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November 24th, 2015

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Clerk, South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina

S.C. Supreme Court

**RE: CACH LLC vs. Toby Hoffman, a/k/a Carl W. Hoffman, Jr.
Appeal No. 2015-000218**

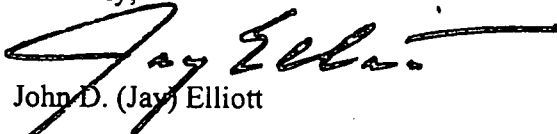
Dear Honorable Clerk:

Pursuant to Rule 208(b)(7) of the South Carolina Appellate Court Rules, the petitioner supplements his brief with the following citations.

(1) Account stated theory, respondent's brief at pp. 13-14): The essential elements of an account stated are (1) that the account is actually stated; and (2) that the parties either expressly or impliedly that it is a true statement and is due to be paid then or at some other specified time. *Wakefield v. Spoon*, 100 S.C. 100, 84 S.E. 418 (1915), cited in *Southern Welding Works, Inc. v. K&S Construction Co.*, 286 S.C. 158, 332 S.E.2d 102 (Ct.App. 1985).

(2) Adoptive business records doctrine, respondent's brief, at pp. 5-8: *Deep Keel L.L.C. v. Atlantic Private Equity Group L.L.C.*, 413 S.C. 58, 73-74, 773 S.E.2d 607, 615 (Ct. App. 2015): "...establishing that a witness is qualified to testify about a business record does not automatically lead to the admission of that record. The qualified witness must then lay the foundation to meet the requirements of Rule 803(6) and section 19-5-510," applying *Ex parte Dep't of Health & Environmental Control*, 350 S.C. 243, 565 S.E.2d 293 (2002).

Sincerely,



John D. (Jay) Elliott

JDE/

CC: EDWARD H. OVERCASH, JR., ESQUIRE
MANUEL H. NEWBURGER, ESQUIRE