

THOMPSON & HENRY, P.A.
ATTORNEYS AT LAW
1300 SECOND AVENUE, THIRD FLOOR (29526)
POST OFFICE BOX 1740
CONWAY, SOUTH CAROLINA 29528

LINDA WEEKS GANGI
lgangi@thompsonlaw.com

TELEPHONE
(843) 248-5741
FAX
(843) 248-5112

May 7, 2019

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

RECEIVED

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SC Court of Appeals

RE: *Bobby Foster vs. Julian Neil Armstrong*
Appellate Case No.: 2018-000706
Civil Action No.: 2015-CP-26-5633
Date of Loss: April 8, 2013
Claim No.: 40-2K34-502
SF Insured: Deloria G. Armstrong

Dear Ms. Kitchings:

Please find enclosed herewith one (1) unbound original as well as fifteen (15) copies of the Respondent's Final Brief. By copy of this letter, I am serving a copy of the Respondent's Final Brief on Appellant's counsel. Enclosed is the Certificate of Service and the Rule 211 Certification.

I have received the Record on Appeal from the Appellant's counsel. The Index does not match the contents of the Record on Appeal as follows:

1. The Affidavit of Publication dated January 20, 2016 is not found on page 59 of the Record on Appeal as indicated by the Index. What is found on page 59 is a duplicate of the Petition for Publication which is found on page 55 and page 59 of the Record on Appeal. The Affidavit of Publication appears in the Record on Appeal at least five times (pages 18, 71, 161, 167 and 181) but its location is never correctly identified in the Index of the Record on Appeal. This document is pivotal to the Respondent's case;
2. The Order for Entry of Default and Referral for Hearing on Damages, March 8, 2016, is found on page 19 not on page 6;

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3. The Order Denying the Appellant's Motion for Reconsideration filed on October 31, 2017 does not appear on page 31 of the Record on Appeal as indicated by the Index. (The document on page 31 is the Order Denying Appellant's Motion for Reconsideration of Order Granting Summary Judgment dated April 9, 2018);
4. The Order Denying Appellant's Motion for Reconsideration of Order Granting Summary Judgment dated April 9, 2018 is found on page 31 and on page 38;
5. The Petition for Publication filed November 23, 2015 is found on page 55 not on page 54 as indicated in the Index;
6. The Form 4 Order Denying the Appellant's Motion to Reconsider, March 2, 2016 is found on page 26. Nowhere in the Index does it indicate that this is a Form 4; and
7. The Form 4 Order Granting Summary Judgment, filed April 24, 2017 is found on page 28. Nowhere in the Index does it indicate that this is a Form 4.

Also, the Index of the Record on Appeal does not list every document contained in the Record on Appeal. My concern is that the Justices are not going to be able to use the Index contained in the Record on Appeal to locate documents they wish to refer to when deciding this case.

With kindest personal regards, I remain

Yours very truly,

THOMPSON & HENRY, P.A.

s/ Linda Gangi

Linda Weeks Gangi

LWG/ns

Enclosures

cc: Lane D. Jefferies, Esquire
Jennifer Patterson

THOMPSON & HENRY, P.A.