

October 19, 2022

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SC Court of Appeals

Via E-Mail

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201
ctappfilings@sccourts.org

RE: Rita Glenn v. 3M Company, et al.
Appellate Case No. 2019-001600
Our File No. 044985/01502

Dear Ms. Kitchings:

Appellant submits this letter to clarify a point regarding the record on appeal raised at oral argument that relates to the intervening cause jury charge requested by Appellant at trial.

The document labeled in the table of contents of the Record on Appeal as “Defendants’ Proposed Jury Charge filed January 22, 2019,” which is located in the record at pages 3201 through 3233, contains an error as to the intervening cause jury charge requested by Appellant, *see* (R. 3223–24), and does not reflect Appellants’ actual requested intervening cause charge. Rather, the actual intervening cause charge requested by Appellant is reflected in the transcript of the charge conference in the Record on Appeal, as counsel for Appellant noted at oral argument.

At page 1797 of the Record on Appeal, which is within the page range Appellant’s counsel cited during oral argument, Respondent’s counsel Theile McVey recited the intervening cause charge requested by Appellant. During the charge conference, the trial court asked, “Intervening cause. Who’s wanting to take out intervening cause?” (R. 1797). Respondent’s counsel stated, “I am, Your Honor. So in order to be an intervening cause, what this charge says is that the chain of causation between a defendant’s negligence and the injury may be broken by the independent intervening acts or omissions of another over whom the defendant has no control and whose actions were not foreseeable.” (R. 1797). Thus, page 1797 of the Record on Appeal reflects the intervening cause jury charge requested by Appellant.

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With kind regards, I remain,

Sincerely yours,

s/ C. Mitchell Brown

C. Mitchell Brown

CMB:nc2

cc: Theile Branham McVey
Lisa White Shirley
Jonathan Marshall Holder
Jessica Dean
A. Mattison Bogan
Nicholas A. Charles