

The Supreme Court of South Carolina

The Kitchen Planners, LLC, Petitioner,

v.

Samuel E. Friedman and Jane Breyer Friedman and
Branch Banking and Trust, Respondents.

Appellate Case No. 2020-001669

ORDER

Based on the vote of the Court, the petition for a writ of certiorari is granted as to question IV to address only the issues discussed in Section I.A.1 of the court of appeals' opinion in *Kitchen Planners, LLC v. Friedman*, 432 S.C. 267, 851 S.E.2d 724 (Ct. App. 2020). The petition is held in abeyance as to questions III and V pending the Court's resolution of question IV. The petition is denied as to questions I, II, and VI. The Court intends to rely primarily on the parties' briefs filed at the court of appeals. However, the Court will accept supplemental briefing—if either party desires—on the following points:

- Is the "genuine issue of material fact" standard set forth in Rule 56(c) of the South Carolina Rules of Civil Procedure different from the "scintilla" standard articulated in *Hancock v. Mid-South Management Co.*, 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009)? If so, how does that difference affect a proper analysis of the evidence submitted in opposition to the motion for summary judgment in this case?
- Any other matter related to question IV of the petition and Section I.A.1 of the court of appeals' opinion that either party believes is not adequately addressed in the briefs filed at the court of appeals.

Petitioner should notify the Clerk of this Court by September 9, 2022, if it chooses not to file a brief. If Petitioner chooses to file a brief, it is due on September 22, 2022. If Respondent chooses to file a brief, it is due on October 10, 2022, if Petitioner files no brief. If Petitioner files a brief, Respondent's brief will be due on

October 21, 2022. No extensions will be granted, and no reply will be accepted.
The case is set for oral argument on October 26, 2022.

FOR THE COURT

BY Patricia A. Howard

CLERK

Columbia, South Carolina
August 23, 2022

cc:

Charles A. Krawczyk, Esquire
Jean Perrin Derrick, Esquire
The Honorable Jenny Abbott Kitchings.