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Litigation + Business

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November 4, 2019

VIA HAND DELIVERY

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201

RE: Nikolay Gul v. Kohler Company
WCC File No.: 0912295
Date of Accident: 08/20/09
Claim No.: 2313030303
Appellate Case No.: 2019-00647
Unpublished Opinion No.: 2019-UP-023
Our File No.: 6457/8002

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S.C. SUPREME COURT
NOV 04 2019
S.C. SUPREME COURT

Dear Mr. Shearouse:

In review of “C-Track Pubic Access” on November 1, 2019, Respondent Kohler first became aware of a letter filed with this Court by Petitioner Nikolay Gul. The letter is dated October 10, 2019. The letter incorrectly provides an address of “P.O. Box 11629, Columbia, SC 29211” for counsel for the Respondent. Counsel for Respondent were never served with the October 10, 2019 letter.

Pursuant to Rule 208(b)(7), SCACR, Respondent Kohler submits this response to Petitioner’s letter. As an initial matter, Petitioner cites to a 2018 unpublished opinion which has been reversed. To the extent Petitioner intended to cite to *Ledford v. Dep’t of Pub. Safety*, Op. No. 27920 (S.C. Sup. Ct. filed Oct. 2, 2019) (Shearouse Adv. Sh. No. 39 at 8), he fails to address how this case “has bearing on [his] appeal.” Petitioner does not include a reference either to the page of the brief or to an issue to which the citations pertain as required by the rules. He simply states this Court should consider *Ledford* “in respecting [his] appeal that nationality of origin is not a basis for consideration.” *Ledford* does not support any of Petitioner’s arguments regarding nationality as nationality is never mentioned, addressed, or analyzed in *Ledford*. There is no indication that nationality had anything to do with the decision. Furthermore, as outlined more fully in Respondent’s Return to Petitioner’s Petition for Writ of Certiorari, Petitioner’s arguments on this issue are not preserved.

Although this technically is not a motion to strike, the Court should not consider this irrelevant authority because Petitioner is seeking to use the supplemental citation rule to address arguments



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he should have addressed in a Reply to the Return to the Petition. Petitioner, however, failed to file a Reply to the Return and cannot use his letter as a substitute. For these reasons, the Court should decline to consider Petitioner's letter seeking to add a supplemental citation.

Very truly yours,



Grady L. Beard

GLB:cdl

cc: Nikolay Gul (via certified U.S. Mail restricted delivery)
Mr. Mike Tolleson (via e-mail)
Mr. Dean Yagodinski (via e-mail)
Ms. Brenda Gay (via email)
Ms. Staci McCaffrey (via e-mail)



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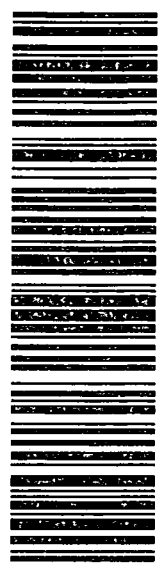
Registered Mail Fee	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 2.80
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$ 5.30
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
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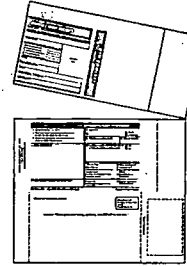
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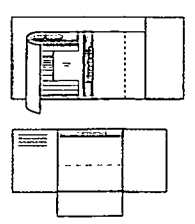
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