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July 11, 2019

VIA U.S. MAIL AND FAX (803-734-1839)

Ms. Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

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JUL 15 2019
SC Court of Appeals

Garrison v. Target Corporation, Case No. 2017-000267

Dear Ms. Kitchings:

Pursuant to Rule 208(b)(7), SCACR, Target Corporation responds in agreement to the Garrisons' notice of supplemental authority regarding *Baruche v. Starwood Hotels & Resorts Worldwide, Inc.*, No. 18-1997 (4th Cir. July 10, 2019). Although that unpublished decision describes Virginia law, it exemplifies the requirement that a plaintiff must put forth evidence suggesting a non-speculative period of time that a hazard has existed to create a jury question on constructive notice. *See, e.g., Thomas v. Omni Hotels Mgmt. Corp.*, 742 F. App'x 729, 732-33 (4th Cir. 2018) (Gergel, J.) (explaining that Virginia law applies "ordinary constructive notice principles to the presence of a dangerous condition, such as ice, to require evidence of how long that specific hazard was present. . . . because the appearance of an item cannot be used to infer that it had been on the floor long enough to create constructive notice"). Target discusses these principles under South Carolina law at pages 16-27 of its Brief of Respondent/Appellant and pages 1-16 of its Reply Brief of Respondent/Appellant.

Thank you for your assistance in distributing this letter to the Court.

Sincerely,



George P. Sibley III

GPSIII/gba

cc: Joshua T. Hawkins, Esq. (via email)
Helena LeeAnn Jedziniak, Esq. (via email)
G. Todd Butler, Esq. (via email)

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