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SC Court of Appeals

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November 16, 2022

VIA E-MAIL

Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: The Retreat at Charleston National Country Club HOA vs. Builders First  
Source-Southeast Group, et al.  
Civil Action No.: 2016-CP-10-03783  
Appellate Case No.: 2021-001050

Dear Ms. Kitchings:

On September 14, 2022, the South Carolina Supreme Court decided *Patricia Damico, et. al. v. Lennar Carolinas, LLC, et. al.*, Op. No. 28114 (S.C. Ct. filed Sept. 14, 2011). Pursuant to Rule 208(b)(7), *SCACR*, I am advising the Court that this opinion represents pertinent and significant authority for Issues III and IV presented in the Final Brief of Respondent Hurley Services, LLC.

Specifically, the opinion addresses the enforceability of severability clauses which is an issue in Section IV and the factors that make a contract of adhesion unconscionable and oppressive which is discussed in Section V.

Respondent Hurley Services, LLC respectfully requests the Court to consider this new opinion.

By copy of this letter to counsel for Appellant, I am serving them with a copy of same via e-mail.

With best regards,

Yours very truly,



FINLEY B. CLARKE

FBC:ktb

cc: All counsel of record

cc: All counsel of record via e-mail

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