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December 3, 2013

**RECEIVED**

DEC - 4 2013

**S.C. Supreme Court**

The Honorable Daniel E. Shearouse  
Clerk of Court  
Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina 29211

Re: *Ann Coleman, etc. v. Mariner Health Care, Inc., et al.*  
Appellate Case No. 2011-194946

Dear Mr. Shearouse:


Pursuant to Rule 208(b)(7), SCACR, Respondent provides the following brief response to the letter Appellants provided on November 27, 2013, notifying the Court of an unpublished opinion from the Arkansas Supreme Court, *Searcy Healthcare Center, LLC v. Murphy*, 2013 Ark. 463 (Ark. Sup. Ct. filed Nov. 14, 2013), and advising the Court that the case is “relevant to the Appellants’ argument that the wrongful-death claim at issue in this appeal must be arbitrated.”

Respondent disagrees that this case is relevant to this issue. *See Searcy Healthcare*, slip opinion at 8 (Hannah, CJ, concurring) (“Based on the doctrine of *stare decisis*, I concur in the decision reached by the majority. However, I again state my belief that this court errs in holding that a wrongful-death action is derivative of the decedent’s action. We should correct the law governing wrongful-death actions.”) (Danielson, AJ, joined).

If the Court is inclined to consider this citation, Respondent requests an opportunity to submit a brief memorandum explaining the meaningful way the Arkansas scheme is different from South Carolina’s wrongful death/survival proceedings. *See* Part II, pages 24 through 30, of the Brief of Respondent; S.C. Code Ann. § 15-5-90 (the “Survival Act”); and S.C. Code Ann. § 15-51-10 (the Wrongful Death Act).

Thank you for your attention to this matter. Please pass this letter to the Court for its consideration.

Sincerely,



John S. Nichols  
BLUESTEIN, NICHOLS, THOMPSON &  
DELGADO, LLC

cc: Matt Christian, Esquire  
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