



June 15, 2020

BY EMAIL ONLY

The Honorable Jenny Kitchings
Clerk, South Carolina Court of Appeals
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RECEIVED

Jun 15 2020

SC Court of Appeals

RE: *Alvar R. Rissanen et al. v. City of North Charleston*
Appellate Case No.: 2019-000332

Dear Ms. Kitchings:

Pursuant to SCACR, Rule 208 (b) (7), Respondents would like to bring to the Court's attention the S.C. Supreme Court's opinion in Thomerson v. DeVito et al., Opinion No. 27972, filed May 27, 2020 in which the Supreme Court answered a certified question posed by the federal court regarding promissory estoppel. Besides holding that the statute of limitations is not applicable to a promissory estoppel claim as it is an equitable claim, (Id. at 29), the Court also held:

1. "A request for monetary relief should not be viewed in isolation to convert what is otherwise an equitable claim to a legal claim." (Id.);
2. "[R]eliance is on the promise rather than a misrepresentation of fact" (Id. at 24);
3. "[T]he Second Reinstatement does not require the promise to induce action or forbearance that is 'of a definite and substantial character'..." (Id.; ftnt 7) (internal citations omitted); and
4. The Court acknowledged the case of Satcher v. Satcher, 351 S.C. 477, 483, 570 S.E.2d 535, 538 (Ct. App. 2002) which recognized a remedy in equity when a claimant proves the elements of promissory estoppel, which are set forth by the Supreme Court on page 25, and which elements do not include detrimental reliance. (Id. at 25-26.)

These issues are relevant to Respondent's appeal. Opposing counsel are copied on this letter.

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With kindest regards, I am

Sincerely,

s/Nancy Bloodgood

Nancy Bloodgood

cc: Bob J. Conley, Esquire *via email*

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