

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

George M. McFaddin, Jr., Circuit Court Judge

Appellate Case No. 2024-001363

Sarah Rock,

v.

Petitioner,

Dog Daze of Charleston,  
LLC and Charlie Freeman,

Respondents.

PETITION FOR A WRIT OF CERTIORARI

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S.C. SUPREME COURT

## **CERTIFICATION OF COUNSEL**

Counsel for Petitioner hereby certifies that a Petition for Rehearing was made and was finally ruled on by the Court of Appeals on March 10, 2026.

### **QUESTIONS PRESENTED**

- I. Did the Court of Appeals err in holding that Petitioner cannot recover emotional distress damages for the tortious injury to and death of her pet dogs?

### **STATEMENT OF THE CASE**

Petitioner filed this action in the Charleston County Court of Common Pleas on December 5, 2022. Respondents moved for partial summary judgment on July 10, 2023. A hearing on Respondents' motion for summary judgment was held before the Honorable Circuit Court Judge George M. McFaddin, Jr. on April 16, 2024. The Circuit Court granted partial summary judgment for Respondents on May 28, 2024. On June 6, 2024, Petitioner moved for reconsideration of the Circuit Court's May 28 Order granting summary judgment. The Circuit Court denied Petitioner's motion for reconsideration on July 19, 2024. On August 14, 2024, Petitioner filed a stipulation as to the damages claimed in this action.

On August 16, 2024, Petitioner filed her Notice of Appeal. On February 11, 2026, the Court of Appeals affirmed. *Rock v. Dog Daze of Charleston, LLC*, Op. No. 6137 (Ct. App. Feb. 11, 2026). Petitioner timely filed a petition for rehearing, and the Court of Appeals denied the petition for rehearing on March 10, 2026.

### **STATEMENT OF FACTS**

Petitioner owned two dogs—Xumi and Ruben—which she regularly boarded at the dog boarding facility owned and operated by Respondents Dog Daze of Charleston, LLC and Charlie Freeman. (R. p. 80, line 3-p. 81 line 20; p. 123 line 18-p. 124 line 18; p. 139, line 16-p. 140 line 5; pp. 229-30; pp. 238-39) Xumi was an approximately twelve-pound miniature poodle and

Schnauzer mix. (R. p. 64 lines 14-20; p. 230) Ruben was an approximately sixteen-pound miniature pinscher and Shih Tzu mix. (R. p. 48, lines 8-10; p. 230) Xumi and Ruben were incredibly valuable to Petitioner and were like her family members, providing her with companionship, emotional support, and affection. (R. p. 81, line 21-p. 82, line 24)

On July 14, 2022, while Xumi and Ruben were boarded at Respondents' facility while Petitioner traveled for work, Respondents' German Shepherd dog got into the area where Xumi and Ruben were located, attacked and killed Xumi, and wounded Ruben. (R. p. 72, line 9-p. 73, line 8; pp. 112-13; p. 134, line 12-p. 135, line 4; p. 153, line 23-p. 169, line 20; pp. 225-26; pp. 230-31; p. 239) Respondents' German Shepherd was able to access and attack Xumi and Ruben because Respondents negligently failed to secure the German Shepherd and negligently failed to observe, monitor, and ensure the safe care of Xumi, Ruben, and the German Shepherd. (R. p. 144, line 3-p. 145, line 24; pp. 154, line 3-p. 158, line 8; p. 231)

The loss of Xumi and injury to Ruben caused Petitioner to suffer significant emotional distress, anguish, pain, suffering, depression, anxiety, trauma, loss of companionship, and loss of emotional support.<sup>1</sup> (R. p. 75, line 14-p. 79, line 4; p. 232) Petitioner filed this action seeking "an award of the actual value of Xumi including her sentimental value and the loss of her companionship," "an award of the diminution in the actual value of Ruben including his sentimental value and the loss of his companionship," and "an award for her grief, anxiety, and emotional pain and distress damages." (R. pp. 234-37) Petitioner stipulated that "the damages she claims in this action are limited to claims for her emotional distress, anguish, suffering, loss of

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<sup>1</sup> In the interest of brevity, the term "emotional distress" is hereinafter used herein to mean all the non-economic damages resulting from the negligent killing of or harm to a pet dog, including emotional distress, anguish, pain, suffering, depression, anxiety, trauma, loss of companionship, and loss of emotional support.

companionship, loss of emotional support, and loss of affection and for the lost emotional support and companionship component of the actual value to [Petitioner] of Xumi and Ruben. (R. p. 274) Petitioner further stipulated that she “does not claim damages in this action for the amount needed to purchase a new dog . . ., the veterinary bills incurred, the travel expenses incurred, and any other expenses she incurred and paid due to the events of July 14, 2022.” (R. p. 274)

### ARGUMENT

**I. South Carolina Law Has Not Yet Addressed Whether, and Should Provide as a Matter of Common Law, a Dog Owner Can Recover Emotional Distress Damages Caused by the Negligent Killing or Injury of the Owner’s Dog, and the Court of Appeals Erred in Holding Otherwise.**

The Court of Appeals held that the Supreme Court’s 1899 decision in *State v. Langford*, 55 S.C. 322, 33 S.E. 370 (1899) “established the status quo” and compels the result that Petitioner “may not seek emotional distress damages for her losses” (App’x 361 (internal quotations omitted)) The Court of Appeals explained that “based on *Langford* and the laws surrounding personal property, the circuit court was correct to conclude that the emotional distress damages that are often part of personal injury cases are not available when a pet is injured.” (App’x 360) The Court of Appeals thereby erred because South Carolina law has not yet addressed the damages recoverable when a pet dog is tortiously harmed and because as a matter of common law, South Carolina law should and would provide that a dog owner can recover for emotional distress caused by tortious harm to the owner’s dog. The common law as it has developed in other jurisdictions, relevant South Carolina law, and the status of dogs in the twenty-first century as companions and family members rather than working animals, all compel the conclusion that South Carolina common law must give legal recognition to the modern status of pet dogs and provide that dog owners can recover emotional distress damages caused by the tortious harm or killing of a dog.

**A. South Carolina Law Has Not Yet Addressed the Damages Recoverable When a Pet Dog is Tortiously Harmed.**

The *Langford* decision does not address the issues in this case. In *Langford*, the issue was whether stealing a dog was larceny. The *Langford* decision first reviewed the old common law rule that a dog had no value and therefore the theft of a dog could not give rise to larceny. The Court rejected the old rule and, recognizing the value of dogs to their owners, adopted a common law rule that theft of a dog is larceny. *Langford* did not address whether a dog is treated as standard personal property for purposes of tort claims. *Langford* did not address the measure of the value of a dog to its owner or whether the owner of a dog can recover for emotional distress caused by the death of or injury to the dog. Rather, *Langford* merely rejected the old position that a dog has no value to its owner and recognized that a dog has value to its owner.

The Court of Appeals also cited two unpublished decisions of the Court of Appeals and an unpublished federal district court decision. Not only are those decisions unpublished and therefore of no precedential value and not to be considered, those decisions also do not address the issue in this case.

First, the decision in *Fowler v. Fedex Ground Package System, Inc.*, Op. No. 2023-UP-020, 2023 WL 234557 (S.C. Ct. App. filed Jan. 18, 2023), does not address the issue of whether a dog owner can recover emotional distress damages. The *Fowler* decision addressed only whether a plaintiff could recover for “pain and suffering” caused by the death of a pet dog. Moreover, even were *Fowler* proper for consideration here and did address the issue here, *Fowler* failed to address relevant legal and societal developments, as discussed in detail *infra*, and should not be followed here.

Second, in the decision in *Bales v. Judelsohn*, Op. No. 2005-UP-509, 2005 WL 7084365 (S.C. Ct. App. filed Aug. 30, 2005), the Court of Appeals acknowledged that it had “not found any

jurisprudence in South Carolina that addresses damages resulting from an injury to a pet.” *Bales*, 2005 WL 7084365, at \*1. Notably, that statement of the law in the *Bales* decision, and the Court of Appeals’ statement of the law in *Fowler* that a dog owner cannot recover damages for “pain and suffering” for the negligent death of a pet dog, cannot both be correct. The *Fowler* decision did not cite any decision by any South Carolina court between 2005 when the *Bales* decision was issued and 2023 when the *Fowler* decision was issued. As evidenced by the foregoing discussion of other decisions relied on by the Circuit Court and Respondents, the *Bales* decision was correct that there is no South Carolina jurisprudence addressing the damages recoverable for the negligent death of or injury to a pet dog. Additionally, the *Bales* decision only addressed whether there is a distinct cause of action for emotional distress arising from tortious injury to one’s pet. The decision did *not* address the question presented here of what damages are recoverable through a negligence claim for the tortious injury to or death of one’s dog.

Third, the Court of Appeals cited to the unpublished decision of the United States District Court for the District of South Carolina in *Madden v. Petland Summerville, LLC*, No. 2:20-cv-2953, 2022 WL 2806408 (D.S.C. July 18, 2022), which has no precedential value both because it is unpublished and because it is a federal court decision on State common law. Additionally, even could the decision be considered persuasive authority here, it does not address the issues in this case and is of no value. The *Madden* decision rests on nothing more than the *Fowler* and *Bates* decisions previously discussed, and as previously explained, the *Fowler* and *Bates* decisions do not address the issues here, and therefore, the *Madden* decision also does not address the issues here.

**B. The Court of Appeals Erred in Not Carrying Out the Duty to Determine and Develop South Carolina’s Common Law.**

Because there is no South Carolina authority on whether a dog owner can recover emotional distress damages caused by the negligent injuring or killing of a dog, the Court of Appeals should have looked to South Carolina common law and common law from across the United States to ascertain how our State’s common law would address the issue. Instead, the Court of Appeals erroneously concluded that it “must defer to the legislature to create such a remedy.” (App’x 362) This is a misapprehension of South Carolina law and a failure to carry out the Court’s duty to develop the common law.

South Carolina courts have “the right *and duty* to develop the common law of South Carolina to better serve an ever-changing society as a whole.” *State v. Horne*, 282 S.C. 444, 447, 319 S.E.2d 703, 704 (1984) (emphasis added). Contrary to the Court of Appeals’ conclusion that it “must defer” to the General Assembly, the purview of South Carolina courts over the common law is so substantial that courts can change part of the common law even when the General Assembly has statutorily recognized that portion of the common law. *See, e.g., Stone v. Thompson*, 428 S.C. 79, 85, 833 S.E.2d 266, 269 (2019) (“As discussed—and perhaps intuitively—common-law marriage’s origins lie in the common law, and consequently, it may be removed by common-law mandate, regardless of tacit recognition by our legislature.”); *Marcum v. Bowden*, 372 S.C. 452, 458, 643 S.E.2d 85, 85 (2007) (“It is within this Court’s purview to change the common law.”); *Singleton v. State*, 313 S.C. 75, 84, 437 S.E.2d 53, 58 (1993) (“It has always been the purview of a court to change the common law . . . .”); *Russo v. Sutton*, 310 S.C. 200, 204, 422 S.E.2d 750, 753 (1992) (“Criminal conversation and alienation of affections are of common law origin. Their common law origin exists despite any subsequent recognition of the torts by our

legislature. Thus, both criminal conversation and alienation of affections may be removed from the common law by common law mandate.”).

South Carolina courts can and do expand or alter the common law—including the common law as to the existence or scope of tort claims—when necessary to serve the needs of the people of South Carolina. *See, e.g., Stone*, 428 S.C. at 85–86, 833 S.E.2d at 269 (changing common-law marriage due to a societal “shift” where “society no longer conditions acceptance upon marital status or legitimacy of children” and “non-marital cohabitation is exceedingly common and continues to increase among Americans of all age groups”); *Marcum*, 372 S.C. at 460, 643 S.E.2d at 89 (extending the common law to “impose liability on adult social hosts who knowingly and intentionally serve [alcohol to] underage guests” due to the Court’s “responsibility to adapt the common law to the realities of the modern world”); *Russo*, 310 S.C. at 204, 422 S.E.2d at 753 (eliminating the common law causes of action for criminal conversation and alienation of affection as “rooted in antiquated perceptions that wives are chattel of their husbands” and as having “outlived any usefulness they may have possessed in regard to preventing the dissolution of marriages”); *Hossenlopp v. Cannon*, 285 S.C. 367, 371, 329 S.E.2d 438, 441 (1985) (“The dog-bite law is of common law origin. It may be changed by common law mandate. The time has come when our rule must give way to the more commonly accepted rule of law indicated in other states by both case law and by statute.”). Exercising its right and duty to determine and develop South Carolina’s common law, the Court of Appeals should have determined, and now the Supreme Court should determine, whether the common law must develop to address the role of pet dogs in South Carolina today. The General Assembly certainly could step in at any time to statutorily determine the law in relation to tortious harm to pet dogs, but the courts have the right and duty in the first instance to determine and develop the common law in relation to pet dogs.

**C. South Carolina Common Law Supports and Should Permit the Recovery of Emotional Distress Damages.**

Had the Court of Appeals carried out its duty to determine and develop the common law, it should have concluded that South Carolina common law permits a dog owner to recover emotional distress damages. The Supreme Court should now undertake that analysis and arrive at that result.

The courts of several states have recognized as a matter of common law that a dog owner can recover noneconomic damages caused by the negligent death of or injury to a pet dog. For example, where a veterinary hospital negligently injured the plaintiffs' dog, the Florida District Court of Appeal held that a trial court "did not commit err by including for consideration of the jury the element of the mental pain and suffering of the plaintiff-owners of the dog." *Knowles Animal Hosp., Inc. v. Wills*, 360 So. 2d 37, 38 (Fla. Dist. Ct. App. 1978). The Supreme Court of Hawaii held that a plaintiff could recover for mental distress caused by the negligent death of the plaintiff's dog. *Campbell v. Animal Quarantine Station*, 632 P.2d 1066, 1071 (Haw. 1981). Oregon, Louisiana, and Texas courts have similarly held. *See Freedden v. Stride*, 525 P.2d 166, 169 (Or. 1974) (affirming jury verdict of damages for mental anguish caused by veterinarian's conversion of the plaintiff's dog); *City of Garland v. White*, 368 S.W.2d 12, 13–14 (Tex. Civ. App. 1963) (affirming jury award for mental pain and suffering from death of the plaintiff's dog); *Linceum v. Smith*, 287 So. 2d 625 (La. Ct. App. 1973) (affirming jury award for mental anguish caused by conversion of the plaintiff's dog).

Several federal courts have arrived at the same conclusion. A federal district court held that as a matter of "federal common law," where officers killed the plaintiffs' dog, the plaintiffs were entitled to recover "emotional distress damages arising from [the defendant's] unlawful seizure of [the plaintiffs'] dog." *Moreno v. Hughes*, 157 F. Supp. 3d 687, 690 (E.D. Mich. 2016);

*see also Henning v. Nicklow*, No. 1:08-cv-180, 2009 WL 2642739 (N.D. Ind. Oct. 30, 2009) (arriving at same conclusion based on similar facts). The *Moreno* decision reasoned that if the plaintiffs were not permitted to recover “mental and emotional damages,” the plaintiffs would “not be compensated for their ‘actual losses.’” *Moreno*, 157 F. Supp. 3d at 690. The *Moreno* decision also relied on the fact that “some states award emotional damages for injury to pets.” *Id.*

Decisions from other states arriving at the opposite conclusion—holding that the damages recoverable for the negligent loss of a dog are limited to economic damages—are the continuation of an outdated legal concept of dogs. As the *Langford* decision discusses, English common law originally considered dogs to be wild beasts incapable of being a person’s property. Margit Livingston, *The Calculus of Animal Valuation: Crafting a Viable Remedy*, 82 Neb. L. Rev. 784, 785 (2004). Developments in the relationship between people and dogs and the changed role of dogs in society since the medieval period that gave rise to the old English common law rule, resulted in courts, like the South Carolina Supreme Court in *Langford*, holding that dogs are the property of their owners and have value to their owners. *See Langford*, 55 S.C. at —, 33 S.E. at 371; *Salley v. Manchester & A.R. Co.*, 54 S.C. 481, 32 S.E. 526 (1899) (reversing dismissal of civil action for killing the plaintiff’s dog on basis that dogs are valuable property and can give rise to a civil claim). As *Langford* discussed in terms of whether a thief was immune from prosecution for stealing a dog under the old English common law rule or committed larceny because a dog is valuable property, “[t]he reason for the outlawry of dogs in favor of thieves can hardly be regarded as persuasive at this day and here, and such crude application of the principles of the common law must yield to common sense.” *Langford*, 55 S.C. at —, 33 S.E. at 371.

While the common law evolved to recognize dogs as valuable property, many jurisdictions saw dogs as interchangeable units for which the recoverable value is limited to the cost to purchase

a new dog of the same breed and with the same training as the deceased dog. In earlier times, dogs were valued for the services they provided around the home, rather than for their companionship. Livingston, *Animal Valuation*, 82 Neb. L. Rev. at 785. The old English common law considered any dog the equivalent of any other dog because any dog—controlling for breed, health, and training—can perform the same economic services as any other dog. In some jurisdictions that reasoning has carried forward to the present, but the reasoning is a relic of an outdated societal view of dogs, a view that does not comport with modern society’s view of dogs.

As acknowledged by *Langford* and again more recently, South Carolina courts have “the right and duty to develop the common law of South Carolina to better serve an ever-changing society as a whole.” *State v. Horne*, 282 S.C. 444, 447, 319 S.E.2d 703, 704 (1984); *see also Langford*, 55 S.C. at —, 33 S.E. at 371. While the unpublished, non-precedential *Fowler* decision declined the request to develop South Carolina common law in response to societal developments on the basis that “public policy considerations do not warrant intervention by this court in the absence of legislative action,” such a view disregards the role of South Carolina courts in determining and applying the common law. *Fowler*, 2023 WL 234557, at \*1. Due to the common law’s nature as a judicially declared and developed system of law, South Carolina courts have the power to declare and change the common law. *See, e.g., Marcum v. Bowden*, 372 S.C. 452, 458, 643 S.E.2d 85, 85 (2007) (“It is within this Court’s purview to change the common law.”); *Singleton v. State*, 313 S.C. 75, 84, 437 S.E.2d 53, 58 (1993) (“It has always been the purview of a court to change the common law . . .”). Accordingly, South Carolina courts should recognize that the evolved, modern societal role of pet dogs, discussed in detail *infra*, necessitates that South Carolina common law provide that a dog owner can recover emotional distress damages and declare the common law of South Carolina accordingly.

Moreover, South Carolina public policy, as already expressed by the General Assembly, values pet dogs for their emotional support and companionship value, rather than merely as working animals under the older societal view of dogs, and therefore, the Court declaring that the common law permits the recovery of emotional distress damages comports with and advances the State's existing public policy. Chapter 3 of Title 47 of the South Carolina Code of Laws provides for the protection and care of "Dogs and Other Domestic Pets," thereby distinguishing "dogs and other domestic pets" from other animals and giving them greater legal protection. Section 47-3-20 provides that counties and municipalities "may enact ordinances and promulgate regulations for the care and control of dogs, . . . ." Sections 47-3-55 and 47-3-60 require an animal shelter in possession of a dog to undertake specific efforts to return the dog to the owner and to wait for the owner to claim the dog, thereby legislatively acknowledging the importance of a specific dog to its owner. Section 47-3-530 makes it a crime to kill a dog "when owner [sic] may be identified by means of a collar bearing sufficient information or some other form of positive identification," as distinguished from the killing of a dog without an owner. The General Assembly thereby legislatively acknowledged the importance of a specific dog to its owner due to the relationship between the dog and owner as greater than the value of a presumptively unowned dog.

As widely acknowledged by courts and American society today, dogs are no longer considered interchangeable animals and are primarily, if not exclusively, valued for their emotional and companionship value as quasi-family members. As stated by the United States Court of Appeals for the Fourth Circuit:

Dogs have been aptly labeled 'Man's Best Friend,' and certainly the bond between a dog owner and his pet can be strong and enduring. Many consider dogs to be their most prized personal possessions, and still others think of dogs solely in terms of an emotional relationship, rather than a property relationship.

*Altman v. City of High Point*, 330 F.3d 194, 205 (4th Cir. 2003). Similarly, the Supreme Court of Vermont recognized that “[a] pet dog generally has no substantial market value as such,” and “[l]ike most pets, its worth is not primarily financial, but emotional.” *Morgan v. Kroupa*, 702 A.2d 630, 632–33 (Vt. 1997).

That recognition by courts evidences the broad shift in the societal status of dogs in America over the past hundred or so years. As Petitioner’s expert Dr. Leslie Irvine, a sociologist who has spent decades studying the relationship between people and pets, observes, “[t]he way people value and regard animals, in general, and pets, in particular, has changed, such that both scholars and members of the public recognize their roles as family members, companions, and best friends.” (R. p. 246) *See also* Sonia S. Waisman & Barbara R. Newell, *Recovery of ‘Non-Economic Damages’ for Wrongful Killing or Injury of Companion Animals*, 7 *Animal L.* 45, 57–64 (2001). Survey research indicates that 97% of American pet owners today regard pets as family members and that 50% of Americans today consider pets to be family members equivalent to human family members. (R. pp. 246-47) In modern American society, “people and pets develop close attachments and rely on each other for the emotional support that characterizes kinship.” (R. p. 247)

Additionally, given that evolved role in modern society where dogs are valued as companion animals, dogs are no longer viewed as interchangeable, replaceable property. “The bonds between people and pets reflect the characteristics of specific relationships in which each animal is considered a unique individual” and “[a]s with relationships between people, one cannot simply ‘replace’ another.” (R. p. 247) Today, society acknowledges that “an individual’s bond with a particular animal is unique.” Livingston, *Animal Valuation*, 82 *Neb. L. Rev.* at 806. The rejection of a replacement value approach to damages for the death of a dog follows naturally from

this evolved societal view. When dogs are no longer owned primarily for their economic services and instead are owned for companionship and a psychological bond, one dog cannot replace another.

Moreover, due to the unique, irreplaceable nature of a pet dog, the loss of a dog typically causes the dog owner to suffer “significant grief, distress, sadness, depression, helplessness, anger, and guilt.” (R. p. 247) The loss of a pet dog can be “debilitating and enduring” and can result in “trauma symptoms and other mental health consequences,” especially when the death is sudden and violent. (R. p. 248)

While the common law is to evolve with and comport with society, the modern societal valuing of dogs means that the old common law rule that the damages recoverable for the wrongful death or injury of a dog is limited to the cost of a replacement dog or other economic damages no longer comports with modern society. Fulfilling the right and duty to develop the common law, South Carolina courts should reject the approach of some jurisdictions that adhere to a medieval view of dogs and should follow the common law rule that comports with modern American society by allowing the recovery of emotional distress damages caused by the negligent death of or injury to a dog. Numerous federal and state courts have held that dogs are valued primarily for their emotional and companionship value and that therefore, dog owners can recover emotional distress damages caused by the negligent death of or injury to a dog. The reasoning employed by those federal and state courts comports with dogs’ place in modern American society and applies with equal force in South Carolina, and therefore, South Carolina courts should follow that reasoning in declaring South Carolina’s common law on the issue.

While the foregoing analysis is more than a sufficient basis for South Carolina courts to decide that South Carolina common law permits the recovery of emotional distress damages here,

South Carolina common law as to forms of unique, irreplaceable property other than dogs provides additional legal support for allowing recovery of emotional distress damages here. South Carolina law provides that where property is uniquely valuable to the owner—rather than replaceable by a new item of the same type—the owner is entitled to recover the actual value to the owner—the property’s “special value to him”—when the property is negligently destroyed or damaged. *See Nelson v. Coleman Co.*, 249 S.C. 652, 659, 155 S.E.2d 917, 921 (1967). That common law rule accounts for the fact that property that is not interchangeable and is “personal to the owner” has a “special value” to the owner. *See id.* The logical next steps that follow necessarily from that rule are that a dog is a unique, irreplaceable item of property valued primarily for its emotional and companionship value, and the negligent loss of or injury to a dog results in emotional distress damages that the dog owner can recover for due to the unique nature of a dog as property.

In conclusion, because South Carolina law has not yet addressed the issue, because other jurisdictions hold that emotional distress damages are recoverable, because allowing the recovery of emotional distress damages properly develops the common law in accordance with the changed societal role of pet dogs, and because South Carolina law already acknowledges that certain property can have a unique value to an owner thereby permitting the owner to recover damages typically not recoverable for the negligent loss of personal property, the Court should grant certiorari, reverse, and hold that if Respondents are found liable, Petitioner is entitled to recover emotional distress damages caused by the loss of Xumi and Ruben’s injuries.

### **CONCLUSION**

In conclusion, this appeal includes a novel question of law and is thus especially deserving of a grant of a writ of certiorari. For the reasons set forth herein, Petitioner respectfully requests

the Court grant the petition, reverse the Court of Appeals, and hold Petitioner's recoverable damages include emotional distress damages.

Respectfully submitted,

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