

April 7, 2014

**VIA U.S. EXPRESS MAIL**

Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: Cherry T. Scott v. Heritage Healthcare of Estill, LLC, et al.,  
**Court of Appeals Tracking No. 2012207308**  
Civil Action Nos. 10-CP-25-491 and 492  
Notice of Related Case and New Authority

Dear Ms. Kitchings:

In preparation for oral argument in this Appeal, we are writing to notify the Court of a related case that was recently argued before the South Carolina Supreme Court on April 1, namely *Darlene Dean v. Heritage Healthcare of Ridgeway, LLC, et al.*, Appeal No. 2013-000509. When decided, the *Dean* case may bear upon the outcome of this Appeal. One of the central issues in the *Dean* case and the issue to which the Supreme Court devoted the overwhelming majority of oral argument concerned the interpretation of an arbitration agreement's reference to the rules of the American Arbitration Association. The same issue arises in this Appeal. The arbitration agreements in the *Dean* case and in this Appeal are identical, having been used by affiliated companies.

In addition, the Supreme Court recently issued a separate opinion in a nursing home arbitration case that may also have some bearing on this Appeal. The Supreme Court's opinion in *Ann Coleman v. Mariner Health Care, Inc., et al.*, Opinion No. 27362 (March 12, 2014) was issued after the final briefing in this Appeal closed.

While we are happy to proceed with the current oral argument schedule, we wanted to alert the Court of this development so that it could, if desired for the sake of judicial efficiency, best evaluate how to proceed in light of the forthcoming Supreme Court opinion in *Dean*.

Thank you for your consideration.

Very truly yours,

ARNALL GOLDEN GREGORY LLP



Jason E. Bring

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