

From: Taylor, Richele
To: Emory Smith <ESmith@scag.gov>
Date: 11/28/2016 2:29:52 PM
Subject: RE: Faltas v. Tandy Carter

Thanks Emory!

Richele

Richele K. Taylor
Chief Legal Counsel
Office of the Governor
O: 803-734-8465
C: 803-231-9763
It's a great day in South Carolina

From: Emory Smith [mailto:ESmith@scag.gov]
Sent: Monday, November 28, 2016 12:04 PM
To: Taylor, Richele <RicheleTaylor@gov.sc.gov>
Subject: RE: Faltas v. Tandy Carter

Good news! The Sup. Ct. denied cert. today. Below are the pertinent docket entries from today. SCOTUS docket. No. 16-329

Nov 28 2016 Motion to defer consideration filed by petitioner DENIED.
Nov 28 2016 Petition DENIED.

Emory

J. Emory Smith, Jr.
Deputy Solicitor General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
803-734-3642 Direct

From: Emory Smith
Sent: Thursday, November 03, 2016 5:27 PM
To: Taylor, Richele (RicheleTaylor@gov.sc.gov)
Subject: RE: Faltas v. Tandy Carter

FYI, the SCOTUS docket shows that the case has been distributed for the conference of November 22, 2016. We will probably know soon after if the Petition will be granted.

Emory

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From: Emory Smith
Sent: Thursday, October 06, 2016 1:13 PM
To: Taylor, Richele (RicheleTaylor@gov.sc.gov)
Subject: RE: Faltas v. Tandy Carter

The Supreme Court has docketed Marie Faltas' Petition for cert. (Question presented and argument section of Petition attached; see email string below). She apparently alleges that the NC Federal Magistrate Judge should not have considered this case b/c he was a first cousin of a Defendant. The NC District Court dismissed her suit without authorizing service, and the Fourth Circuit affirmed.

The SCOTUS clerk's Office said that no response is required, and that I did NOT have to complete a waiver form stating that we would not respond. I believe that filing a waiver would NOT be appropriate here when we were never served. The Court will review the Petition without a response.

Therefore, I do not plan to file the waiver or other response to the Petition but will continue to monitor this case. Should you have questions, please let me know.

Emory

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From: Emory Smith
Sent: Wednesday, July 27, 2016 5:39 PM
To: Pisarik, Holly
Subject: RE: Faltas v. Tandy Carter

We received a petition from her earlier this month in this case which states "Date: 26 February 26, 2016, (resubmitted) 1 July 2016." It is bound and would be difficult to scan, but if you'd like a copy, let me know, and I'll have it scanned tomorrow. I have not seen any order authorizing her to resubmit a Petition at this late date. The SCOTUS docket still shows no activity since last December when it stated:

Dec 12 2015 Application (15A630) to extend the time to file a petition for a writ of certiorari from December 28, 2015 to February 26, 2016, submitted to The Chief Justice.

Dec 15 2015 Application (15A630) granted by The Chief Justice extending the time to file until February 26, 2016.

I will continue to check on this case monthly and will report to you any changes.

Emory

From: Emory Smith
Sent: Friday, May 06, 2016 10:22 AM
To: Pisarik, Holly
Subject: RE: Faltas suit - NC

Attached is another Faltas Petition that we received this week. It is dated 2.26.15 "resubmitted as corrected"

4.29.15. The SCOTUS docket shows no activity since a 12.15.15 Order of that Court extending the time for Faltas to file a Petition until 2.26.15. Neither the Feb. Petition nor the "corrected" April petition are listed.

I do not plan to do a return as no need should exist. I will check on the status monthly and will update you when I have a change to report. If you have questions in the meanwhile, please let me know.

Emory

From: Emory Smith
Sent: Friday, March 04, 2016 12:36 PM
To: Pisarik, Holly (HollyPisarik@gov.sc.gov)
Subject: RE: Faltas suit - NC

She's mailed us the attached Petition for Cert addressing whether the federal judge should have recused b/c a cousin was a party. It is not listed on the SCOTUS docket yet, but I will monitor it. I see no need to do a Return.

If you have questions, please let me know.

Emory

From: Emory Smith
Sent: Tuesday, December 29, 2015 3:42 PM
To: Pisarik, Holly (HollyPisarik@gov.sc.gov)
Subject: RE: Faltas suit - NC

SCOTUS extended the time for Faltas to file a cert. petition until February 26, 2016. I will continue to monitor.

Emory

From: Emory Smith
Sent: Tuesday, August 18, 2015 4:25 PM
To: Patel, Swati
Subject: RE: Faltas suit - NC

The Fourth Circuit has affirmed the dismissal of Faltas' suit. See attached. The Court denied her motion to extend the time for petitioning for rehearing, and I believe the time has expired. Will continue to monitor for a while to see if she petitions for cert.

Please let me know if you have questions.

Emory

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From: Patel, Swati [<mailto:SwatiPatel@gov.sc.gov>]
Sent: Monday, November 24, 2014 8:32 PM
To: Emory Smith
Subject: Re: Faltas suit - NC

Ok. Thanks.

Sent from my iPhone

On Nov 24, 2014, at 6:39 PM, Emory Smith <ESmith@scag.gov> wrote:

She's appealed to the Fourth Cir. We do not have to respond b/c service was not accomplished. Will continue to monitor and keep you posted.

Emory

From: Emory Smith
Sent: Thursday, October 30, 2014 1:12 PM
To: 'Patel, Swati'
Subject: RE: Faltas suit - NC

Order of dismissal attached.

Emory

From: Emory Smith
Sent: Thursday, September 18, 2014 5:33 PM
To: 'Patel, Swati'
Subject: RE: Faltas suit - NC

Dismissal recommendation attached.

Emory

From: Emory Smith
Sent: Tuesday, August 19, 2014 5:20 PM
To: 'Patel, Swati'
Subject: RE: Faltas suit - NC

Danny Parriss of IRF reports that "[f]rom the first reading, it appears she paints everyone with a broad enough brush to provide defense and coverage." He has sent it to Andrew Lindemann for review. Andrew has confirmed that the Court has not yet authorized summons to be issued. He will continue to monitor it with the hope that the NC DC will not allow the suit to proceed.

Emory

From: Patel, Swati [<mailto:SwatiPatel@gov.sc.gov>]
Sent: Monday, August 18, 2014 2:55 PM
To: Emory Smith
Subject: RE: Faltas suit - NC

Got it. Thanks.

From: Emory Smith [<mailto:ESmith@scag.gov>]
Sent: Monday, August 18, 2014 1:50 PM
To: Patel, Swati
Subject: RE: Faltas suit - NC

Summons have not yet been issued. As of Friday, the judge had not yet ruled on her motion to proceed in forma pauperis. I don't know whether the Court will also review the complaint to determine whether it warrants the issuance of summons. In SC, the USDC reviews at least inmate pro-se suits and then decides whether to authorize the issuance of summons.

Emory

From: Patel, Swati [<mailto:SwatiPatel@gov.sc.gov>]
Sent: Monday, August 18, 2014 11:43 AM
To: Emory Smith
Subject: RE: Faltas suit - NC

Thanks for the information. I don't believe she served our office with this lawsuit...she used to be frequent visitor.

I'll let you know if we get something.

From: Emory Smith [<mailto:ESmith@scag.gov>]
Sent: Monday, August 18, 2014 10:46 AM
To: Patel, Swati
Subject: FW: Faltas suit - NC

Attached is a new 70 page Marie Faltas Complaint and an 11 page partial transcript filed with it. This suit is filed in the Middle District USDC in Greensboro against hundreds of current and former state and local officials and attorneys including the Chief Justice, the AG, the Governor, Lt. Gov., appellate court clerks, court administration, at least two Circuit Court judges the Lt. Gov., the Pres. Pro Tempore and the General Assembly. She appears to request punitive damages from all defendants and actuals from some. Service has not yet been authorized and Faltas has a motion to proceed in forma pauperis pending.

The suit appears to relate to a prosecution of Faltas, but I have not read it all .

Faltas lists an SC address. Two named defendants allegedly reside in NC but the others appear to be SC residents. She claims that this "venue" is appropriate b/c SC does a lot of business in NC.

I don't know whether the NC USDC will allow the suit to go forward, but I will send a pdf of the Complaint to IRF as damages are requested. I will monitor the progress of the suit in the NC Court.

Please let me know if you have any questions or if you receive anything from Faltas or the NC USDC.

Thanks.

Emory

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