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**Dec 12 2023**

**SC Court of Appeals**

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December 12, 2023

--via U.S. Mail and electronic filing: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)--

The Honorable Jenny Abbott Kitchings

South Carolina Court of Appeals

1220 Senate Street

Columbia, South Carolina 29201

Re: *James Dustin Lucas v. State Farm Mutual Automobile Insurance Company*  
Appellate Case #: 2023-000870

Dear Ms. Kitchings:

The appellant has submitted his final brief, which may not be changed substantively from the initial brief. However, since this case was appealed, our Supreme Court has issued an opinion germane to this appeal. *Hancock v. Mid-S. Mgmt. Co.*, 673 S.E.2d 801 (2009) is cited and relied on in the appellant's brief. The Supreme Court, in *Kitchen Planners, LLC v. Friedman*, Opinion No. 28173 (Sup. Ct. 2023), overruled *Hancock*, at least as to the standard for summary judgment being referred to as the "scintilla" standard.

In *Kitchen Planners*, the Supreme Court ruled that "the proper standard is the 'genuine issue of material fact' standard set forth in the text of the Rule." The appellant does not believe the ruling in *Kitchen Planners* affects this appeal at all, and the appellant believes the case must be remanded for trial since summary judgment was granted despite the existence of multiple genuine issues of material fact supported with ample evidence. Because the appellant cited *Hancock* in his brief, though, the appellant believes this letter is appropriate.

Should the Court of Appeals need anything further from the appellant, the appellant will, of course, proceed as instructed.

Sincerely,



Joshua T. Hawkins

CC via electronic mail:

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