

BELK, COBB, INFINGER AND GOLDSTEIN, P.A.

Harry C. Belk (1919-2003)

Dale T. Cobb, Jr.
dtcobbaw@hotmail.com

Peggy M. Infinger
pinfinger@cobblaw.net

Thomas R. Goldstein
tgoldstein@cobblaw.net

ATTORNEYS AT LAW
2344 COSGROVE AVENUE
CHARLESTON, SC 29405

Mailing Address:
P.O. Box 71121
Charleston, SC
zip 29415-1121
Ph: (843) 554-4291
Fax: (843) 554-5566

August 25, 2014

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

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AUG 27 2014

SC Court of Appeals

Re: 5 Star v. Ford Motor Company
Case No. 2006-CP-10-4773
Case Tracking No.: 2008-107206

Dear Ms. Kitchings,

This case is set for oral argument on Thursday, September 11, 2014, at 9:30 a.m. Pursuant to Rule 208(b)(7) *Supplemental Citations*, I would like to insert the following citation to pages 25-26 of the Respondent's Final Brief:

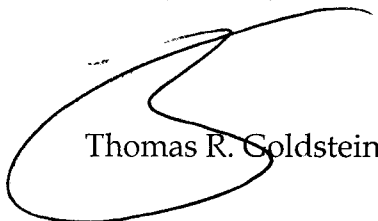
Pringle v. SLR, 382 S.C. 397, 675 S.E.2d 783 (Ct. App. 2009)

The reason for the supplemental citation is the language contained at page 405 of the opinion:

In *Kershaw County Board of Education v. U.S. Gypsum Co.*, 302 S.C. 390, 394, 396 S.E.2d 369, 372 (1990), the supreme court upheld a jury charge that "when evidence is lost or destroyed by a party an inference may be drawn by the jury that the evidence which was lost or destroyed by that party would have been adverse to that party." As an initial matter, however, the party seeking the inference "must be prepared to make a showing that the document or evidence might reasonably have supported d whatever presumption is being requested of the fact finder." Kevin Eberle, *Spoliation in South Carolina*, S.C. Law., Sept. 2007, 26, 32. Here, in view of the evidence already presented, the chair in question would not have provided any additional information indicating that its use at the restaurant would have constituted negligence on the part of Knight's Inn. . . .

With kind regards, I am

Very truly yours,
BELK, COBB, INFINGER & GOLDSTEIN, P.A.



Thomas R. Goldstein

TRG/rt

cc:

C. Mitchell Brown, Esq. (with enclosure)

David C. Marshall, Esq. (with enclosure)

William C. Wood, Jr., Esq. (with enclosure)

Carmelo Barone Sammataro, Esq. (with enclosure)

Michael J. Anzelmo, Esq. (with enclosure)

Curtis . Ott, Esq. (with enclosure)

Belk, Cobb, Infinger & Goldstein, P.A.
P. O. Box 71121
N. Charleston, S. C. 29415-1121

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