

The State of South Carolina
In The Court of Appeals

Appeal from Spartanburg County
Hon. J. Derham Cole, Circuit Court Judge

Case No. 10-CP-42-2349

RECEIVED
APR 15 2013

SC Court of Appeals

Jane Doe, as guardian for John Doe, Appellant

v.

Boy Scout Troop 292, Spartanburg SC; Palmetto Council of the Boy Scouts of America; St. Margaret's Episcopal Church; Shelby Culbreth; Jackie LaFontaine; Brandon Smith; Rob Green; Roy Cole; Bob Faulks; and Scott O'Neill, Respondents

Opposition to Motion to Dismiss Appeal

Plaintiff Jane Doe as guardian for John Doe opposes the motion to dismiss the appeal.

The motion was received April 1, 2013, and this opposition is served within ten days of that receipt.

The initial brief argues these three issues:

1. Did the trial court err in applying an adult standard to a case involving a 14 year old developmentally disadvantaged Boy Scout who had witnessed sexual abuse of one Troop member and had himself been sexually abused?
2. Did the trial court err in failing to construe the record in the light most favorable to the Appellant, and by applying two heightened legal standards?
3. Did the trial court err in granting summary judgment on a novel question of law before discovery was complete, while a motion to amend was pending, and in failing to apply the "as is just" standard of SCRCP 56(f)?

Each issue is drawn from the trial court's order and the hearing and documents filed below. The trial court's order implicitly denied the contentions made during the course of the proceedings

below. When the order was prepared it reflected, we contend, error by the trial court in at least those three respects as set out in the issues on appeal, and those issues have been presented on appeal in an initial brief.

The defendants are incorrect that the issues were not presented to the trial court.

The child's developmental disadvantages referred to in issues 1 and 2, were set out in the record of the hearing, Defendant's Exhibit H, at page 17. The child is noted as being "developmentally disadvantaged," and having "an IQ of about 60." See also, hearing transcript at page 22, where that is referred to again. At page 22 was set out that the entire scout troop was developmentally disadvantaged children.

At pages 18 - 23 of the hearing there are repeated references to the defendants breaching their own rules in differing respects, which underlies issue 2, and how those breaches bear on the contention both about the letter and the proposed amended complaint (attached to this opposition with its accompanying motion to amend), which the trial court did not consider. On page 18 of the hearing transcript the Scout rules on having two adults at all times with children was discussed, disregarded by the scoutmaster who "arranged for one-on-one contact repeatedly" at both the church and the meetings at his home, and the other adults who permitted him to do so. On page 19 of the hearing transcript the Scout rules on progressive discipline which involves the parents, disregarded by the Troop when its first action was to exclude the child at issue in the case, an argument about the pretext for his exclusion, and, at page 20, an act done apparently in response to the sexual abuse report the developmentally disadvantaged child had made four days earlier to the knowledge of the scoutmaster and three days after the report of the sexual abuse is first made to police. Hearing transcript at p. 20. And done "in response to a legitimate and proper and entirely justified and entirely appropriate and required report to the police." Transcript at p. 20.

On pages 20 - 22 of the hearing transcript are argued the Scout rules as to a proper

response to abuse reports, compared to how this child was responded to, and how those concepts were breached as to the child at issue in this case. On page 22 of the hearing transcript the argument that the defendants engaged in a retaliatory act was explicitly referred to. On page 23 of the hearing transcript the breach of Scout rules is argued explicitly as constituting negligence, and also affecting the proper standard for examining a facially neutral letter in the examination of outrage.

The Court elected to ignore those arguments contending that a standard applicable to the child at issue, and adopted instead the rationale and the standards urged by the defendants, and attacked on appeal, as reflecting error in the respects put forth in the brief.

Certain discovery was provided, and was no longer disputed (e.g., the hearing transcript at 3, quoted by the Defendants acknowledges that responses had been sent). But other discovery was not provided, as set out in the affidavit of counsel, which is referred to explicitly in the hearing transcript at 17 and relates to issue 3. That discovery omission is also referred to on page 3 and 4 of the Opposition to Motions for Summary Judgment, Defendants' Exhibit I.¹ The argument about the timing of the letter sent to the child at issue on appeal, and the motivation behind it, rests on disputed facts and inferences that are set out in the hearing transcript (Defendants' Exhibit H) as well as the affidavit of counsel (Defendants' Exhibit G), the proposed amended complaint (Attached to this Opposition), and at pages 3 and 4 of the Opposition memorandum to the trial court (Defendants' Exhibit I).

Exactly how the trial court erred was not knowable until the trial court ruled. The trial court's order erred in the respects that are addressed in the issue on appeal. Implicit in the trial court's order is the court's elections as to the standards to apply to the case, the standards urged by the defendants. As argued in the issues on appeal, we contend the trial court erred. We agree

¹ SCRC 5(e) explicitly provides that documents may be provided to the trial court. The trial court acknowledged the submissions by the parties. E.g., hearing transcript at 29.

that until the trial court ruled we could not point out the errors in the order, but the concepts implicitly denied are each in the record below.

Conclusion

The motion to dismiss should be denied and the defendants should prepare and serve a response brief and defend on the merits the trial court's order which they urged the trial court to adopt.

Respectfully submitted,

A handwritten signature in black ink that reads "Gregg Meyers". The signature is written in a cursive style with a large, stylized "G" and "M".

Jeff Anderson & Associates, P.A.

Gregg Meyers

366 Jackson Street

St. Paul, MN 55101

651-227-9990, 297-6543 facsimile

Attachment
Proposed Amended Complaint and Motion to Amend
Filed May 16, 2012
15 pages

State of South Carolina)	In The Court of Common Pleas
)	
County of Spartanburg)	Case Number 10-CP-42-2349
)	
Jane Doe, as guardian for John Doe,)	
)	
Plaintiff,)	
)	
v.)	
)	
Boy Scout Troop 292, Spartanburg, SC,)	
Palmetto Council of the Boy Scouts of)	
America, St. Margaret's Episcopal Church,)	
Shelby Culbreth, Jackie LaFontaine,)	
Brandon Smith, Rob Green, Roy Cole,)	
Bob Faulks, and Scott O'Neill,)	
)	
Defendants.)	
_____)	

Motion to Amend The Complaint

Plaintiff moves pursuant to SCRCP 15 to amend the complaint to state a claim for facts now testified to by the John Doe Plaintiff, and already in the case as part of the present complaint.

A proposed amended complaint is attached.

Counsel sought consent for the proposed amended complaint but had no response from counsel for the defendants.

Respectfully submitted,



Gregg Meyers
 Jeff Anderson & Associates, PA
 1 Poston Road Suit 110
 Charleston SC 29407
 843-556-1025, 556-1055 facsimile
attygm@gmail.com

Michael Jeffcoat
PO Box 1860
Lexington SC 29071-1860.
803-808-9600. 808-2240 facsimile.
mrj@thejeffcoatfirm.com

Attorneys for the Plaintiff

Certificate of Service

I certify that a copy of the enclosed

Motion to Amend The Complaint

By placing a copy of the document in the United States mails, first-class postage pre-paid, addressed to:

William H Foster
Nelson, Mullins, Riley & Scarborough
104 South Main Street, Ninth Floor
PO Box 10084
Greenville SC 29603-0084

James Walsh
Clarkson Walsh Terrell & coulter, P.A.
1164 A Woodruff Road
Greenville SC 29607

In addition, a copy of the document was sent to Mr. Foster via email to bill.foster@nelsonmulins.com. and to Mr. Walsh at jwalsh@clarksonwalsh.com

Done May 15, 2012

Gregg Meyers
Jeff Anderson & Associates, P.A.
1 Poston Road Suite 110
Charleston SC 29407
843-556-1025, 556-1055 facsimile
attygm@gmail.com

State of South Carolina)	In The Court of Common Pleas
)	
County of Spartanburg)	Case Number 10-CP-42-2349
)	
Jane Doe, as guardian for John Doe,)	
)	
Plaintiff,)	
)	
v.)	
)	
Boy Scout Troop 292, Spartanburg, SC,)	
Palmetto Council of the Boy Scouts of)	
America, St. Margaret's Episcopal Church,)	
Shelby Culbreth, Jackie LaFontaine,)	
Brandon Smith, Rob Green, Roy Cole,)	
Bob Faulks, and Scott O'Neill,)	
)	
Defendants.)	
)	

AMENDED COMPLAINT

For her complaint, the plaintiff alleges:

PARTIES AND JURISDICTION

1. Jane Doe has custody of, and is guardian for, John Doe, a developmentally disadvantaged individual born in May, 1991. He has an IQ of approximately 60. At the time of the events which gave rise to this complaint, the Plaintiff was a minor resident of South Carolina. They are each referred to by pseudonym in this action due to the intensely personal nature of the conduct alleged in this complaint. References in this complaint to the Plaintiff refer to John Doe, even though the action is brought by his guardian, Jane Doe.

2. Boy Scout Troop 292, Spartanburg, SC, at all times pertinent to this complaint was a Boy Scout Troop operating within Spartanburg County and within the rules and policies of the Boy Scouts of America. It is referred to in this complaint as Troop 292. Until he was expelled from it for reporting sexual abuse, the plaintiff was a member of Troop 292, and was in the troop because he had known developmental disabilities.

3. After September, 2005, each defendant knew, or should have known, that plaintiff not only had pre-existing conditions of developmental disability, but also had pre-existing conditions of having been a sexual abuse victim. Plaintiff was known to have been molested by James Rhinehart. James Rhinehart's access to the plaintiff was through the plaintiff's participation in Troop 292.

4. Palmetto Council of the Boy Scouts of America is a local council of the Boy Scouts of America, under whose authority Boy Scout Troop 292 operates, and to which it reports. It is referred to in this complaint as the Council.

5. St. Margaret's Episcopal Church is the sponsor of Boy Scout Troop 292, operating within Spartanburg County. It is referred to in this complaint as the Church. Troop 292 held events at the Church.

6. Shelby Culbreth, Jackie LaFontaine, Brandon Smith, Rob Green, Roy Cole, Bob Faulks, and Scott O'Neill are each officials with, or supervising, Troop 292. In their respective role they were each involved in the events described in this complaint, and each was grossly negligent in their respective involvement. Their respective actions or inactions all took place in Spartanburg County.

7. This is an action for intentional inflictions of emotional distress as to Troop 292, for negligence as to the Church and Council, and for negligence by all defendants which gave rise to sexual abuse. Defendants knew, or should have known, that the plaintiff had developmental disabilities, and was peculiarly susceptible to the actions taken against him after September, 2005. Defendants each knew, or should have known, that the Boy Scouts prohibit one-on-one contact between adults and youth members, but each failed to comply with the "two deep leadership" standard of the Boy Scouts. As a result, the plaintiff was sexually abused. In

addition, Troop 292 intentionally harmed the plaintiff by actions which constitute intentional infliction of emotional distress. Its officials were grossly negligent in those actions.

8. The Troop, the Council, and the Church were each negligent in failing to prevent the injuries to the plaintiff. Their officials were grossly negligent in those actions.

9. The court has jurisdiction of this action in that the tortious actions and acts of negligence took place in Spartanburg County, and involves persons and entities who at the time of the events resided in Spartanburg County.

NATURE OF WRONGDOING

10. At all times pertinent to this complaint, Plaintiff had, and was known to have, the pre-existing conditions of developmental disability. After the Plaintiff reported that he and another minor troop member were sexually abused by their Scoutmaster, defendants also knew that the plaintiff had been sexually abused by Scoutmaster James Brian Rhinehart, known as Brian Rhinehart. The Defendants each knew that Brian Rhinehart's access to the Plaintiff came from the Plaintiff's participation in Troop 292 and the failure by all Defendants to assure that Brian Rhinehart had no one-on-one contact with the plaintiff.

11. Brian Rhinehart sexually abused the troop member to which he admitted abuse, and the Plaintiff, during periods when Brian Rhinehart was the only adult with each of the boys, or the only adult with both of the boys.

12. Brian Rhinehart has admitted having sexual contact with the other troop member, and entered an Alford plea to criminal allegations of sexually molesting a minor troop member.

13. The Plaintiff was the first victim of Brian Rhinehart's to report Brian Rhinehart's sexual abuse, and the means by which Brian Rhinehart was charged and sentenced to sexual

misconduct with a minor.

14. After the Plaintiff reported sexual abuse, Troop 292 excluded plaintiff from all participation in Troop 292. The individual Defendants failed to use the progressive progressive discipline called for the BSA Guide to Safe Scouting, failed to involve the Plaintiff's parents or grandparents in the supposed dispute they now contend motivated their letter to exclude the Plaintiff from Troop 292.

15. By the letter to the plaintiff's father, attached in redacted form to this amended complaint as an Exhibit, and incorporated into this amended complaint pursuant to SCRCF 10(c), Shelby Culbreth, Committee Chairman of Troop 292, informed the plaintiff that as of October 10, 2005, the Plaintiff "will no longer be able to participate in any functions that Troop 292 may hold now or in the future. That is to include meetings and other outside functions." The letter was hand-delivered to the Plaintiff's home within days of his reporting sexual abuse by his Scoutmaster, and at a time when the Scoutmaster was contending that the Plaintiff was angry for the Scoutmaster's having insisted that the Plaintiff reimburse the Troop for popcorn he had eaten.

16. None of the Defendants can produce any prior correspondence to the Plaintiff, even though the BSA Guide to Safe Scouting states, "Parents of youth members who misbehave should be informed and asked for assistance in dealing with it." The "popcorn theory" is a pretext designed to explain an allegation of sexual abuse by means other than the allegation being true.

17. None of the Defendants can produce any accounting records to substantiate the claim that money was owed to the Boy Scouts.

18. Upon investigation by law enforcement, the other victim the Plaintiff reported

confirmed that he was being sexually abused by the Scoutmaster.

19. Upon confirmation by the other victim the Plaintiff reported, the Scoutmaster elected to acknowledge sexual contact with that victim and enter an Alford plea to that victim. The Scoutmaster Reinhart now denies all sexual abuse of any person, despite his Alford plea and despite his sworn written acknowledgment that he had sexual contact with the other victim.

20. Pursuant to the letter which excluded him after he reported sexual abuse, Plaintiff was in fact excluded from all activities of Troop 292 immediately after he reported sexual abuse by his Scoutmaster.

21. At no point did any of the Defendants reconsider the decision to exclude the Plaintiff from Troop 292, or apologize to him for his exclusion, not even after Scoutmaster Reinhart admitted to sexual contact with the victim that the Plaintiff reported.

22. Plaintiff's exclusion injured the plaintiff and aggravated his known pre-existing conditions so as to worsen those conditions.

23. A copy of the Culbreth letter was sent to each defendant, who had supervisory authority over the intentional action by Troop 292 and Shelby Culbreth.

**FOR A FIRST CAUSE OF ACTION:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(AGAINST TROOP 292 AND DEFENDANT CULBRETH)**

24. Allegations above are incorporated into this complaint as if fully stated.

25. Plaintiff was the first child to report Scoutmaster Rhinehart's sexual misconduct with Plaintiff and another child. Because of Plaintiff's report, Rhinehart was investigated, and criminally prosecuted.

26. Behavior by officials of Troop 292 and Defendant Culbreth to punish, by

immediate and permanent exclusion from all Troop 292 activities, a child known to have pre-existing conditions of developmental delays and mental impairments, and in addition to those known pre-existing conditions who was also known to have reported being sexually abused by Scoutmaster Rhinehart while participating in activities for Troop 292, is atrocious, utterly intolerable in a civilized community, and so extreme and outrageous as to exceed all possible bounds of decency;

27. Troop 292 and Culbreth acted with intent to inflict emotional distress or acted recklessly when it was certain or substantially certain such distress would result from their conduct. Plaintiff was known by Defendants Troop 292 and Culbreth to benefit from his participation in Troop 292 (apart from the sexually abusive portions of his participation). Plaintiff was known to be otherwise socially isolated except for his participation in Troop 292.

28. Actions by Troop 292 and Defendant Culbreth to exclude the Plaintiff, the child who first complained about Scoutmaster Rhinehart's sexual abuse, and to not reverse that decision after Scoutmaster Rhinehart admitted to sexual contact with a troop member, caused the Plaintiff emotional distress.

29. Before he admitted the molestation, Scoutmaster Rhinehart and the Defendants Troop 292 and Culbreth decided on a pretext to justify excluding the Plaintiff from the Troop. The pretext was created by Scoutmaster Rhinehart to try to deflect the report made by the Plaintiff. That pretext included that Plaintiff had misbehaved in particular ways and failed to pay a modest sum for popcorn. The alternative explanations for the Plaintiff's exclusion were a pretext invented to deflect the sexual abuse charge against Scoutmaster Rhinehart.

30. Had the complaints about Plaintiff not been a pretext, Troop 292 and its Defendant officials would have used the graduated methods outlined by the Boy Scouts of

America in its Guide to Safe Scouting to respond to any instance of misbehavior. Defendants failed to involve the Plaintiff's parents or his caretaker grandparents in the supposed misbehavior claims, and failed to alert them to work through the supposed problems, each of which steps are called for by the Guide. That those actions were not taken is in keeping with the problems being a pretext.

31. The emotional distress suffered by the plaintiff was so severe that no reasonable person, particularly with the known pre-existing conditions the plaintiff had, could be expected to endure it.

32. Troop 292 and Defendant Culbreth intended its harm to the Plaintiff, and attempted, by acting aggressively towards the Plaintiff, to cover up Scoutmaster Rhinehart's sexual abuse towards troop members, and to discourage others from reporting Scoutmaster Rhinehart. South Carolina law requires abusive conduct to be reported, and penalizing the child who reports abuse was extreme and outrageous conduct by Troop 292 and Defendant Culbreth that inflicted harm on the Plaintiff.

33. Stacey Culbreth acted with gross negligence in effectuating the tortious intention of Troop 292 through the letter sent to the Plaintiff's father, and aligning the Troop and herself in such a way as to support Scoutmaster Rhinehart's effort to conceal his sexual abuse. Doing so was extreme and outrageous conduct utterly intolerable in a civilized society. As a direct and proximate result of that effort to coordinate with Scoutmaster Rhinehart to keep concealed his sexual abuse of the troop members, the Plaintiff was injured, and the Plaintiff is entitled to actual and punitive damages in amounts to be assessed by the finder of fact.

**FOR A SECOND CAUSE OF ACTION:
NEGLIGENT SUPERVISION**

34. Allegations above are incorporated into this complaint as if fully stated, excepting only allegations of intentional conduct.

35. Defendants other than Troop 292 were negligent, and individual defendants other than Stacey Culbreth were grossly negligent, in failing to counteract the extreme and outrageous conduct of Troop 292 after Scoutmaster Rhinehart admitted to sexual misconduct with a troop member.

36. The Boy Scouts of America "Guide to Safe Scouting" draws on "90-plus years of experience" and applies to "All volunteers participating in official Scouting activities." Preface to the Guide. Each volunteer "should become familiar with the Guide to Safe Scouting." Preface to the Guide.

37. By their inaction, Defendants (other than Troop 292 and Culbreth) permitted the harm to the Plaintiff to persist. Each had the authority to counteract the tortious conduct of Defendants Troop 292 and Culbreth, and each was grossly negligent in failing to do so.

38. According to the Boy Scouts of America, through its "Guide to Safe Scouting," it is important to not retaliate against a child who reports abuse. "How an adult responds to a child when he tries to disclose abuse can influence the outcome of the child's victimization." Defendants breached that duty to the Plaintiff.

39. Each Defendant other than Troop 292 and Culbreth knew or should have known that punishing Plaintiff for accurately reporting abuse would be injurious to Plaintiff. The penalty by Troop 292 and Culbreth was designed to be injurious.

40. By their inaction, particularly after Scoutmaster Rhinehart admitted sexual misconduct with one troop member, Defendants other than Troop 292 and Culbreth allowed the

Plaintiff to be excluded and the harm from the exclusion to be inflicted. Each was grossly negligent in failing to take action to stop the Plaintiff from being harmed by defendants Troop 292 and Culbreth.

41. Each defendant other than Troop 292 and Culbreth at all times had the capacity to prevent the exclusion of the Plaintiff from Troop 292, or to reverse that exclusion. Each was grossly negligent in failing to do so.

42. Defendants each had a duty to the Plaintiff to prevent him from being penalized for reporting sexual abuse, and to avoid each Defendant aligning its efforts with Scoutmaster Rhinehart's efforts to evade responsibility for his sexual abuse. The duty to avoid penalizing a person who reports sexual abuse is imposed by law, as well as being a duty assumed by each Defendant to the Plaintiff through participation in the Boy Scouts, and the special circumstances of the Plaintiff's being known to the Defendants to have the pre-existing conditions alleged above.

43. Troop 292 and Defendant Culbreth acted intentionally to injure the Plaintiff. Other defendants were grossly negligent as to Plaintiff, and those actions and inactions of gross negligence proximately caused harm to the Plaintiff, who was socially isolated and ostracized by the conduct of these Defendants.

44. The Plaintiff has developmental and other disadvantages known to defendants, or about which defendants should have known, and was (and is) ill-equipped to cope with the exclusion created for him by the defendants.

45. Conduct by defendants created harm for the plaintiff, and entitles him to actual and punitive damages to be assessed by the finder of fact.

**FOR A THIRD CAUSE OF ACTION:
NEGLIGENT SUPERVISION**

46. Allegations above are incorporated into this complaint as if fully stated, excepting only allegations of intentional conduct.

47. Each Defendant was negligent, and individual defendants were grossly negligent, in supervising Scoutmaster Rhinehart. Defendants each failed to comply with the Boy Scout rule and policy prohibiting Rhinehart having one-on-one contact with any troop member, and each failed to provide supervision sufficient to provide “two deep leadership” as called for by the Boy Scout Guide to Safe Scouting.

48. The Boy Scouts have adopted these rules and policies and they apply to all volunteers.

49. The reason the Boy Scout adopted these rules and policies is because 90 years of experience has taught the Boy Scouts that [anyone can abuse a child].

50. Troop 292 was negligent in permitting Scoutmaster Rhinehart to be alone with Troop members.

51. Palmetto Council of the Boy Scouts of America was negligent in permitting Troop 292 to operate without assuring that its supervision was sufficient to comply with Boy Scout minimum rules and policies of “two deep leadership” and “no one-on-one contact” between its scoutmaster and the troop members, which are known “barriers to abuse within scouting.”

52. St. Margaret’s Episcopal Church was the sponsor of Troop 292. It was negligent in providing facilities to Troop 292 without any requirement that Troop 292 operate while on its premises while complying with Boy Scout minimum rules and policies of “two deep leadership”

and “no one-on-one contact” between its scoutmaster and the troop members, which are known “barriers to abuse within scouting.”

53. Shelby Culbreth, Jackie LaFontaine, Brandon Smith, Rob Green, Roy Cole, Bob Faulks, and Scott O’Neill were each grossly negligent in participating in the activities of Troop 292 and its sponsor, St. Margaret’s Episcopal without complying with the supervision requirements of “two deep leadership” and “no one-on-one contact” between its scoutmaster and the troop members, which are known “barriers to abuse within scouting.” The individual defendants failed to comply with the rules and policies which are known to present barriers to abuse within scouting.

54. Sexual abuse by Scoutmaster Rhinehart occurred on the grounds of St. Margaret’s Episcopal Church and at other locations.

55. Sexual abuse by Scoutmaster Rhinehart occurred in connection with scouting activities.

56. By their failure to exercise even slight care in complying with the rules and policies of the Boy Scouts of America which were known to present barriers to sexual abuse of troop members, Defendants were grossly negligent.

57. The gross negligence and negligence of the defendants, as alleged in this cause of action, proximately harmed the Plaintiff, and entitles him to actual and punitive damages to be assessed by the finder of fact.

RIGHT TO JURY TRIAL

58. Plaintiff requests a jury trial of this action.

WHEREFORE, the plaintiff requests relief as follows:

1. Actual and punitive damages as may be determined by the finder of fact, and
2. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,



Gregg Meyers
Jeff Anderson & Associates, P.A.
1 Poston Road Suite 110
Charleston SC 29407
843-556-1025, 556-1055 facsimile
attygm@gmail.com

Michael Jeffcoat
PO Box 1860
Lexington SC 29071-1860.
803-808-9600. 808-2240 facsimile.
mrj@thejeffcoatfirm.com

Attorneys for the Plaintiff



JEFF ANDERSON & ASSOCIATES PA
REACHING ACROSS TIME FOR JUSTICE

April 10, 2013

Hon. Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: Appeal of order in Doe v. Boy Scout Troop 292 et al., Case No. 10-CP-42-2349
(Spartanburg County, Hon. J. Derham Cole)

Dear Ms. Kitchings:

Enclosed for filing please find the original and six copies of an Opposition to a Motion to Dismiss in the case captioned above, and a proof of service for the Opposition.

Please file this document with the Court. Thank you very much.

Sincerely



Gregg Meyers

c: Mr. Foster, Attorney for Respondents

RECEIVED
APR 15 2013
SC Court of Appeals