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February 6, 2026

## **Via Electronic Filing**

The Honorable Jenny Abbott Kitchings  
The South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

**RECEIVED**  
**Feb 06 2026**  
**SC Court of Appeals**

**Re: Health Promotion Specialists, LLC v. South Carolina Department of Health  
and Environmental Control, et al.  
Appellate Case No.: 2025-000592  
Our File No.: 8-3295-100**

Dear Clerk Kitchings:

I write to alert the Court and Counsel to potentially relevant supplemental authority regarding the South Carolina Tort Claims Act. A new published opinion was issued by the South Carolina Supreme Court after the briefing of this appeal was concluded. *See Thompson v. Killian*, Opinion No. 28305 (S.C. Sup. Ct. filed Nov. 5, 2025) (Howard Adv. Sh. No. 39 at 83) (rehearing denied and remittitur issued Jan. 16, 2026). The discussion regarding the South Carolina Tort Claims Act commences on page 93 of the Advance Sheet. Should the Court require any further information or copies of the opinion, please do not hesitate to let me know.

With my highest regards, I am,

Sincerely,

*s/Joey R. Floyd*

Joey R. Floyd

JRF/hos

Cc: Desa Ballard, Esquire / Haley Hubbard, Esquire (Via E-Mail Only)