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June 13, 2017

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Of Counsel
Kenneth P. Woodington

JUN 13 2017

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Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

SC Court of Appeals

RE: Estate of Edward James Mims, Laura M. Cole, Personal Representative v. The South Carolina Department of Disabilities and Special Needs, Kathi Lacy, and Stan Butkus
Appellate Case Number: 2014-001373
Civil Action Number: 2007-CP-40-3365
Claim Number: 44654
Our File Number: 104.7785

Dear Ms. Kitchings:

Pursuant to Rule 208(b)(7), S.C.A.C.R., I would call the Court's attention to two supplemental authorities. The first is *Kinder v. City of Myrtle Beach*, 2017 WL 227969 (D.S.C. 1/19/2017)(copies enclosed), which holds that South Carolina law "requires both *filing* of the summons and complaint and *service* on the defendant to commence a civil action." 2017 WL 227969 at *3. This is relevant to Plaintiff's contention that this action, not served until 2008, was nevertheless commenced when the first, never served, Complaint was filed in 2007.

I would also call the Court's attention to one aspect of the prior appeal in this case, *Mims ex rel. Mims v. Babcock Ctr., Inc.*, 399 S.C. 341, 348 n. 3, 732 S.E.2d 395, 398 n. 3 (2012). In the cited footnote, the Supreme Court noted that "The trial court stated in its final order that a ruling on the applicable statute of limitations 'is premature'; therefore, no ruling was made in this regard that is subject to this Court's review." I believe that opposing counsel erroneously stated in oral argument that that case had held that this action was filed within the statute.

The Honorable Jenny Abbott Kitchings
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With highest regards, I am,

Sincerely yours,

DAVIDSON & LINDEMANN, P.A.



Kenneth P. Woodington

KPW/
Enclosure

cc: Patricia L. Harrison, Esquire (*w/ Enclosure*)