

January 30, 2015

**Moore & Van Allen**

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
Post Office Box 11330  
Columbia, SC 29211-1330

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Re: Response to Supplemental Authorities  
Errol Washington v. Alice R. Stewart  
Appellate Case No. 2012-213171  
Lower Court Case No. 2009-CP-10-02846

Dear Mr. Shearouse:

On January 29, 2015, I received by mail a copy of Petitioner's supplemental authority letter addressed to your attention and dated January 27, 2015. The supplemental authority proposed by Petitioner is neither pertinent nor significant to the above-referenced appeal.

The issue of constructive notice does not relate to the cause of action for aiding and abetting a breach of a fiduciary duty; the cause of action requires "knowing participation." The supplemental authority proposed by Petitioner is a decision of this Court relating to a question of liability under the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-60(15), which specifically sets forth a standard that a governmental entity can be responsible for a road defect or condition if it fails to correct such defect or condition within a reasonable time after actual or constructive notice. Petitioner's counsel also misquotes the Major case when he refers to "actual knowledge," as the reference in the Major case is to "actual notice."

Based on the aforementioned, the supplemental authority referenced in Petitioner's letter does not qualify as a supplemental citation under Rule 208(b)(7), SCACR, and should not be considered by the Court.

Respectfully yours,

Moore & Van Allen, PLLC



Trudy H. Robertson

THR/ecp

cc: T. Alexander Beard, Esquire  
Edward P. Guerard, Jr., Esquire

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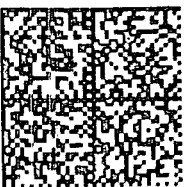
**S.C. SUPREME COURT**

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