

From: Emory Smith <ESmith@scag.gov>

To: Pisarik, HollyHollyPisarik@gov.sc.gov

Date: 5/6/2016 10:22:02 AM

Subject: RE: Faltas suit - NC

Attachments: Petition for Cert 2016 (00984692xD2C78).pdf

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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

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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

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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

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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

J. Emory Smith, Jr.  
Deputy Solicitor General  
Office of the Attorney General  
P.O. Box 11549

Columbia, SC 29211  
803-734-3642 Direct

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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](mailto: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

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

Order of dismissal attached.

Emory

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

Dismissal recommendation attached.

Emory

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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

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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.

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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

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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.

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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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