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SC Court of Appeals

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September 15, 2022

**FOR ELECTRONIC FILING:**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: Olivia M. Thompson, Ph.D, M.P.H. v. College of Charleston et al.  
Appellate Case No. 2022-000044

Dear Ms. Kitchings:

On June 14, 2022, we filed the final Brief of Appellant and Reply Brief of Appellant in the above matter. Pages 21-28 of the Brief of Appellant argue that the Circuit Judge erred by holding that a prior order of a different Circuit Judge which denied a prior motion for preliminary injunction made by Appellant was the law of the case and barred the latter Circuit Judge from granting Appellant's subsequent motion for preliminary injunction. We argued that an order denying a preliminary injunction is not binding as the law of the case or res judicata as between the parties to the action because it does not finally determine the matter, but is merely an interlocutory order that may be reconsidered and is subject to modification at any point before a final judgment is entered. These same issues are also discussed at pages 1-9 in the Reply Brief of Appellant.

Since we filed those briefs, the South Carolina Supreme Court recently issued its decision in S.C. Pub. Int. Found. v. Wilson, Opinion No. 28112, Appellate Case No. 2021-000343, 2022 WL 4231250, at \*2-3 (S.C. Sept. 14, 2022). In that case, the Supreme Court rejected the position that one Circuit Judge's order denying a motion for preliminary injunction constituted the law of the case, thus it did not operate to preclude another Circuit Judge from rendering a contrary ruling in subsequent proceedings in the same matter.

Pursuant to SCACR 208(b)(7), we are hereby providing notice of this supplemental citation. We respectfully submit the case is pertinent to the issues addressed in the sections of the Brief of Appellant and Reply Brief of Appellant cited above.

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With best regards, I am

Sincerely,

*/s/ Daniel F. Blanchard, III*

Daniel F. Blanchard, III

DFB/db

cc: Randell C. Stoney, Jr., Esquire  
M. Dawes Cooke, Jr., Esquire  
John Fletcher, Esquire  
Allison M. Burns, Esquire