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August 17, 2012

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
P. O. Box 11330
Columbia, SC 29211

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S.C. SUPREME COURT

Re: Christopher Price v. Peachtree Electrical Services
W.C.C. File No.: 0220142; Case No. 2009-CP-22-0087
Supreme Court Tracking #: 2012-207886
Carrier File No.: 34246
Date of Accident: December 9, 2002

Dear Mr. Shearouse:

I am in receipt of correspondence from Mary D. Milliken, in which she advances additional arguments in support of a Petition for Writ of Certiorari that was filed on March 28, 2012. While this additional argument is ostensibly made in accordance with Rule 208(b)(7), which applies to supplemental citations for initial briefs, the Rule clearly states that there "shall be a reference either to the page of the brief, or to an issue to which the citations pertain, but the letter shall, without argument, state the reasons for the supplemental citations." Ms. Milliken's letter references neither the page of the brief, nor the issue to which her supplemental citations pertain; but instead makes only the prohibited additional arguments.

At this juncture, I would appreciate the Court's direction as to whether the Court intends to accept these additional arguments in connection with the Petition for Writ of Certiorari and whether the Court would permit responsive arguments. As I read Rule 208(b)(7), the response for supplemental citations is similarly limited and no argument is normally permitted. I would not wish to violate this rule without the express consent of the Court to respond to Ms. Milliken's new arguments.

In the alternative, should the Court permit the Petitioners to reference supplemental citations in their Petition, the Respondents would request that the following supplemental citation to the Return to Petition for Writ of Certiorari also be considered at page 14, between sentences 5 and 6:

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See Bone v. U.S. Food Service, S.C. Sup. Ct. Opinion No. 27153 (August 1, 2012) (holding that in the context of administrative appeals from the circuit court pursuant to S.C. Code Ann. § 1-23-390, “a ruling as to compensability, with nothing more (such as the claimant’s specific benefits and medical status), does not dispose of the entire action, is not “enforceable as it stands,” and; therefore, is neither a “final order,” nor immediately appealable).

Thank you in advance for your time and attention to this matter. I look forward to the Court’s guidance on how to proceed.

Yours very truly,



Kirsten L. Barr

KLB/mmh/les

cc: Ms. Darlene Frick, S.C. Home Builders SIF
Richard C. Detwiler, Esq.
Mary Dameron Milliken, Esq.

9418/228\l-supreme court re supplemental citations

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