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NOV 10 2015

SC Court of Appeals

November 9, 2015

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: One Belle Hall Property Owners Association, Inc. and Brandy Ramey,
individually and on behalf of all others similarly situated vs. Trammell Crow
Residential Company, et al.
Case No. 2012-CP-10-7594
Appellate Case No. 2014-002115

Dear Ms. Kitchings:

In accordance with Rule 208(b)(7) of the SC Appellate Court Rules, counsel for TAMKO responds to OBH's supplemental submission of *Hobbs v. TAMKO Building Prods., Inc.*, No. SD33529 (Mo. Ct. App. Oct. 26, 2015), by letter dated November 6, 2015.

Hobbs is not pertinent to the issues currently on appeal. In *Hobbs*, the court applied Missouri law and determined that non-signatory Plaintiffs did not enter into an arbitration agreement with TAMKO. In the case at hand, the lower court applied *Pearson v. Hilton Head Hospital*, 400 S.C. 281, 733 S.E.2d 597 (Ct. App. 2012) and resolved this issue in favor of TAMKO. (R. p. 74, line 14 – p. 79, line 4; R. p. 96, line 20 – p. 97, line 19; R. p. 253).

Hobbs does not apply to any of the issues raised in Respondents' Final Brief. Rather, Section B of Respondents' Final Brief addresses the "adhesive" nature of the arbitration agreement and argues that the arbitration agreement is unconscionable by way of its language and the cumulative effect of other provisions within the warranty. These issues do not touch on the enforceability of the arbitration clause as to third parties, which is not an issue in this appeal.

Sincerely,



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November 9, 2015

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RHW/pmb

cc: Justin Lucey, Esquire

Dabny Lynn, Esquire

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