THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

Perry H. Gravely, Circuit Court Judge

Case No.: 2016-CP-39-01346
Appellate Case No.: 2018-000102

RECEIVED
JUN 15 2018
SC Court of Appeals

Chelsea Abdelgheny f/k/a
Chelsea Jackson,

Appellant,

v.

Gerald L. Moody,

Respondent.

INITIAL BRIEF OF APPELLANT

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1. Did the trial court err by granting Respondent Gerald Moody's motion for summary judgment on the basis that Appellant's negligence exceeded Respondent's negligence as a matter of law?

STATEMENT OF CASE

This case stems from an automobile wreck that occurred on October 26, 2015, wherein Respondent Gerald Moody struck Appellant Chelsea Abdlegheny as she was walking across a road. The wreck occurred on a long straight stretch of road. (Deposition of Gerald Moody, Pg. 34, ll. 1-3, Exhibit 1), and there was nothing obstructing Respondent's vision. (Deposition of Gerald Moody, Pg. 34, ll. 4-6). The wreck happened at night, and it was raining, although it was not raining hard. (See Deposition of Chelsea Abdlegheny, Pg. 40, ll. 5-11). The area where the Appellant was hit was very well lit with a gas station and restaurant nearby. (See Deposition of Chelsea Abdlegheny, Pg. 40, ll. 12-20). The road where the wreck occurred was four lanes wide, with a turning lane in the middle. (Deposition of Gerald Moody, Pg. 33, ll. 17-19, Exhibit 1). Respondent was driving in the far right lane. (Deposition of Gerald Moody Pg. 22, ll 24-25, Exhibit 1). Prior to being hit, Appellant had already walked across three lanes of traffic and a turning lane and was partially across the far right lane of travel. (Deposition of Chelsea Abdlegheny, Pg. 40, l. 22- Pg. 41, l. 1; Deposition of Gerald Moody, Exhibit 1). Appellant was stepping onto the sidewalk as she was hit. (See Deposition of Chelsea Abdlegheny, Pg. 41, ll 24-25, Deposition of Gerald Moody, Exhibit 1). Appellant walked at a normal rate of speed and paused in the median to look for traffic. (See deposition of Chelsea Abdlegheny, Pg. 46, ll 5-13). Respondent did not see Appellant until she was in his lane, and he was only ten feet away from her. (Deposition of Gerald Moody, Pg. 21, ll. 15-17; Pg. 21, l. 24-Pg. 22, l. 4). Appellant had just finished teaching a Zumba class and was wearing bright clothes, including a bright

pink hooded sweatshirt, at the time she was hit. (Deposition of Chelsea Abdlegheny, Pg. 51, l. 24 – Pg. 54, l. 10, Exhibits 4, 5, and 6).

Appellant filed suit against Respondent on November 29, 2016 asserting that Respondent was negligent in striking Appellant. Among other allegations, Appellant alleged that Respondent was negligent in failing to keep a proper lookout and in driving too fast for conditions. (See Summons and Complaint). Respondent filed a Motion for Summary Judgment on July 17, 2017, on the grounds that "[t]here is no evidence of negligence on the part of the Defendant entitling Plaintiff to a verdict; and in the alternative, Plaintiff was comparatively negligent as a matter of law. Specifically, Plaintiff has admitted to violating S. C. Code Ann. § 56-5-3150 and S. C. Code Ann. § 36–05-3160." (See Motion for Summary Judgment). On October 13, 2017, the Honorable Perry H. Gravely heard Respondent's Motion for Summary Judgment and issued an Order Granting Summary Judgment to Respondent which was filed on October 30, 2017. (See Order Granting Summary Judgment; See also Hearing Transcript). The trial court's order held that Appellant "did not cross the road in a safe, reasonable manner" and that Appellant was "negligent per se in crossing the road." (See Order Granting Defendant's Motion for Summary Judgment, pg. 3). The court further held that "even if it could be argued that the evidence establishes that the Defendant was slightly negligent it is not, as a matter of law, greater than the Plaintiff's Negligence". (See Order Granting Defendant's Motion for Summary Judgment, pg. 3). On November 9, 2017, Appellant filed a Motion to Alter or Amend Judgment Pursuant to Rule 59, *SCRCP*, and Motion to Reconsider Pursuant to Rule 52, *SCRCP*. (See Motion for Reconsideration). On January 18, 2018, the trial court issued an Order Denying Appellants' Motion to Alter

or Amend Judgment, and Motion to Reconsider. (See Order Denying Motion for Reconsideration). Appellant therefore respectfully appeals the trial court's grant of summary judgment and its denial of Appellant's Motion to After or Amend and for Reconsideration of same.

ARGUMENTS

STANDARD OF REVIEW

On appeal from the grant of summary judgment, the appellate courts apply the same standard as that required for the circuit court under Rule 56(c), SCRCP. Robinson v. Estate of Harris, 389 S.C. 360, 367-68, 698 S.E.2d 801, 805 (2010), citing Brockbank v. Best Capital Corp., 341 S.C. 372, 379, 534 S.E.2d 688, 692 (2000). Rule 56(c) of the South Carolina Rules of Civil Procedure provides that a trial court may grant a motion for summary judgment "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Robinson, *supra*, citing Rule 56(c), SCRCP. "Questions of law may be decided with no particular deference to the trial court." S. Carolina Dep't of Transp. v. M & T Enterprises of Mt. Pleasant, LLC, 379 S.C. 645, 654, 667 S.E.2d 7, 12 (Ct. App. 2008) (citations omitted).

Summary judgment is appropriate when it is clear there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Summer v. Carpenter, 328 S.C. 36, 492 S.E.2d 55 (1997); Rule 56(c), SCRCP. On appeal, when factual matters are in dispute, all ambiguities, conclusions, and inferences arising in and from the evidence must be viewed in a light most favorable to the non-moving party. Estate of Adair v. L-J, Inc., 372 S.C. 154, 156, 641 S.E.2d 63, 64 (Ct. App. 2007), citing Pittman v. Grand Strand Entertainment, Inc., 363 S.C. 531, 536, 611 S.E.2d 922, 925 (2005).

I. THE TRIAL COURT ERRED IN GRANTING SUMMARY JUDGMENT AS A JURY COULD REASONABLY CONCLUDE THAT DEFENDANT'S NEGLIGENCE EXCEEDED APPELLANT'S NEGLIGENCE

"Ordinarily, comparison of the plaintiff's negligence with that of the defendant is a question of fact for the jury to decide." Bloom v. Ravoira, 339 S.C. 417, 422, 529 S.E.2d 710, 713 (S.C. 2000). Further, "summary judgment is generally not appropriate in a comparative negligence case." Id. It is well settled that:

> "[q]uestions of negligence, proximate cause and contributory negligence are ordinarily questions of fact for the jury, as to which the trial court's only function is to inquire whether particular conclusions are or not the only reasonable inferences to be drawn from the evidence. If the facts in controversy and the inferences deducible therefrom are doubtful, or if they tend to show both parties guilty of negligence or willfulness, and there may be a fair difference of opinion as to whose act or whose acts produced or contributed to the injury complained of as a direct and proximate cause, questions of negligence, proximate cause and contributory negligence should be submitted to the jury." Wilson v. Marshall, 260 S.C. 271, 274, 195 S.E.2d 610, 611 (S.C. 1973)

In Bloom, the court found a narrow exception to the general rule that negligence is a question for the jury. The court stated that "[i]n a comparative negligence case, the trial court should only determine judgment as a matter of law if the sole reasonable inference which may be drawn from the evidence is that the plaintiff's negligence exceeded fifty percent." 339 SC at 422, 529 S.E.2d at 713. The court went on to say that "[t]herefore,

summary judgment is generally not appropriate in a comparative negligence case." Id. Summary judgment was not appropriate in the present case because, when viewed in a light most favorable to Appellant, a jury could reasonably conclude that Respondent's negligence exceeded that of Plaintiff.

a) **A Jury Could Reasonably Conclude That Respondent Was More Than Fifty Percent At Fault**

S.C. Code Ann. § 56-5-3230 provides that "[n]otwithstanding other provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person." Further, "S.C. Code Ann. § 56-5-1520 (1976) requires the driver of every vehicle to drive at an appropriately reduced speed when hazards exist with respect to weather or highway conditions. A motorist whose vision is obscured by unfavorable weather conditions must exercise care commensurate with the conditions of travel." Burgess Brogdon, Inc. v. Lake, 288 S.C. 16, 19, 339 S.E.2d 507, 509 (S.C. 1986) (internal citations omitted). "'The general rule is that a motorist whose vision is obscured by unfavorable atmospheric or weather conditions must exercise care commensurate or consistent with the conditions of travel. Likewise, a motorist should exercise reasonable care in keeping a lookout commensurate with the increased danger occasioned by conditions obscuring his view.'" Edwards v. Bloom, 246 S.C. 346, 351-352, 143 S.E.2d 614, 617 (S.C. 1965). A motorist "owes an urgent duty to keep a proper lookout and to keep the vehicle under proper control. Yaun v. Baldridge, 243 S.C. 414, 419, 134 S.E.2d 248, 251 (S.C. 1964) (internal

citation omitted). This duty "is not merely to look but to observe; he must look in such an intelligent and careful manner as to enable him to see what a person exercising ordinary care and caution could see under like circumstances. Negligence is established as a matter of law if the only inference is that either the driver did not look or did so in such a careless fashion as not to see what was in plain view." Crosby v. Sawyer, 291 S.C. 474, 476, 354 S.E.2d 387, 388 (S.C. 1987) (internal citation omitted).

In the present case, the collision occurred on a road that was four lanes wide, with a turning median in the middle. (Deposition of Gerald Moody, Pg. 33, ll. 17-19; Deposition of Gerald Moody, Exhibit 1). There was nothing obstructing Respondent's vision. (See Deposition of Gerald Moody, Pg. 34, ll. 4-6). Respondent was driving in the far right lane, and Appellant had walked across three lanes of traffic and a turning median prior to being struck and was almost across the fourth lane of traffic when she was hit. (Deposition of Gerald Moody, Exhibit 1; Deposition of Chelsea Abdlegheny, Pg. 40, l. 22- Pg. 41, l. 1). Appellant was walking at a normal rate of speed and paused in the median to look for traffic prior to being struck. (Deposition of Chelsea Abdlegheny, Pg. 46, ll 5-13). Appellant was wearing a bright pink hooded sweatshirt when she was hit. (See Deposition of Chelsea Abdlegheny, Pg. 51, l. 24 – Pg. 54, l. 10, Exhibits 4, 5, 6, and 7. Respondent did not see Appellant until he was only ten feet away from her in his lane of travel. (Deposition of Gerald Moody, Pg. 21, ll. 15-17; Pg. 21, l. 24-Pg. 22, l. 4). Respondent struck Appellant after she had crossed three lanes of traffic and a turning median and was about to step out of the road onto the opposite sidewalk from where she had started. Respondent had ample time and opportunity to see Appellant as she walked

across the wide open road approaching his lane of travel and would have seen Appellant had he been keeping a proper lookout.

In its Order, the Trial Court states that:

> "[t]he evidence, based on the depositions of both parties, was that the defendant was traveling 25-30 miles per hour, had his lights on, his vehicle was in good working condition, he was not talking on the phone or changing the radio station or otherwise distracted, and he saw the Plaintiff in front of his vehicle when he was 10 feet away and immediately slammed on his brakes. However, he had no time to do anything to avoid colliding with the plaintiff. Thus, even if it could be argued that the evidence establishes that the Defendant was slightly negligent it is not as a matter of law, greater than the Plaintiff's negligence." (Order Granting Defendant's Motion for Summary Judgment, pg. 3).

However, the fact that Respondent did not see Appellant until he was ten feet away from her is, in and of itself, evidence of his negligence. As described above, the subject wreck occurred on a long, straight, open road with nothing to obstruct Respondent's vision. Appellant, who was wearing a bright pink sweatshirt, had already crossed three full lanes of traffic and a turning median before she was hit. Despite this, Respondent did not see Appellant until he was only ten feet away from her and she was in his lane of travel. Based on this testimony, the only reasonable conclusion that can be drawn is that Respondent was negligently driving too fast for conditions, was not keeping a proper lookout, or some combination of the two.

Here, the undisputed testimony is that Respondent did not see Appellant until he was only ten feet away from her in his lane of travel. (Deposition of Gerald Moody, Pg. 21, ll. 15-17; Pg. 21, l. 24-Pg. 22, l. 4). It is important to note that a vehicle traveling at twenty five mph would cover ten feet in less than one second- far too short of a time to stop (in fact, a vehicle going twenty five mph would cover fifty feet in one second). It is impossible for Respondent to have kept a proper lookout and driven at a proper speed for the conditions and to have not seen Appellant in her bright pink sweatshirt. In other similar cases where a driver claimed he could not see something in his path until he was a short distance away, our courts have found that, as a matter of law, the driver was negligent. In Epps v. S.C. State Hwy. Dept. a driver could not see more than fifteen or twenty feet in front of him due to fog, but was driving at a speed of about twenty-five mph. The Court stated that "[t]he visibility being only fifteen to twenty feet, it was negligence as a matter of law, in the light of the other facts and circumstances of this case, for the car to be operated at a speed greater than that in which it could be stopped within such distance." (emphasis added) 209 S.C. 125, 133, 39 S.E.2d 198, 202 (S.C. 1946). In Jones v. Southern Railway Co. a driver was found to be negligent as a matter of law in driving his tractor-trailer in a fog so dense as to limit his vision to fifty feet at a speed of thirty to forty mph. 238 S.C. 27, 118 S.E.2d 880 (1961). In Brown v. A. Coast Line R. Co., a driver was found to be grossly negligent as a matter of law when driving at 30 mph despite the fact that he said he could not see a dark object until he was within a few feet of it. 238 S.C. 191, 119 S.E.2d 729 (S.C. 1961).

Brown is especially pertinent to the present case. Brown involved a driver who hit a flatcar while going 30 mph. Id at 194, 730. The driver testified that he could not

see the flatcar until he was within a few feet of it. Id. In finding that the driver was negligent as a matter of law, the Court stated that "[w]e cannot escape the conclusion that under plaintiff's own testimony he was guilty of contributory negligence and recklessness. He says he did not see this flatcar until he was within a few feet of it. No reason is given for his failure to see it earlier except his statement that the night was foggy and that the dark color of the flatcar blended with the black asphalt street. If, as he apparently claims, conditions were such that he could not see a dark object until within a few feet of it, he was grossly negligent in driving at a speed of 30 miles an hour. On the other hand, if, as defendant's testimony shows, the weather was clear and the street lights made this flatcar plainly visible at a distance of 150 or 200 feet, plaintiff was guilty of gross contributory negligence in failing to see the standing train in time to avoid the collision." Id at 196-197, 731. Like the driver in Brown, if Respondent's vision was so limited by darkness and rain that he could not see Appellant until he was ten feet away from her, then Respondent was grossly negligent for driving 25-30 mph, as there would be no way for him to stop within the distance he could see while going that speed.[2] Conversely, if Appellant was visible from more than ten feet away, then Respondent was not keeping a proper lookout and was grossly negligent in failing to see Appellant in time to avoid hitting her. In the present case, the inescapable conclusion is that Respondent was either driving too fast for conditions or was not paying proper attention. As set forth in Crosby, "[n]egligence is established as a matter of law if the only inference is that either the driver did not look or did so in such a careless fashion as not to see what was in plain view." 354 S.E.2d at 388 (S.C. 1987) (internal citation omitted). Regardless of

[2] See also S.C. Code § 56-5-4450 requires a driver to use headlights if they cannot see at least 500 feet ahead of them.

whether Respondent was driving too fast for conditions or was not paying proper attention, a jury could, and likely would, reasonably conclude that Respondent's negligence exceeded fifty percent. Summary judgment is improper in the present case because, when viewed in a light most favorable to Appellant, a jury could reasonably conclude that Appellant's negligence was less than fifty percent.

b) **The Present Case Is Factually Distinguishable From Bloom**

The trial court relied heavily on Bloom in granting summary judgment to Respondent. In its Order, the court stated that "[i]n light of Bloom and the evidence presented, the Court finds that Summary Judgment in favor of the Defendant is warranted." (Order Granting Defendant's Motion for Summary Judgment, Pg. 3). As the Court acknowledges in Bloom, summary judgment is a drastic remedy that should only be granted on rare occasions. The court stated that their "decision is no departure from the rule that summary judgment is a 'drastic remedy' which should be 'cautiously invoked.' Nevertheless, in the rare case where a verdict is not reasonably possible under the facts presented, summary judgment is proper." 339 S.C. at 425, 529 S.E.2d at 714 (internal citations omitted). The trial court erred in relying on Bloom to grant summary judgment as Bloom is factually distinguishable from the present case.

In Bloom, a pedestrian stepped out from behind a parked sport utility vehicle directly into the path of a vehicle, which hit the pedestrian immediately after he entered the street. Id at 421, 712. Conversely, in the present case, Appellant had crossed three full lanes of traffic and a turning median and was about to step onto the sidewalk on the other side of the road from where she started when she was struck. In the present case,

the road where the wreck occurred did not have any obstructions that would have prevented Defendant from seeing Appellant like the parked vehicles in Bloom.

In Bloom, the collision occurred on Meeting Street in Charleston in front of the Meeting Street Inn. Id at 420, 711. Meeting Street is a narrow two lane road with parking for cars along both sides of the road. (See Picture of Meeting Street). In Bloom, the pedestrian stepped out from between two parked vehicles and directly into the path of an oncoming vehicle. The vehicle on the pedestrian's left was a sport utility vehicle. Id at 421, 712. In Bloom, the pedestrian was hit from his left immediately after he stepped into the road from in between parked cars. Id at 420, 711. The impact occurred a split second after the pedestrian entered the street. Id at 423, 713. The pedestrian was wearing dark clothing and entered the street quickly. Id. Under the factual scenario set out in Bloom, the driver of the vehicle could neither see the pedestrian approaching nor have any time to react to him entering the road before hitting him. The holding in Bloom rests on the fact that there was nothing the driver could do to avoid hitting the pedestrian.

Conversely, in the present case, Respondent would not have hit Appellant had he simply kept a proper lookout, and driven at an appropriate speed given the conditions. In the present case, the collision occurred on a road that was four lanes wide, with a turning median in the middle. (See Deposition of Gerald Moody, Exhibit 1) There was nothing obstructing Defendant's vision like the parked cars in Bloom. (See Deposition of Gerald Moody, Pg. 34, ll. 4-6). The Defendant was driving in the far right lane, and Appellant had walked across three lanes of traffic and a turning median prior to being struck and was almost across the fourth lane of traffic when she was hit. (See Deposition of Gerald Moody, Exhibit 1; Deposition of Chelsea Abdlegheny, Pg. 40, l. 22- Pg. 41, l. 1). Unlike

the pedestrian in Bloom who walked quickly into the road, Appellant was walking at a normal rate of speed and paused in the median to look for traffic prior to being struck. (See Deposition of Chelsea Abdlegheny, Pg. 46, ll 5-13). Appellant was wearing a bright pink hooded sweatshirt when she was hit, unlike the pedestrian in Bloom who was wearing dark clothing. (See Deposition of Chelsea Abdlegheny, Pg. 51, l. 24 – Pg. 54, l. 10; Exhibits 4, 5, 6, and 7). In the present case, the wreck occurred in a wide open stretch of road unlike the narrow city street where the Bloom collision occurred. Respondent struck Appellant after she had crossed three lanes of traffic and a turning median and was about to step out of the road on the opposite side from where she had started. Respondent had ample time and opportunity to see Appellant as she walked across the wide open road approaching his lane of travel and would have seen Appellant had he been paying proper attention as required by S.C. Code § 56-5-3230. This is diametrically opposite of the Bloom case where the pedestrian stepped out from between two parked cars directly into the path of a vehicle and was hit immediately upon entering the street.

Below is a chart summarizing key factual distinctions between Bloom and the present case:

Bloom v. Ravoira	**Present Case**
Two lane street in city with cars parked on side of road	Four lane, rural road with a turning median
Cars parked on side of road	Nothing to obstruct Defendant's vision
Pedestrian hit immediately after he steps into road from between parked vehicles	Appellant hit after walking across three lanes of traffic and a turning median
Pedestrian wearing dark clothes	Appellant wearing a bright pink hooded sweatshirt
Pedestrian walked quickly into the road	Appellant walking at a normal rate of speed

Based on these distinctions, it is clear that the present case is unlike Bloom where

the driver could not do anything to avoid hitting the pedestrian. Because a jury could reasonably find that Respondent's negligence exceeded fifty percent, the court should apply the long established rule that the comparison of negligence is question of fact for the jury to decide. Summary judgment is improper in the present case, and the Order Granting Summary Judgment should be reversed and the case remanded.

II. THE FACT THAT APPELLANT WAS NOT CROSSING THE ROAD AT A DESIGNATED CROSSWALK IS NOT A PROPER GROUNDS FOR SUMMARY JUDGMENT

In its Order, the court states that "[b]ased on this evidence, the Court finds that the plaintiff did not cross the road in a safe, reasonable manner. Moreover, the plaintiff was negligent *per se* in crossing the road. See S.C. Code § 56-5-3150(a)("every pedestrian crossing a roadway at any point other than within a marked crosswalk...shall yield the right-of-way to all vehicles on the roadway"); see also 56-5-3(c) ("Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.")." However, S.C. Code § 56-5-3230 provides that "[n]otwithstanding other provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person." Further, it is well settled that "motorists using the highways have the duty of exercising ordinary or reasonable care to avoid injuring a pedestrian who is crossing or upon or along a highway, and the fact that a motorist may have the right-of-way over a pedestrian does not relieve him of the duty to use reasonable

care for the safety of such pedestrian, even though a statute may require a pedestrian on the highway to yield the right-of-way to the motorist." Lester v. McFaddon, 288 F. Supp. 735, 741 (D.S.C. 1968); see also Johnson v. Finney, 246 S.C. 366, 375, 143 S.E.2d 722, 727 (S.C. 1965). Therefore, the fact that Appellant did not cross the road at a crosswalk is not dispositive and is not proper grounds for summary judgment. To find that Respondent is entitled to summary judgment because Appellant was not crossing the road in a cross walk would ignore the existing precedent and Respondent's responsibilities pursuant to S.C. Code § 56-5-3230.

CONCLUSION

Comparison of negligence is a proper question for a jury to answer. Appellant was injured when she was struck by Respondent's vehicle while she was walking across the road. As set forth above, when considered in a light most favorable to Appellant, a jury could reasonably conclude that Respondent's negligence was greater than Appellant's negligence. Therefore, the trial court's Order Granting Summary Judgment to Respondent should be reversed and the case remanded.

RESPECTFULLY SUBMITTED,

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June 15, 2018

THE STATE OF SOUTH CAROLINA
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Chelsea Abdelgheny f/k/a
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v.

Gerald L. Moody,

Respondent.

PROOF OF SERVICE

I certify that I have served the INITIAL BRIEF OF APPELLANT, DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL, AND CERTIFICATE OF COUNSEL on the Respondent by depositing a copy of it in the United States mail, postage prepaid, on June 15, 2018, addressed to the counsels of record and unrepresented parties at the following addresses:

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June 15, 2018

VIA FIRST CLASS MAIL AND FACSIMILE TO (803)734-1839
Honorable Jenny Abbott Kitchings
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RE: Chelsea Abdelgheny f/k/a Chelsea Jackson
v. Gerald L. Moody
C.A. No.: 2016-CP-39-01346
Appellate Case No.: 2018-000102

Dear Ms. Kitchings:

Please find enclosed herewith one (1) copy of the following documents: Initial Brief of Appellants, Designation of Matter to be Included in the Record of Appeal, and Certificate of Counsel in connection with the above referenced matter.

Also enclosed herewith is one (1) copy of the Certificate of Service of such Initial Brief, Designation of Matter to be Included in the Record on Appeal and Certificate of Counsel.

Please contact me if you have any questions.

With kindest regards, I remain

Sincerely,

SMITH, JORDAN & LAVERY, P.A.

Raymond T. Wooten

RTW/amr
Enclosures
cc: Client
Chad McQueen Graham, Esq.
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Langdon Cheves, III, Esq.