THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Anne Lytle and Paris Lytle, Appellants,

v.

Bi-Lo, LLC, Respondent.

Appellate Case No. 2013-001550

Appeal From Horry County
Benjamin H. Culbertson, Circuit Court Judge

Unpublished Opinion No. 2015-UP-027
Heard November 12, 2014 – Filed January 14, 2015

AFFIRMED

H. Wayne Floyd, of Wayne Floyd Law Office, and Frank Anthony Barton, both of West Columbia, for Appellants.

Jason Phillip Luther and Peter E. Farr, both of Murphy & Grantland, P.A., of Columbia, for Respondent.

PER CURIAM: Appellants Anne and Paris Lytle appeal the trial court's order granting Respondent Bi-Lo's motion for summary judgment. They contend the trial court erred in granting Bi-Lo's motion because there was a genuine issue of material fact regarding whether Bi-Lo created the dangerous condition that injured

Anne Lytle. We affirm pursuant to Rule 220(b), SCACR, and the following authorities: Rule 56(c), SCRCP (stating that summary judgment is appropriate when "there is no genuine issue as to any material fact and . . . the moving party is entitled to a judgment as a matter of law"); *Felder v. K-Mart Corp.*, 297 S.C. 446, 450, 377 S.E.2d 332, 334 (1989) ("It is established in South Carolina that a merchant is not an insurer of the safety of its customers but rather owes its customers the duty to exercise ordinary care to keep the premises in a reasonably safe condition." (citation omitted)); *Wintersteen v. Food Lion, Inc.*, 344 S.C. 32, 35, 542 S.E.2d 728, 729 (2001) ("To recover damages for injuries caused by a dangerous or defective condition on a storekeeper's premises, the plaintiff must show either (1) that the injury was caused by a specific act of the defendant [that] created the dangerous condition; or (2) that the defendant had actual or constructive knowledge of the dangerous condition and failed to remedy it." (citations omitted)); *Anderson v. Winn-Dixie Greenville, Inc.*, 257 S.C. 75, 77, 184 S.E.2d 77, 77 (1971) ("Proof that a dangerous condition of the floor existed because of the presence of some foreign matter thereon is insufficient, standing alone, to support a finding of negligence."); *Fletcher v. Med. Univ. of S.C.*, 390 S.C. 458, 463, 702 S.E.2d 372, 374 (Ct. App. 2010) ("South Carolina does not recognize the doctrine of *res ipsa loquitur*." (citation omitted)).

AFFIRMED.

WILLIAMS, GEATHERS, and McDONALD, JJ., concur.