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**S.C. SUPREME COURT**

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May 31, 2012

The Honorable Daniel E. Shearhouse  
Clerk of the South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina

RE: RFT Management Co., LLC v. Tinsley & Adams, LLP and Welborn D.  
Adams  
Case No. **2010155606**

Dear Mr. Shearhouse:

The Respondents are in receipt of a letter from counsel for the Appellant to you dated May 29, 2012 in which the Appellant purports to advise the court of "significant authorities" which have now come to his attention. Counsel for the Appellant states he is submitting these authorities in accordance with SCACR 208(b)(7).

Rule 208(b)(7) governs initial briefs. This rule sets forth the procedure that a party can use to bring significant authorities to the attention of the court that subsequent to the filing of the initial brief. There is no similar rule relating to submissions after the filing of the final briefs or oral argument. Respondents submit that this Rule does not exist to allow a party to respond post oral argument to questions raised in oral argument for which it was unprepared to answer.

If the clerk determines Rule 208(b)(7) to be properly invoked in this instance, Respondents submit that the issue Appellant's authorities present is not an issue raised by Appellant on appeal. Appellant does respond in his reply brief that the Respondents' evidence, including the testimony of their expert, was insufficient to avoid judgment as a matter of law; however, the precise issues set forth in the supplemental case law were not raised before the court below and were only addressed generally with regard to the insufficiency of Respondents' case as a whole.

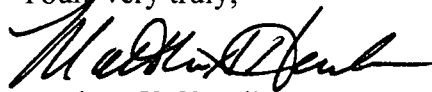
Appellant's additional authorities all address the issue of whether a court can disregard the testimony of an expert when other facts in the record render the opinion unreasonable. Appellant did not raise this issue in his initial brief. Furthermore,

Appellant states he is “submitting this authority because Justice Hearn asked me at the hearing whether I had objected at trial to the admission of Respondent’s expert testimony.” Appellant concedes that Appellant’s appeal does not raise any ruling by the trial judge as to admissibility of Respondent’s expert testimony. The cases Appellant now present do not address Justice Hearn’s question, but attempt to develop a wholly new argument subsequent to oral argument in this case.

For the reasons stated herein, Respondents request that the clerk disregard the supplementation of authority from the Appellant.

With kindest regards, I remain

Yours very truly,

A handwritten signature in black ink, appearing to read "Matthew H. Henrikson". The signature is written in a cursive style with a large, stylized initial "M".

Matthew H. Henrikson

/ns

cc: Harry A. Swagart, III, Esq.