THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

The Honorable Perry H. Gravely, Circuit Court Judge

Case No. 2016-001525

Alliance Biomedical Research, LLC,

Appellant,

v.

Judith H. Parham, Personal Representative of the Estate of David Michael Parham, deceased and Parham & Smith, LLC,

Respondents.

REPLY BRIEF OF APPELLANT

November 23, 2016

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STATEMENT OF ISSUES ON APPEAL

1. The Court of Common Pleas erred in granting Respondents' Motion for Summary Judgment because Appellant provided sufficient evidence to meet the threshold burden showing Respondents acted outside the scope of their representation in the Bruce Litigation.
2. Any arguments by Appellant concerning its presentation of evidence sufficient to raise a question of fact on the merits as to the Abuse of Process and Malicious Prosecution claims were preserved for appellate review as to the heart of its oral argument and Memorandum in Opposition, which was incorporated into the record, and being inextricably intertwined with the threshold burden of Respondents acting outside the scope of their representation in the Bruce Litigation.

STATEMENT OF THE CASE

Appellant alleges the following additional, relevant facts:

Respondents named Alliance Biomedical Group as a Defendant in the underlying litigation in the South Carolina Court of Common Pleas for Greenville County, styled John L. Bruce and Marilyn Bruce v. Greenville Pharmaceutical Research, Inc. and Alliance Biomedical Group, 2011-CP-23-6967 (hereinafter Bruce Litigation"). Appellant is Alliance Biomedical Research, LLC. Appellant was the misidentified Defendant, Alliance Biomedical Group, in the Bruce Litigation, as Appellant is unaware of any entity named Alliance Biomedical Group. All Shareholders of Greenville Pharmaceutical Research, Inc. were also Members of Alliance Biomedical Research, LLC. However, not all Members of Alliance Biomedical Research, LLC were Stockholders in Greenville Pharmaceutical Research, Inc.

Footnote 1 of Respondents' Initial Brief states, "The defendant named in the caption of the Bruce Litigation was 'Alliance Biomedical Group.' However, the substantive allegations in the complaint in the Bruce Litigation identify 'Alliance Biomedical Research, Inc.' as the party." Appellant corrects this statement, in that, Alliance Biomedical Research is an LLC, not Inc.

ARGUMENTS IN REPLY

1. The Court of Common Pleas erred in granting Respondents' Motion for Summary Judgment because Appellant provided sufficient evidence to meet the threshold burden showing Respondents acted outside the scope of their representation in the Bruce Litigation.

Appellant fully stands on and reiterates the arguments made in its' Initial Brief, but addresses arguments in Respondents' Initial Brief. Appellant continues to maintain it provided sufficient evidence to meet the threshold burden showing Respondents acted outside the scope of their representation of John Bruce and Marilyn Bruce.

Nowhere in Respondents' Initial Brief does it refer to the granting of Summary Judgment as a drastic remedy. *Thomas Sand Co. v. Colonial Pipeline Co.,* 563 S.E.2d 109, 112 (S.C. Ct. App. 2002). "In determining whether any triable issue of fact exists, the trial court must view the evidence and all reasonable inferences that may be drawn therefrom in the light most favorable to the party opposing summary judgment. *Brockbank v. Best Capital Corp.*, 341 S.C. 372, 534 S.E.2d 688 (2000)." When the sworn deposition testimony of John Bruce in the underlying Bruce Litigation and "all reasonable inferences that may be drawn therefrom in the light most favorable to the party opposing summary judgment" are considered together with Dr. Gregory Feldman's December 16, 2015, deposition testimony and his April 7, 2016 Affidavit, and Appellant's Memorandum in Opposition to Respondents' Motion for Summary Judgment, Appellant's

As they did at the hearing on the Motion for Summary Judgment, Respondents take issue in their Initial Brief with Alliance not performing any discovery and citing statements by Dr. Gregory Feldman in his December 16, 2015 deposition on behalf of Appellant regarding discovery. (Gravely Hearing Transcript, 6/6/16, p. 4, lns. 10-17; p. 9, lns. 22-23; R. Initial Brief, p. 9) Counsel

for Appellant addressed this issue at the hearing on the Motion for Summary Judgment. (Gravely Hearing Transcript, 6/6/16, p. 18, ln. 25-p. 20, ln. 10; p. 29, lns. 3-8) Quoting counsel for Appellant from the June 6, 2016, Motion for Summary Judgment hearing, "Your Honor, there was no discovery necessary in this case. ... All the documents are in the record from the underlying case. ... So we've proceeded forth and we've cited the support for every single allegation that is made in the Complaint." (Id. at p. 19, ln. 23-p.20, ln. 10)

Citing to the December 16, 2015, deposition of Gregory J. Feldman, M.D., Respondents make the claim that "Dr. Gregory Feldman unequivocally testified that he was testifying on the behalf of Alliance." For purposes of the deposition, Dr. Feldman did represent Appellant. (Feldman 12/16/15 Deposition, p. 13, lns. 17-19; p. 59, lns.7-20) Dr. Feldman indicated there are parts of Appellant of which he is not as familiar. (Feldman 12/16/15 Deposition, p. 32, lns. 9-14; p. 100, lns. 19-20; p. 121, ln. 20-p. 122, ln. 2; p. 128, lns. 15-17; p. 166, lns. 12-14) He stated repeatedly he was a physician, not an attorney. (Feldman 12/16/15 Deposition, p. 20, ln. 23-p. 21, ln. 5; p. 21, lns. 21-25; p. 28, ln. 17; p. 71, lns. 6-8; p. 96, lns. 10-12) Dr. Feldman referenced decisions pertaining to litigation that were made by the majority of Members or legal counsel. (Feldman 12/16/16 Deposition, p. 13, lns. 7-19; p. 94, lns. 5-25; p. 126, lns. 16-20) Simply because Dr. Feldman represented Appellant for the purposes of the deposition, does not mean he made every decision concerning Appellant and/or the litigations. (Feldman 12/16/15 Deposition, p. 32, lns. 6-7, lns. 15-16; p. 141, ln. 11; p. 174, ln. 4-p. 175, ln. 4)

Concerning the fact Appellant chose to bring suit in this matter under the Abuse of Process and Malicious Prosecution causes of action instead of Rule 11 and/or the Frivolous Claims Act, counsel for Appellant explained at the June 6, 2016, Motion for Summary Judgment hearing, that those avenues were "bantered about", but, ultimately, it was decided "that the best vehicle was

abuse of process and malicious prosecution" because the allegations are not against John Bruce, but rather Respondents. (Gravely Hearing Transcript, 6/6/16, p. 22, ln. 5-p. 23, ln. 2)

Respondents claim that Appellant "singles out one excerpt from Argoe, which stands for the proposition that an attorney is immune from liability to third person [sic] for acts arising from the performance of his professional duties on behalf of 'and with the knowledge of his client.'" However, the "excerpt" to which Respondents' refer was actually in Judge Gravely's June 29, 2016, Order on page 4. (A. Initial Brief, pp. 17, 18) Appellant simply applied this caselaw to the facts in the instant case, along with applying Gaar and Stiles, respectively, to the facts herein, requiring "an attorney who acts **in good faith with the authority of his client** is not liable to a third party in an action for malicious prosecution. See *W.D.G., Inc. v. Mutual Mfg. & Supply Co.*, 5 Ohio Op. 3d 397 (1976) "[E]ven if the attorney who initiates civil proceedings for his client has no probable cause to do so, he is still not liable if he acts primarily for the purpose of aiding his client in obtaining a **proper** adjudication of the client's claim.", and "a third party may not sue a lawyer for acts and omissions done while acting as counsel for his/her client", plus, an "**attorney who acts without probable cause for an improper purpose is subject to same liability for the wrongful use of civil proceedings as any other person**". (A. Initial Brief, pp. 17, 20, 21)

Additionally, Respondents' state "[T]he Second Amended Complaint itself makes it clear that Defendants were acting on their clients' behalf; it alleges no facts from which one can reasonably infer that the Defendants were acting without their clients' knowledge and consent". However, the Honorable Judge John disagreed that the "Second Amended Complaint itself makes it clear that Defendants were acting on their clients behalf; it alleges no facts from which one can reasonably infer that the Defendants were acting without their clients' knowledge and consent" and found in his October 15, 2014, Order (pp. 1-3) that:

> 'The ruling on a 12(b)(6), motion to dismiss must be based solely on the allegations set forth in the complaint. *Plyler v. Burns*, 373 S.C. 637, 645, 647 S.E.2d 188, 192 (2007).' *TCI Media, Inc. v. NuVox Communications, Inc.*, 010709SCCA, 2009-UP-004 'The motion cannot be granted if the facts set forth in the complaint and the inferences reasonably drawn therefrom would entitle the Plaintiff to relief on any theory of the case. *Ashley River Prop. I, L.L.C. v. Ashley River Prop. II, L.L.C.*, 374 S.C. 271, 278, 648 S.E.2d 295, 298 (Ct. App. 2007.)'
> ...
>
> Defendant Parham asserts that Alliance cannot sue Defendant Parham on any cause of action and relies on the holding in *Garr v. North Myrtle Beach Realty Co., Inc.*, 287 S.C. 525, at 528-529, 339 S.E.2d 887, at 889, where an attorney acting in good faith with the authority of the client is not liable to third party in an action for malicious prosecution. However, the court in *Stiles v.Ontario*, 318 S.C. 297, 457 S.E.2d 601 (S.C. 1995) held that 'the trial court erred in dismissing the complaint on the basis that *Gaar* provides absolute immunity to an attorney under any and all circumstances.' Plaintiff argues that David Michael Parham did not act on behalf of, with the knowledge of, nor in good faith with the authority of his client in bringing the underlying lawsuit against Alliance.
>
> Accordingly, the Plaintiff's Amended Complaint sets forth a justiciable claim that is sufficient under Rule 12(b)(6), SCRCP, and for this reason, Defendant's Motion to Dismiss is denied.

Judge John's Order clearly found that, contrary to Respondents' assertion to the counter, Appellant's Second Complaint **did**, in fact, allege facts sufficient that one could reasonably infer that Defendants' "were acting in some way other than to aid John Bruce and Marilyn Bruce". Appellant understands that the burden is different between a Motion to Dismiss and Motion for Summary Judgment. Appellant's exception is to Respondents' statement regarding what the Second Amended Complaint alleges and shows.

Respondents' appear to be trying to make a distinction between Alliance Biomedical Group and Alliance Biomedical Group at this late stage by stating in their Initial Brief, "[I]mportantly, Alliance Biomedical Group is not the Plaintiff of the Appellant in this case. The Plaintiff/Appellant is 'Alliance Biomedical Research, LLC.'Mr. Bruce's deposition testimony from the Bruce Litigation is silent on whether he knew Alliance Biomedical Research, LLC was

or if he was aware that they were a defendant in his litigation." In Respondents' Initial Brief, footnote 1, it states, "The defendant named in the caption of the Bruce Litigation was 'Alliance Biomedical Group.' However, the substantive allegations in the complaint in the Bruce Litigation identify 'Alliance Biomedical Research, Inc." as the party." (R. Initial Brief, p. 2) Again, the correct entity is Alliance Biomedical Research, LLC. Additionally, footnote 2 of Respondents' Initial Brief explains, "[T]he Stipulation of Dismissal was actually as to the named Defendant 'Alliance Biomedical Group.'" (Id., p. 3) At the June 6, 2016, Motion for Summary Judgment hearing, counsel for Appellant clarified for the court the issue between Alliance Biomedical Group and Alliance Biomedical Research, LLC.

Mr. Mann: ... But the underlying case was misnomered. It was filed as the Bruces versus Greenville Pharmaceutical Research, Inc. and Alliance Biomedical Group. Okay? That was inappropriate. It's Alliance Biomedical Research, LLC. The case proceeded knowing that was not the right name in the caption. But there are references that indicate that. Everybody in the room at Mr. Bruce's deposition knew that we were speaking about Alliance Biomedical Research.

The Court: Is there an entity known as Alliance Biomedical Group?

Mr. Mann: There is not. To my knowledge there is not – is there?

The Court: Well, doesn't that actually help what he is saying? If your person wasn't even a party, how can you complain?

Mr. Mann: Well, Your Honor, we were a party. We were invited, we were served, we were there, we attended a year's worth of litigation, all the depositions and everything else. And Mr. Bruce didn't know who we were. I would take exception to Mr. Bogdan saying that the Bruces and Mr.Parham made the decision to dismiss Alliance Biomedical Group d/b/a, doing business as, Alliance Biomedical Research, LLC – or however, he would like to view it. He had no clue who Alliance Biomedical was, had no clue whatsoever.

That's always been our position. If the client didn't know who was being sued, how can his attorney be acting in his behalf? And all the references in *Garr*, it says "with the knowledge of his client", "authority of his client", "primarily for the purpose of aiding his client", "Advising his client...without consent or fear."

(Gravely 6/6/16 Hearing Transcript, p. 16, ln. 3-p. 17, ln. 18.) For Respondents' to try to take exception that Mr. Bruce was "silent on whether he knew who Alliance Biomedical Research, LLC was or if he was aware that they were a defendant in his litigation" seems disingenuous. The fact that Respondents' did not properly name the "correct" party in the Bruce litigation gives support to Appellant's assertions that Respondents' did no investigation prior to bringing the lawsuit. A quick search of the South Carolina Secretary of State would clearly show there is no entity named "Alliance Biomedical Group."

In the Bruce Litigation, Respondents filed the Intent to File Suit on July 13, 2011. Ninety-nine (99) days later on October 20, 2011, the Complaint was filed. On October 17, 2011, the Pre-Suit Mediation, in which Alliance Biomedical Research, LLC attended, occurred. Respondents were informed shortly after Appellant was served that it was not a proper party and that, in fact, it has never been the parent company of Greenville Pharmaceutical Research, Inc. Respondents had over three (3) months between the filing of the Notice of Intent to File Suit and filing the Complaint to confirm this fact. Appellant repeatedly offered to Respondents that it would allow them to review whatever documents necessary, to speak to the Accountant, and/or to review accounting information to prove Alliance Biomedical Research, LLC has never been the parent company of Greenville Pharmaceutical Research, Inc. In the over fourteen (14) weeks between filing of the Notice of Intent to File Suit and the Complaint, Respondents refused to investigate this issue and, with full knowledge that an issue existed as to the legitimacy of the allegations, filed suit against Appellant, regardless. It is ironic that Respondents make the argument that "allowing Alliance to sue the Defendants would have a chilling effect on the entire practice of law" when Respondents willfully and knowingly sued Appellant despite the fact they knew or should have known Appellant was an innocent party. The practice of willfully suing known innocent parties should

be chilled, as should the practice of attempting to avoid accountability for those acts. (R. Initial Brief, p. 15-17.)

2. Any arguments by Appellant concerning its presentation of evidence sufficient to raise a question of fact on the merits as to the Abuse of Process and Malicious Prosecution claims were preserved for appellate review as to the heart of its oral argument and Memorandum in Opposition, which was incorporated into the record, and being inextricably intertwined with the threshold burden of Respondents acting outside the scope of their representation in the Bruce Litigation.

Appellant fully stands on and reiterates the arguments made in its' Initial Brief, but addresses arguments in Respondents' Initial Brief. Appellant continues to maintain it provided sufficient evidence to meet the threshold burden showing Respondents acted outside the scope of their representation of John Bruce and Marilyn Bruce.

The issue of Appellant meeting a threshold burden concerning Respondents acting outside the scope of their representation and the Standard of Review pertaining to a Rule 56, Motion for Summary Judgment are integrally intertwined. Respondents and Appellant maintain and argued conflicting positions as to Respondents actions, and the inferences drawn therefrom, and whether such actions were within or outside the scope of their representation in the Bruce Litigation which directly take into account the factual allegations imperative to the subsequent Abuse of Process and Malicious prosecution causes of action. The court cannot consider and rule on one without considering and ruling on the other.

In order to satisfy the elements of the Abuse of Process claim, Appellant must show, in addition to other elements, a "willful act that is: (1) a 'willful or overt act'; (2) 'in the use of the process';

(3) 'that is improper because it is either (a) unauthorized or (b) aimed at an illegitimate collateral objective. *Food Lion, Inc. v. United Food & Commercial Workers Inter. Union*, 567 S.E. 2d 251, 254 351 S.C. 65, 71 (S.C.App. 2002). By ruling that the Respondents were acting with the scope of their representation in the Bruce Litigation, it is impossible for Appellants to meet the required elements of the Abuse of Process cause of action.

"'[T]o maintain an action for malicious prosecution, a plaintiff must establish: (1) the institution or continuation of original judicial proceedings, (2) by or at the instance of the defendant; (3) termination of such proceedings in [the] plaintiff's favor; (4) malice in instituting such proceedings; (5) lack of probable cause; and (6) resulting injury or damage.' *Law v. S.C. Dep't of Corr.*, 386 S.C. 424, 435, 629 S.E.2d 642, 648 (2006)(first alteration in original)(citations omitted). 'An action for malicious prosecution fails if the plaintiff cannot prove each of the required elements by a preponderance of the evidence, **including malice and lack of probable cause**'." (emphasis added) *Pallares v. Seinar*, 407 S.C. 359, 756 S.E.2d 128 (S.C., 2014).

"'Malice is defined as 'the deliberate[,] intentional doing of an act without just cause or excuse.' *Id.* at 437, 629 S.E.2d at 649 (quoting *Eaves v. Broad River Elec. Coop., Inc.* 277 S.C. 475, 479 289 S.E.2d 414, 416 (1982)). 'Malice does not necessarily mean a defendant acted out of spite, revenge, or with a malignant disposition, although such an attitude certainly may indicate malice.' *Id.* '**In an action for malicious prosecution, malice may be inferred from a lack of probable cause to institute the prosecution.**' *Id.*" (emphasis added) *Pallares v. Seinar*, 407 S.C. 359, 756 S.E.2d 128 (S.C., 2014). "'Probable cause in this context does not turn upon the plaintiff's guilt or innocence, but rather upon whether the facts within the prosecutor's knowledge would lead a reasonable person to believe the plaintiff was guilty of the crimes charged.' *Kinton v. Mobile Home Indus., Inc.* 274 S.C. 179, 181, 262 S.E.2d 727, 728 (1980). Where a plaintiff

bases the claim on an opponent's institution of civil causes of action, probable cause exists if the facts and circumstances would lead a reasonable person of ordinary intelligence to believe that the plaintiff committed one or more of the acts alleged in the opponent's complaint. *Broyhill v. Resolution Mgmt. Consultants, Inc.*, 401 S.C. 466, 475, 736 S.E.2d 867, 871-872 (Ct.App.2012)."

Appellant continues to maintain that Respondents lacked probable cause to institute and continue the Bruce Litigation against Appellant. In doing so, despite being put on notice prior to filing suit that Appellant was not the parent company of Greenville Pharmaceutical Research, Inc., not investigating this fact before filing suit, Respondents acted with malice in filing suit against Appellant. Id. Thus, Respondents could not be within the scope of their representation in bringing suit against Appellant.

Respondents' argument that Appellant's arguments in its Initial Brief were not properly preserved fails. In *Wilder Corp. v. Wilke*, 330 S.C. 71, 497 S.E.2d 731 (1998), the court stated:

> It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review. Creech v. South Carolina Wildlife and Marine Resources Dep't, 328 S.C. 24, 491 S.E.2d 571 (1997). Moreover, an objection must be sufficiently specific to inform the trial court of the point being urged by the objector. Broom v. Southeastern Highway Contracting Co., 291 S.C. 93, 352 S.E.2d 302 (Ct.App.1986). In this case, Seller's and Buyer's amortization schedules **clearly conflicted on the issues** Buyer propounds as not having been preserved for appellate review. **These issues were, in fact, integral** to the computation of the final balances reached by either side. **Thus, in this context, Seller's objection was specific enough to allow the trial judge to understand and rule upon the alleged error.**
>
> Buyer next argues that the trial judge failed to rule upon Seller's objection at trial. As such, Buyer contends that the above issues were not preserved for review because Seller failed to make a Rule 59(e) motion. [3] We disagree. **Post-trial motions are not necessary to preserve issues that have been ruled upon at trial; they are used to preserve those that have been raised to the trial court but not yet ruled upon by it. Hubbard v. Rowe, 192 S.C. 12, 5 S.E.2d 187 (1939). Here,**

> **the trial court ruled on Seller's objections by expressly adopting Buyer's amortization schedule in its order. Consequently, it was unnecessary for Seller to make any post-trial motions.**
>
> Finally, we disagree that Seller, by its stipulation, waived any objections to Buyer's amortization schedule. Although stipulating to the accuracy of Buyer's numerical calculations, Seller **unequivocally objected to the presumptions underlying those calculations.** As discussed above, in the context of the case, Seller's objection was sufficiently specific to inform the trial judge of any error. Therefore, the Court of Appeals was correct in holding that Seller did not waive any objections to Buyer's amortization schedule. (emphasis added)

By expressly adopting Respondents threshold burden arguments and granting their Motion for Summary Judgment, Judge Gravely ruled on the merits of the Abuse of Process and Malicious Prosecution claims as these issues are inextricably intertwined.

In Respondents' Initial Brief, they take exception with the fact that Respondent Parham & Smith, LLC is named in this action. (R. Initial Brief, p. 21) The fact is, Respondent Parham argued in the July 31, 2014, Motion to Dismiss that Respondent Parham & Smith, LLC was an indispensable party under SCRCP 19. Counsel for Appellant argued against adding them. The Honorable Steven H. John agreed with Appellant Parham under SCRCP 19(a)(1) and (a)(2), requiring them to be joined and leave to amend the Complaint was granted to name Respondent Parham & Smith, LLC. For Respondents to indicate that Appellant could be liable for Abuse of Process is incredulous. The evidence contained within the Motion to Dismiss and Motion for Summary Judgment Hearings clearly shows Appellant's position, but SCRCP 19 and Judge John's October 15, 2014 Order, required that Respondent Parham & Smith, LLC shall be named.

In response to Respondents' assertions on page 23 of their Initial Brief Appellant has presented evidence that Respondents knew, should have known and did not care to investigate that Appellant was never the parent company for Greenville Pharmaceutical Research, Inc. The investigation to uncover this fact would not have taken the months that passed between their filing of the Notice

of Intent to File and the Complaint. This fact could have been determined quickly and definitely within that time-frame when Respondents were put on notice of the fact.

As to a March 19. 2012 email from Appellant's counsel to Dr. Gregory Feldman, counsel addressed the matter with Judge Gravely, stating "Your Honor, as to the e-mail, I know that I sent that e-mail. I am one of the most conservative individuals that I know. I will preach forgiveness, I will preach turning the other cheek, I will preach 'let's go another way.' My e-mail did not take into consideration all the facts, such as Mr. Bruce not knowing who Alliance Biomedical Research was, not everything that my clients have been put through. If I did not feel that the necessary appropriate facts were available, which I have cited to in the memorandum-in-opposition, I would not have signed my name to the pleading. So I do take offense at saying it is frivolous because I don't think it is, Your Honor." (Gravely Hearing Transcript, 6/6/16, p. 20, ln. 11-p. 21, ln.1)

CONCLUSION

For the reasons stated above and previously set forth in Appellant's Initial Brief, Appellant requests that the Court of Common Pleas Order granting Respondents' Motion for Summary Judgment be reversed and this matter be remanded for a trial on the merits.

Respectfully submitted,

November 23, 2016

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM PICKENS COUNTY
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The Honorable Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2016-001525

Alliance Biomedical Research, LLC,

Appellant,

v.

Judith H. Parham, Personal Representative of the Estate of David Michael Parham, deceased and Parham & Smith, LLC,

Respondents.

PROOF OF SERVICE

I certify that I have served Appellant's Reply Brief and Proof of Service, upon Respondents Judith H. Parham, Personal Representative of the Estate of David Michael Parham, deceased and Parham & Smith, LLC by email and depositing copies in the United States Mail, postage pre-paid; South Carolina Court of Appeals Clerk of Court, The Honorable Jenny Abbott Kitchings; by depositing copies in the United States Mail, postage pre-paid, on November 23, 2016, at the addresses listed below:

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Re: Alliance Biomedical Research, LLC, Appellant,
v. Judith H. Parham, Personal Representative of the Estate of David Michael Parham, deceased and Parham & Smith, LLC
Respondents – Appellate Case No. 2016-001525

Dear Ms. Kitchings:

Enclosed please find one (1) each original and copy of Appellant's Reply Brief and Proof of Service in the above-referenced case. Please file the original with the case file and return the copy to Appellant.

Thank you in advance for your assistance in this matter. If you should have any questions, please call me at 864/680-5079.

Respectfully submitted,

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cc: Jeffrey Michael Bogdan (by email and U.S. Mail)

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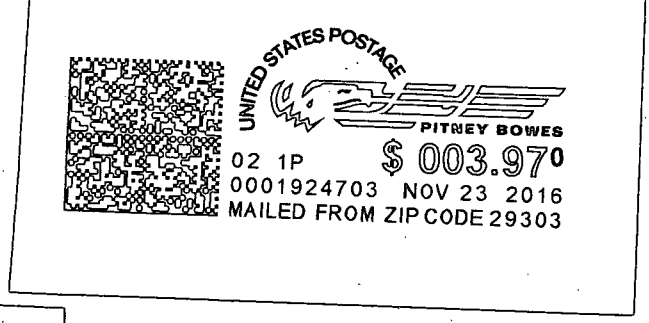

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