



Joel W. Collins, Jr. | Office: 803.256.2660 | E-Mail: jcollins@collinsandlacy.com

May 11, 2009

The Honorable Matthew J. Perry, Jr.
United States District Court
District of South Carolina
901 Richland Street
Columbia, SC 29201

Re: *Chalmers Eugene Troutman, III v. Leon J. Hendrix, et al.*
Civil Action No: 3:08-449
Collins & Lacy File No.: 1173-100

Dear Judge Perry:

We have received Defendants' most recent submission in support of their Motion to Dismiss. The only thing we would offer in response is the following.

On September 17, 2008, Defendants filed their Motion to Amend, Answer and Assert Counterclaims of Defendant Clemson University (Docket entry number 111). Item 7 on page 2 of that pleading states:

"7. Plaintiff will not be unduly prejudiced if this Motion is granted inasmuch as:

(a) Plaintiff has himself twice amended his pleadings, with consent of Defendants, based upon errors in the prior pleadings discovered and brought to Plaintiff's attention by Defendants themselves;

...

We believe this position taken by the Defendants is inconsistent with the arguments contained in Defendants' most recent memorandum.

We do not intend to file another memorandum of law in opposition to Defendants' presently pending Motion to Dismiss. By copy of this letter, we are advising opposing counsel of this communication with the Court.

Sincerely,



Jeel W. Collins, Jr.

JWCjr:ppc

cc: Mr. Chalmers Eugene Troutman, III
D. Reece Williams, III, Esquire
Joseph A. Rhodes, Jr., Esquire
Thomas A. Bright, Esquire
Robert F. Goings, Esquire
U.S. District Court Clerk Larry W. Propes