



ROGERS TOWNSEND & THOMAS, PC

ATTORNEYS AND COUNSELORS AT LAW

Mail PO Box 100200 (29202)
220 Executive Center Drive, Suite 109
Columbia SC 29210

www.rtt-law.com

Tel 803-771-7900

Fax 803-343-7017

Robert J. Thomas
Supreme Court Certified Mediator
bjthomas@rtt-law.com
(803) 227-2035

RECEIVED

SEP 04 2012

September 4, 2012

SC Court of Appeals

The Honorable Jeanette Barber
Clerk, South Carolina Court of Appeals
Via Hand Delivery

Re *Neeltec Enterprises, Inc d/b/a Fireworks Supermarket v Willard Long d/b/a Foxy's
Fireworks and d/b/a Fireworks Superstore*
Civil Action 06-CP-15-461
Court of Appeals Tracking number: 2008101646
RTT file 712 10

Dear Ms Gee

Enclosed are 14 copies each that you requested of *Final Reply Brief of Appellant* as requested last week by telephone, plus one extra. Please check the extra copy and return it to our courier.

We also enclose 15 copies of this letter, once again reprising our letter of June 25, 2009. In accordance with Rule 208 (b)(7), SCACR ("Supplemental Citations"), we call to the Court's attention to the holding in *Spence v Wingate*, 381 S C 487, 674 S E 2d 169 (2009) as an additional citation for Issue 1 in *Final Reply Brief of Appellant* which disputes Respondent's argument that the issue on appeal was not preserved.

In a short *per curiam* opinion, the Supreme Court held

We hold the Court of Appeals erred in finding the issue was not preserved for appeal. The trial judge's order granted respondents' motion for summary judgment on *precisely* the grounds argued by respondents at the summary judgment hearing. While that order did not restate the ground on which petitioner opposed the motion—a duty based on the existence of a prior attorney-client relationship—the order explicitly addresses that argument by ruling respondents "owed no duty or obligation" to petitioner. This ruling is sufficient to preserve petitioner's argument that respondents owed a duty to petitioner, and petitioner was not required to file a Rule 59(e) motion to alter or amend in order to preserve the issue for appeal.

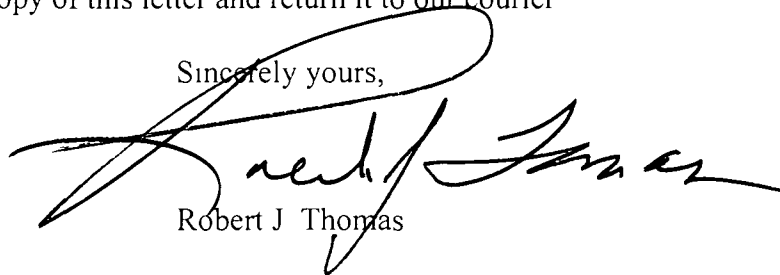
Id at 489, 674 S E 2d at 169 (emphasis in the original)

The Supreme Court's decision in *Spence v Wingate* was issued after the filing and service of *Final Reply Brief of Appellant*

I certify that a copy of this letter is being mailed to Respondent's counsel this same date

Please clock the extra copy of this letter and return it to our courier

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert J. Thomas", written over the typed name below.

Robert J Thomas

/s

cc

Bert G Utsey, III, Esquire
Peters, Murdaugh, Parker, Eltzroth & Detrick
123 Walter Street
P O Box 1164
Walterboro, SC 29488