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SC Court of Appeals

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April 25, 2025

Honorable Jenny A. Kitchings, Clerk  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29211

Re: Zitek v. IBP Asset, LLC, et al.  
Appellate No. 2023-001401

Dear Ms. Kitchings:

*The Retreat at Charleston Nat'l Country Club Home Owners Ass'n, Inc. v. Winston Carlyle Nat'l, LLC*, No. 2021-001050 (S.C.App., Feb. 12, 2025), contrary to the February 12, 2025 letter of IBP's counsel, is of no help to the Respondents.

First, the contracts are different. In *Retreat*, the contracts cover 12 pages of the Court's opinion. In this case, less than 1 page of the contracts is at issue.

Second, sole negligence was an issue in *Retreat*. No negligence is at issue in this case.

Third, indemnity was in issue in *Retreat*. This case is only about defense and defense costs - not indemnity.

Fourth, insurance is at the center of this case. It was absent in *Retreat*.

Fifth, *Retreat* creates no new law. It simply applies existing law to facts vastly different from those in this case.

I am copying opposing counsel, as noted below.

Very truly yours,

A handwritten signature in cursive script that reads "Carl F. Muller". The signature is written in black ink and is positioned above the printed name.

Carl F. Muller  
Counsel for Appellants

CFM:dph

c: Timothy J. Newton, Esq.  
Everett A. Kendall, II, Esq.  
Alicia N. Bolyard, Esq.  
John T. Crawford, Jr., Esq.

(via email)