THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY
Court of Common Pleas

Honorable George M. McFaddin, Jr., Circuit Court Judge

Appellate Case No. 2018-001093

Case No. 2016-CP-45-00208

Jerry Pressley, ... Appellant,

v.

South Carolina Department of Transportation, ... Respondent.

RESPONDENT'S INITIAL BRIEF

Wm. Grayson Lambert
McNAIR LAW FIRM, P.A.
Post Office Box 11390
Columbia, S.C. 29211
(803) 799-98000

Counsel for Respondent

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Statutes

Other Authority

STATEMENT OF THE ISSUES ON APPEAL

I. Whether the circuit court properly granted summary judgment for the Department when the State has not waived immunity for "temporary or natural conditions on any public way . . . due to weather conditions" and Pressley's accident occurred because of a washout on a road that was caused by the October 2015 flood.

II. Whether the circuit court properly granted summary judgment for the Department on Pressley's negligence claim when the only evidence in the record about notice of the washout in the road was to 911, and not to the Department.

INTRODUCTION

This State's appellate courts have not yet had the opportunity to opine in any detail on the meaning of S.C. Code § 15-78-60(8). That provision of the Tort Claims Act provides the State has not waived its sovereign immunity for "snow or ice conditions or temporary or natural conditions on any public way or other public place due to weather conditions unless the snow or ice thereon is affirmatively caused by a negligent act of the employee." This case presents that opportunity.

A careful review of this statute makes clear that the General Assembly's intent was to maintain the State's sovereign immunity for acts of God that the State cannot control. The October 2015 flood was such an event. Therefore, the Department is not liable for Pressley's accident that was the result of that flood, and the circuit court correctly granted the Department's motion for summary judgment.

STATEMENT OF THE CASE

Pressley's Accident in the Aftermath of the October 2015 Flood

South Carolina experienced historic rains in early October 2015. On October 6, 2015, Jerry Pressley was travelling between his home in Kingstree and his job at the International Paper Company in Georgetown around 5:30 A.M.[1] (Pressley Aff. ¶ 3). His usual route—S.C. Highway 527—was closed because of damage from the heavy rainfall. (Pressley Aff. ¶¶ 2–3). He therefore turned right off of Highway 527 and then left onto Pepper Hill Road. (Pressley Aff. ¶ 3). His truck crashed into a washout where Pepper Hill Road crosses Birch Creek. (Pressley Aff. ¶ 4).

At some point between the heavy rains of October 4 and 5 and Pressley's early-morning crash on October 6, two people who lived nearby had noticed the washout. One was Thomas Brown, who called 911 on October 4 or 5 about "the water rushing over the road." (Brown Aff. ¶ 3). The other was Cathy Bennett, who similarly said that she called 911 on either October 4 or 5 to report the water rushing over Pepper Hill Road. (Bennett Aff. ¶ 3). Neither Brown nor Bennett testified to informing the Department about the washout on Pepper Hill Road. (Brown Aff.; Bennett Aff.).

In light of the heavy rain of October 2015, the Department had its phones manned twenty-four hours a day during that time. (Livingston Aff. ¶ 3). Department

---

[1] The Complaint alleges that Pressley was heading home from work at the time of the accident. (Compl. ¶ 8). His affidavit offered in response to the Department's motion for summary judgment claimed he was going to work at the time of the accident. (Pressley Aff. ¶ 3). Based on the directions of the turns in Pressley's affidavit, he appears to have been traveling from Georgetown to Kingstree, but ultimately, whether Pressley was going to work or coming home from work is irrelevant to the legal issues on appeal.

"personnel and assets were deployed as needed and as available." (Livingston Aff. ¶ 3).

The Department first received notice of the washout on Pepper Hill Road at 7:44 A.M. on October 6, when the Highway Patrol called the Department. (Livingston Aff. ¶¶ 4, 7). That was more than two hours after Pressley's accident. (Compl. ¶ 8). After receiving notice of the washout, the Department put up barricades, road-closed signs, and detour signs. (Livingston Aff. ¶ 6).

Pressley Sues the Department

On May 18, 2016, Pressley filed a one-count complaint against the Department. (Compl.). He alleged that the Department was negligent by not discovering the washout, putting up warning signs about the washout, and erecting barriers at the washout. (Compl. ¶ 16). He sought damages for medical bills, physical injury, lost wages, and property damages. (Compl. ¶ 18).

The Department moved for summary judgment on February 19, 2018.[2] (Mot. for Summ. J.). The circuit court heard the motion on April 19, (Tr. p. 1), and on May

---

[2] In his brief, Pressley states that the Department moved for summary judgment "[a]fter limited discovery." Br. 2. He makes no argument on this point in the rest of his brief, and notably, Pressley never filed an affidavit under Rule 56(f), SCRCP, which allows a party opposing summary judgment to explain why more discovery is necessary before a court should rule on the motion. *See Doe ex rel. Doe v. Batson*, 345 S.C. 316, 321, 548 S.E.2d 854, 857 (2001) ("Rule 56(f) requires the party opposing summary judgment to at least present affidavits explaining why he needs more time for discovery."). Nor did Pressley ever argue at the hearing that more discovery was necessary. *See Baughman v. Am. Tel. & Tel. Co.*, 306 S.C. 101, 112 n.4, 410 S.E.2d 537, 544 n.4 (1991) ("Although Plaintiffs did not file an affidavit invoking this provision, other courts have not mandated strict compliance with the technical requirements of Rule 56(f) where, as here, the need for further discovery is otherwise made known to the trial court."). Therefore, any argument about the amount of

30, 2018, it granted that motion, (Order Granting Mot. for Summ. J.). The court concluded that the Department had immunity from suit under § 15-78-60(8) and that the record contained no evidence of actual or constructive notice. (Order Granting Mot. for Summ. J. 3–5).

Pressley timely appealed. (Notice of Appeal).

STANDARD OF REVIEW

This Court reviews a grant of summary judgment *de novo*. *Wright v. PRG Real Estate Mgmt., Inc.*, 413 S.C. 276, 279, 775 S.E.2d 399, 401 (Ct. App. 2015). An appellate court reviews a grant of summary judgment "under the same standard applied by the trial court." *Bennett v. Carter*, 421 S.C. 374, 379, 807 S.E.2d 197, 200 (2017). Summary judgment must be granted whenever "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," based on "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits." Rule 56(c), SCRCP.

ARGUMENT

I. The Department Has Immunity Because Pressley's Accident Was Caused by the October 2015 Flood.

Although the State no longer enjoys absolute immunity, *see* S.C. Code § 15-78-40; *McCall by Andrews v. Batson*, 285 S.C. 243, 246, 329 S.E.2d 741, 742 (1985), the State has specifically provided that its waiver of sovereign immunity is subject to certain exceptions, *see* S.C. Code § 15-78-60. One of those exceptions is when a

---

discovery is not preserved for appeal. *See JASDIP Prop. SC, LLC v. Estate of Richardson*, 395 S.C. 633, 641, 720 S.E.2d 485, 489 (Ct. App. 2011).

plaintiff's injury is caused by "snow or ice conditions or temporary or natural conditions on any public way or other public place due to weather conditions unless the snow or ice thereon is affirmatively caused by a negligent act of the employee." *Id.* § 15-78-60(8).

Pressley insists that this provision applies only if "snow or ice" causes the accident. *See* Br. 4–5. He is incorrect. The standard rules of statutory interpretation, rules of interpreting waivers of sovereign immunity, and cases from other jurisdictions interpreting similar provisions all make clear that the Department enjoys sovereign immunity in this case, when the accident was caused by an act of God.

A. Standard Rules of Statutory Interpretation Show that § 15-78-60(8) Applies Here.

As our supreme court has repeatedly said, "[t]he cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature." *Lightner v. Hampton Hall Club, Inc.*, 419 S.C. 357, 363, 798 S.E.2d 555, 558 (2017). The "best evidence" of the General Assembly's intent is "the text of the statute." *S.C. Dep't of Soc. Servs. v. Boulware*, 422 S.C. 1, 7, 809 S.E.2d 223, 226 (2018). When interpreting a statute, a court "must" give "[e]very word . . . some meaning, force, and effect, if it can be done by any reasonable construction." *Breeden v. TCW, Inc./Tenn. Exp.*, 355 S.C. 112, 120 n.7, 584 S.E.2d 379, 383 n.7 (2003).

Pressley harps on the fact that § 15-78-60(8) uses "snow or ice" twice[3] to argue that the provision doesn't apply here. *See* Br. 4 & n.1. His contention, however, reads "temporary or natural conditions" out of the statute. Clearly, the General Assembly meant for § 15-78-60(8) to encompass more than merely snow and ice. Otherwise, it would never have included "temporary or natural conditions" in the statute. *See Breeden*, 355 S.C. at 120 n.7, 584 S.E.2d at 383 n.7.

This conclusion that § 15-78-60(8) includes more than snow and ice is bolstered by the second and third "or" in the statute: "snow or ice conditions *or* temporary *or* natural conditions." S.C. Code § 15-78-60(8) (emphasis added). That disjunctive word shows that the General Assembly intended to include conditions other than just snow and ice in this exception. *See State v. Miles*, 421 S.C. 154, 163, 805 S.E.2d 204, 210 (Ct. App. 2017) (noting that "rules of grammar" should be used when interpreting statutes); *see also Encino Motorcars, LLC v. Navarro*, 138 S. Ct. 1134, 1141 (2018) (observing that "'or' is almost always disjunctive" (internal quotation mark omitted)).

A simple illustration proves this. If a person says she wants "a cheeseburger *and* a hot dog" for dinner, she wants both. On the other hand, if that person says she wants "a cheeseburger *or* a hot dog" for dinner, she will be content with one or the other. Thus, in the context of § 15-78-60(8), snow or ice triggers this exception, but so does any other temporary or natural condition—like a flood. Either situation results in the government enjoying immunity.

---

[3] The second time "snow or ice" is used in § 15-78-60(8) is after "unless," which is a conjunction that starts a subordinate clause. It is therefore irrelevant to interpreting the main clause of this statute at issue in this case.

Finally, common sense indicates that the General Assembly meant for § 15-78-60(8) to encompass not only snow and ice, but also all natural conditions—such as floods, earthquakes, or tornados—over which the State has no control. *Cf. TNS Mills, Inc. v. S.C. Dep't of Revenue*, 331 S.C. 611, 624, 503 S.E.2d 471, 478 (1998) ("Statutes, as a whole, must receive practical, reasonable, and fair interpretation, consonant with the purpose, design, and policy of lawmakers."). Supporting this conclusion is an observation that this Court made twenty-five years ago, when (in the only case of which the Department is aware when an appellate court has cited § 15-78-60(8)), this Court referred to this exception as one involving "an act of God." *Varn v. S.C. Dep't of Highways & Pub. Transp.*, 311 S.C. 349, 354, 428 S.E.2d 895, 898 (Ct. App. 1993).

An act of God, of course, is an "inevitable accident, without the intervention of man and the public enemies." *Henry Sonneborn & Co. v. S. Ry. Co.*, 65 S.C. 502, 44 S.E. 77, 80 (1903); *see also* Black's Law Dictionary 39 (9th ed. 2009) (defining "act of God" as an "overwhelming, unpreventable event caused exclusively by forces of nature, such as an earthquake, flood, or tornado"). The South Carolina Supreme Court has repeatedly treated floods as an act of God. *See, e.g., Hinkle v. Nat'l Cas. Ins. Co.*, 354 S.C. 92, 99 n.6, 579 S.E.2d 616, 619 n.6 (2003); *Baynham v. State Highway Dep't of S.C.*, 181 S.C. 435, 187 S.E. 528, 533 (1936); *Ferguson v. S. Ry. Co.*, 91 S.C. 61, 74 S.E. 129, 131 (1912). So has the United States Supreme Court. *See, e.g., Plaut v. Spendthrift Farm, Inc.*, 514 U.S. 211, 262 (1995) (Stevens, J., dissenting); *Memphis & C. R. Co. v. Reeves*, 77 U.S. 176, 190 (1869).

The October 2015 flood in South Carolina fits squarely within this definition of an act of God. Responsible for more than a dozen deaths and likely more than $1 billion in damages, this weather event wreaked devastation like nothing South Carolina had ever witnessed. Even Pressley acknowledged in the circuit court that this flood was unique, calling it an "unusually severe weather event." (Pl.'s Resp. to Summ. J. Mot. 2).

The Department had no control over the October 2015 flood. That flood therefore is exactly the type of temporary or natural condition for which the State has not waived sovereign immunity, pursuant to § 15-78-60(8).

B. Rules for Interpreting Sovereign-Immunity Waivers Make Clear that § 15-78-60(8) Applies Here.

Pressley appears to misconstrue how a waiver of sovereign immunity must be interpreted. He quotes this Court's observation that "[s]tatutes waiving sovereign immunity must be strictly construed" seemingly to suggest that these statutes must be strictly construed against the government. Br. 5 (quoting *Wooten by Wooten v. S.C. Dep't of Transp.*, 326 S.C. 516, 522, 485 S.E.2d 119, 122 (Ct. App. 1997)).

That actually gets this rule backward. It's the *waiver* that must be narrowly construed. *See* S.C. Code § 15-78-20(f) ("The provisions of this chapter establishing limitations on and exemptions to the liability of the State, its political subdivisions, and employees, while acting within the scope of official duty, must be liberally construed in favor of limiting the liability of the State.").

Narrowly construing a waiver of sovereign immunity necessarily means giving a broad interpretation to exceptions to that waiver. *See Steinke v. S.C. Dep't of Labor,*

Licensing & Regulation, 336 S.C. 373, 393, 520 S.E.2d 142, 152 (1999) ("Provisions establishing limitations upon and exemptions from liability of a governmental entity must be liberally construed in favor of limiting liability."). "[L]iberally construe[ing]" § 15-78-60(8) reinforces the conclusion that is reached applying the standard rules of statutory construction: The State has not waived immunity for any natural disasters over which it has no control.[4]

C. Cases from Other Jurisdictions Reinforce that § 15-78-60(8) Applies in This Case.

A review of cases from around the country also supports applying § 15-78-60(8) here.

For example, Oklahoma has a similar exception to its waiver of sovereign immunity. *See* Okla. Stat. tit. 51, § 155(8) (providing an exception for any loss caused by "[s]now or ice conditions or temporary or natural conditions on any public way or other public place due to weather conditions, unless the condition is affirmatively caused by the negligent act of the state or a political subdivision"). The Oklahoma Court of Appeals explained that "[t]he purpose of § 155(8) was to exempt those conditions over which man has no control." *Holt v. State ex rel. Okla. Dep't of Transp.*, 927 P.2d 57, 61 (Okla. Ct. App. 1996). That's the exact same logic that this Court

---

[4] Pressley is correct that sovereign immunity is an affirmative defense. *See* Br. 5. But he is not correct that the Department hasn't proven that it applies here. The Department pled immunity as an affirmative defense, (Answer ¶ 20), and the only argument below was about the scope of § 15-78-60(8), not whether the October 2015 flood constituted an act of God.

noted in passing when referring to § 15-78-60(8) as being about acts of God. *See Varn*, 311 S.C. at 354, 428 S.E.2d at 898.

As a second example, Kansas also has a similar exception to its sovereign-immunity waiver. *See* Kan. Stat. § 75-6104(*l*) (establishing an exception for any loss caused by "snow or ice conditions or other temporary or natural conditions on any public way or other public place due to weather conditions, unless the condition is affirmatively caused by the negligent act of the governmental entity"). When examining this provision, the Kansas Supreme Court recognized that the "or" in the statute had meaning. *See Lopez v. Unified Gov't of Wyandotte Cty.*, 89 P.3d 588, 590 (Kan. 2004). South Carolina's rules of statutory construction also require giving "or" meaning. *See Miles*, 421 S.C. at 163, 805 S.E.2d at 210.

Finally, a third example from West Virginia drives home that § 15-78-60(8) applies here. West Virginia has an exception like § 15-78-60(8). *See* W. Va. Code § 29-12A-5(6) (providing an exception for loss from "[s]now or ice conditions or temporary or natural conditions on any public way or other public place due to weather conditions, unless the condition is affirmatively caused by the negligent act of a political subdivision"). The United States District Court for the Northern District of West Virginia applied this exception in *Corson v. Mattox*, No. 1:09-CV-65, 2010 WL 2901630 (N.D. W. Va. Feb. 18, 2010). There, the plaintiff sued various state officials about water running over the road near his driveway when it rained. As one reason for dismissing the case, the court relied on § 29-12A-5(6), reasoning that any loss was caused "by rain." *Id.* at *8. Just as the West Virginia exception applied to a loss

caused by something other than snow or ice, the South Carolina exception in § 15-78-60(8) should be applied to a loss caused by rain.

II. The Record Contains No Evidence that the Department Had Any Notice of the Washout.

Pressley's negligence claim against the Department requires him to prove that the Department had notice of the washout on Pepper Hill Road. *See, e.g., Summer v. Carpenter*, 328 S.C. 36, 45, 492 S.E.2d 55, 59 (1997); *Marsh v. S.C. Dep't of Highways & Pub. Transp.*, 298 S.C. 420, 422, 380 S.E.2d 867, 868 (Ct. App. 1989). Pressley insists that the Department had actual notice and constructive notice of that washout. He is wrong on both fronts.

A. The Department Did Not Have Actual Notice.

Actual notice is just that: actually knowing about a particular circumstance. *Spence v. Spence*, 368 S.C. 106, 118, 628 S.E.2d 869, 875 (2006) ("Generally, actual notice is synonymous with knowledge."). Here, the record contains no evidence that anyone at the Department actually knew about the washout on Pepper Hill Road before Pressley's accident. In fact, the Department's resident maintenance engineer for Williamsburg County specifically testified that the Department first learned of the washout *after* Pressley's accident. (Livingston Aff. ¶ 4).

In an effort to get around this fact, Pressley argues that two 911 calls were made about the washout, and notice to 911 is tantamount to notice to the Department. *See* Br. 3. But the 911 system and the Department are distinct, so informing one does not obviate a need to inform the other.

The 911 systems around South Carolina are governed by Title 23, Chapter 47. *See* S.C. Code § 23-47-10 *et seq.* These systems must include "law enforcement, fire, and emergency medical services." *Id.* § 23-47-20(A). They may include "[o]ther emergency and emergency personnel services." *Id.*

The Department, meanwhile, is established by Title 57, Chapter 3. *See id.* § 57-3-10 *et seq.* At a most basic level, it is in charge of building, maintaining, and marking public highways. *Id.* § 57-3-110. Notably, the Department is not referenced anywhere in Title 23, Chapter 47. Nor is it assigned any "emergency" function in Title 57, Chapter 3. Put simply, the Department is not part of the "emergency telephone system" reached by dialing 911. *Id.* § 23-47-10(2). Therefore, a 911 call does not give actual notice to the Department.[5]

B. The Department Did Not Have Constructive Notice.

Constructive notice, unlike actual notice, doesn't involve knowledge itself. Rather, it is when knowledge is "imputed to a person whose knowledge of facts is sufficient to put him on inquiry." *Strother v. Lexington Cty. Recreation Comm'n*, 332 S.C. 54, 63–64 n.6, 504 S.E.2d 117, 122 n.6 (1998). If this person pursued those known facts "with due diligence," he would have discovered "other undisclosed facts."

---

[5] Pressley complains that the trial court "relied on the statement of Defendants' counsel that notice to 911 was not notice to" the Department. Br. 3. Even if specific provisions weren't cited during the hearing below, the statutory scheme discussed here makes plain that the Department's argument was correct. And in any event, Pressley is the plaintiff here, so he bears the burden of proving his claim. He never even sought to show that the 911 calls gave actual notice to the Department.

Id. Thus, "this person is presumed to have actual knowledge of the undisclosed facts." *Id.*

The law of constructive notice is well developed in the context of public entities and personal-injury cases. Our supreme court has explained that "[c]onstructive notice arises when a condition has existed for such a period of time that a [public entity] in the use of reasonable care should have discovered the condition." *Major v. City of Hartsville*, 410 S.C. 1, 3–4, 763 S.E.2d 348, 350 (2014).

Applying these rules, this Court held in *Ford v. S.C. Department of Transportation*, 328 S.C. 481, 492 S.E.2d 811 (Ct. App. 1997), that the Department was not entitled to summary judgment in a wrongful-death case. There, Ford collided with a tree that had fallen across a road in Lancaster County. *Id.* at 484, 492 S.E.2d at 812–13. In the "two months immediately preceding the accident, it rained almost every day and the ground was saturated." *Id.*, 492 S.E.2d at 813. After a storm, the tree fell. *Id.* This Court concluded that because of the "extended period of heavy rains" and the fact that a local resident told a Department crew about "the general problem of falling trees," a genuine dispute of material fact existed about whether the Department had constructive notice. *Id.* at 488–89, 492 S.E.2d at 815.

Similarly, in *Marsh v. S.C. Department of Highways & Public Transportation*, this Court held that the plaintiff had presented sufficient evidence to support the jury's conclusion that the Department should have known about a tree leaning over a road that fell and injured the plaintiff. 298 S.C. at 422–23, 380 S.E.2d at 869. In that case, the tree was leaning over the road at a 60 or 70 degree angle and had been

leaning for four years. Crews had cut the grass in the area and filled in holes nearby, and a resident maintenance engineer had inspected trees for disease. *Id.*

This case stands in stark contrast to cases like *Ford* and *Marsh*. In both of those cases, the Department had months—if not years—to learn about the condition that led to the accident. For instance, the rain in *Ford* had lasted for months; it wasn't the result of a sudden and historic rain event, like the washout on Pepper Hill Road was here. Nor had the Department done any regular work nearby on Pepper Hill Road that should have alerted it to a potential problem, like in *Marsh*.

Rather than pointing to a particular case to which to analogize this one, Pressley instead offers the Court an apparently novel theory for constructive notice: The Department had to investigate Pepper Hill Road after it closed Highway 527 due to a bridge that was washed out on Highway 527. *See* Br. 3–4. Pressley points to no case law to support his contention.

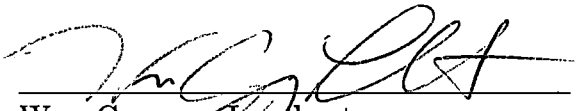
Unsurprisingly so. The burden that Pressley would have this Court impose on the Department is stunning. This wasn't a situation in which the Department sent traffic directly into the washout, as if a road closure had been planned and a particular detour had been planned and marked. Rather, in the midst and immediate aftermath of one of the most catastrophic weather events that South Carolina has ever seen, the Department was working around the clock to respond to reports of damage to roads. Were the Department to inspect every potential detour every time a road was closed, it would have taken valuable time and left known problems

unaddressed. Pressley's unrealistic expectation of the Department is unreasonable and cannot establish constructive notice.[6]

CONCLUSION

The circuit court's judgment should be affirmed.

Respectfully Submitted,



Wm. Grayson Lambert
McNAIR LAW FIRM, P.A.
Post Office Box 11390
Columbia, S.C. 29211

Counsel for Respondent

October 1, 2018
Columbia, South Carolina

[6] As an alternative argument, Pressley appears to claim that the Department had consecutive notice based on the 911 calls. *See* Br. 3. But given the purpose of the 911 system and the entities like fire and police which are connected to it, the Department cannot have had any reason or duty to check with the 911 operators to learn about facts that should have led them to investigate road problems. *See supra* Part II.A.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY
Court of Common Pleas

Honorable George M. McFaddin, Jr., Circuit Court Judge

Appellate Case No. 2018-001093

Case No. 2016-CP-45-00208

Jerry Pressley, ...Appellant,

v.

South Carolina Department of Transportation, ...Respondent.

CERTIFICATE OF SERVICE

I certify that this RESPONDENT'S INITIAL BRIEF was served on counsel for the Appellant on October 1, 2018:

Raymond C. Fisher
P.O. Box 736
Georgetown, S.C. 29442

Lisa Gibson

1865511v1

McNAIR
ATTORNEYS

October 1, 2018

Wm. Grayson Lambert

glambert@mcnair.net
T 803.799.9800
F 803.753.3278

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

Re: Jerry Pressley v. SC Department of Transportation
Appellate Case No. 2018-01093

Dear Ms. Kitchings:

Enclosed for filing, please find the original and one of Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal in the above case. By copy of this letter, I are serving counsel for the Appellant with copies of the same. Thank you for your assistance in this matter.

Very truly yours,

McNAIR LAW FIRM, P.A.

s/ Wm. Grayson Lambert lg

Wm. Grayson Lambert

WGL:lg
Enclosures

cc: Raymond C. Fischer
Joseph McLean

McNAIR LAW FIRM, P.A.
1221 Main Street
Suite 1700
Columbia, SC 29201

Mailing Address
Post Office Box 11390
Columbia, SC 29211

mcnair.net