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September 1, 2015

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SEP 08 2015
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk
The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Francis Ackerman, et al. v. SCDC
Appellate Case No. 2012-210588


Dear Ms. Kitchings:

Pursuant to SCACR 208(b)(7), a party must advise the Clerk of pertinent and significant authorities coming to the party's attention after initial briefs have been filed. In compliance with the rule, please be advised of the following case: Darrell Williams, Class Representative, et al. v. SCDC, et al. 641 S.E. 2d 885, n. 1 (S.C., 2007). Counsel in the current appeal, including myself, litigated Williams in 2005-2007. Footnote 1 in Williams came to my attention as pertinent to issue 1 in the current appeal during recent oral argument preparation.

Footnote 1 pertains to pp. 6-11, 25, 46 of inmates' brief. It also discusses the holdings in Wicker v. SCDC 602 S.E. 2d 56 (S.C., 2004) and Adkins, et al. v. SCDC 602 S.E. 2d 51 (S.C., 2004). Wicker and Adkins, in turn, are the subject of issue 1 in the current appeal.

Moreover, Williams is discussed in the parties' briefs on various points, and the remittitur and opinion are in the Record on Appeal (Inmates' Brief, 3, 36; SCDC Brief, 4, 44-45, n. 78; Inmates' Reply Brief, 19-20; R, 205-211). Nevertheless, this letter is being sent under SCACR 208(b)(7) out of an abundance of caution.

Sincerely,


Douglas H. Westbrook

DHW/

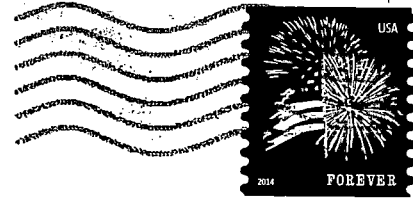
cc: Lake E. Summers, Esq.

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