

ROGERS LEWIS
ATTORNEYS AT LAW

Kevin D. Maroney, Esq.
Direct: (803) 978-2832
kmaroney@rogerslewis.com

RECEIVED
Nov 07 2023
SC Court of Appeals

November 6, 2023

The Honorable Jenny A. Kitchings
Clerk of Court
SC Court of Appeals
ctapfilings@sccourts.org

RE: Appellate Case No. 2022-001114, Charleston Carriage Works, LLC v. Charleston Animal Society, *et. al.*

Dear Ms. Kitchings,

Per Rule 208(b)(7), Respondents are providing notice, “by letter”, of “pertinent and significant” authority that came to their attention after the filing of Final Briefs. Rule 208(b)(7), SCACR. The South Carolina Supreme Court recently clarified that “the ‘mere scintilla’ standard is not the correct standard for decision under Rule 56(c).” Kitchen Planners, LLC v. Friedman, 440 S.C. 456, 460, 892 S.E.2d 297, 300 (2023). Instead, “the proper standard is the ‘genuine issue of material fact’ standard set forth in the text of the Rule.” Id. 440 S.C. 456, 463, 892 S.E.2d 297, 301. A party may no longer defeat summary judgment by creating “an inference that is not reasonable or an issue of fact that is not genuine.” Id. (citation and quotation marks omitted).

Kitchen Planners affects the following section of the Final Brief for Ellen Harley and Charleston Carriage Horse Advocates, LLC: §VI(i), pp. 29-30. Page five of Charleston Animal Society’s Final Brief is also affected. Please let me know if the Court would like any further information about this supplemental citation.

Sincerely,

s/Kevin Maroney

cc:

Thomas R. Goldstein
Attorney for Charleston Carriage Works, LLC
tgoldstein@cobblaw.net

Elizabeth J. Palmer
Attorneys for Charleston Animal Society
ep@saxtonstump.com

Joseph D. Thompson, III
Spencer C. Gill
Hall Booth Smith, P.C.
Attorneys for Ellen Harley & Charleston Carriage Horse Advocates
jthompson@hallboothsmith.com
sgill@hallboothsmith.com