

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas
Roger C. Young, Circuit Court Judge

Case No. 2018-CP-08-01079

Latarsha Docena-Guerrero,

Appellant,

v.

Rafael Docena-Guerrero,

Defendant

And

Government Employees Insurance
Company, as underinsured motorist
insurance carrier,

Respondent.

RESPONDENT'S RETURN TO PETITION FOR REHEARING

The Court of Appeals was absolutely correct to dismiss this appeal as an impermissible interlocutory appeal.

The Plaintiff claims that the denial of this appeal will affect their substantial right to the mode of trial. This is completely incorrect. The Plaintiff is not being deprived of any right to a standard jury trial in circuit court, which is at the heart of the American judicial system. The Plaintiff will be able to try their case as normal under the South Carolina Code of Laws, the South Carolina Rules of Civil Procedure, the South Carolina Rules of Evidence, and South Carolina common law. The Plaintiff is not being deprived of any substantial right or any right at

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all. The dismissal of this appeal does not infringe on any right that the Plaintiff has to a fair jury trial under our system of law.

The Plaintiff's appeal actually has the purpose of attempting to prevent a fair trial for the defense. This should never be allowed. The defense is also entitled to a fair trial by an impartial judge and jury.

The Respondent realleges and incorporates by reference all arguments submitted in the Motion to Dismiss and previous briefs.

The Defense hereby objects to the Petition for Rehearing and respectfully requests that the Court of Appeals confirm its decision to dismiss this interlocutory appeal and remand to the circuit court.

RESPECTFULLY SUBMITTED:

s/ *Tom Milligan*

Thomas H. Milligan (SC Bar # 12272)
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July 14, 2022
Mt. Pleasant, South Carolina

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July 14, 2022

VIA-CERTIFIED MAIL RETURN RECEIPT

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211-1629

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RE: Latarsha Docena-Guerrero vs Rafael Docena-Guerrero and GEICO
Case Number: 2018-CP-08-01079
M&H Number: 101.20053

Dear Ms. Kitchings:

Enclosed please find the original and sixteen copies each of GEICO's Return to Petition for Rehearing. Please file the originals, clock the copies and return a copy to me in the provided self-addressed stamped envelope for my file.

By copy of this transmittal to counsel for record, I am serving copies to the enclosed upon the Appellant herein.

With kind regards, I am

Sincerely yours,

s/ *Thomas H. Milligan*

Thomas H. Milligan

THM/jtm
Enclosures

cc: Steven Goldberg, Esquire
Jonathan Altman, Esquire

