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September 3, 2013  
**VIA U.S. MAIL**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

**RECEIVED**

SEP 04 2013

**SC Court of Appeals**

In re: Paul Sullivan as Personal Representative of the Estate of Pauline C. Cook v. Park Pointe Village, Inc., Neva Lattimer, and Marvin Lawrence  
Appellate Case No. 2012-213352

Dear Clerk Kitchings:

I recently filed an Initial Brief in the above-referenced matter on behalf of Paul Sullivan as Personal Representative of Pauline Cook. Subsequent to our filing and serving the initial brief, the South Carolina Supreme Court decided Cape Romain Contractors, Inc. v. Wando E., LLC, 2011-197207, 2013 WL 4082353 (S.C. Aug. 14, 2013). At footnote 5 of Cape Romain Contractors, Inc., the Supreme Court states that “[w]e overrule Timms [v. Greene], 310 S.C. 469, 427 S.E.2d 642 (1993)] to the extent it determined the FAA did not apply because the contract *on its face* failed to demonstrate that the parties contemplated an interstate transaction.” (Emphasis in original). Cape Romain Contractors, Inc., *supra*.

Respondent’s Initial Brief relies, in part, on the decision in Timms v. Greene, *supra*, as does the trial court’s order that is the subject of this appeal. Pursuant to Rule 208(b)(7), SCACR, I bring the Cape Romain decision to the Court’s attention. While the Rule prohibits argument in this letter, Respondent would respectfully ask that he be permitted to submit a sur reply brief to present his position on the application of Cape Romain to the matters involved in this appeal. Respondent proposes that the sur reply would only present argument to address the Cape Romain decision.

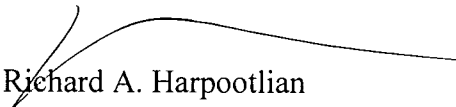
**September 3, 2013**

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Should you or the Court have any questions about this letter, please do not hesitate to contact me.

With warm personal regards, I am

Sincerely,

  
Richard A. Harpootlian

/sec

cc: R. Gerald Chambers, Jr., Esquire  
Carmelo B. Sammataro, Esquire