: 2014-002029

Dear Mr. Sribnick and Mr. Spencer:

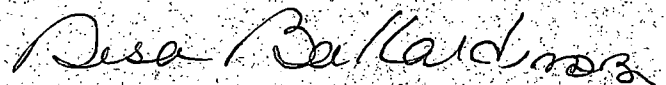
Please allow this letter to answer your concerns in regards to our supplemental ROA filed with the SC Court of Appeals on September 16, 2016.

1. Form 4 Orders are a required part of any filed order. In some cases, they are the only record of when an order was served by the Clerk of Court and upon whom it was served. Thus, inclusion of the order in and of itself without the Form 4 Order is NOT a complete record of the Order. I requested in Respondent's designations to include the Form 4 orders and it was the appellant's responsibility to do so (see SCACR 210)
2. In reviewing the affidavit of Mara Ballard it was impossible to tell what markings on the exhibits provided in the ROA were from the original affidavit submitted to the court and what were additional markings or notes. Thus, we chose to submit a clean set directly from our computer, so there would be no question. The pages of the affidavit you included in your most recent ROA had these documents out of order, as well.
3. Supplemental ROA 001 - 002 which I presume to mean pages 1 and 2 were designated by Respondents as item 5. As noted in letters to both you and the court, we corrected our error as to the date in item 5 and the Court reiterated our correction to you in its order of August 31, 2016.

4. Supp. ROA 003 is the Form 4 Order attached¹ to the Final Order Granting Interpleader and Related Relief filed on December 23, 2014 and is, therefore, a part of the record and properly before this court.
5. Regarding who supplies the 15 copies of the Supplemental ROA to the Court, the Court has already addressed that.
6. In regards to Mr. Spencer's fax to Ms. Carter, please note that the SCACR states that we may serve the Supplemental ROA on opposing counsel on one date (September 12, 2016) and then provide the court with its copies when filing the final briefs (September 16, 2016).
7. Also, please note that a certificate of counsel is NOT the same thing as a certificate of service. Only the certificate of service need be dated the date an item was served (hence the name).

This entire proceeding would be much simpler if you actually read and comprehend the applicable rules and the Court's orders. Perhaps complying with them is a challenge, but the directions as to who does what and when is perfectly clear. With warm regards, I am,

Sincerely yours,




Desa Ballard
Desab@desaballard.com

c: Honorable Jenny Kitchings
John Rakowsky, Esquire

¹Note the box marked "See attached order (formal order to follow)"

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SC Court of Appeals

Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
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Columbia South Carolina 29211

29211-162929

