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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin Culbertson, Circuit Court Judge

Appellate Case No. 2019-001556

John Kennedy,..... Appellant

v.

City of Myrtle Beach Police Department, and Amy Prock, Angela Kegler
and John Pederson (in their individual capacities), Respondents

REPLY IN OPPOSITION TO PETITION FOR REHEARING

Appellants hereby oppose Respondent’s petition for rehearing. The Appellate Court decided this matter on *Skydive Myrtle Beach, Inc. v. Horry Cnty.*, 426 S.C. 175; 826 S.E.2d 585 (2019), Respondent argues that this decision was inappropriate, as the issue decided in *Skydive* was never brought up on the appeal.

This is not the case. Respondent argues the issue doesn’t appear “anywhere in Appellant’s brief,” which is not true. Appellant, in his brief, argues that he was specifically denied the right to meaningful discovery by the lower Court, as held in *Skydive*. Further, as SCACR 220(c) states, “The appellate court may affirm any ruling, order, decision or judgment upon any ground(s) appearing in the Record on Appeal.”

Such has been done here. Therefore, Appellant opposes Respondent’s Petition for Rehearing, and respectfully requests this Court uphold its decision.

Respectfully submitted,

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Attorney for Appellant

September 6, 2023

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CERTIFICATE OF SERVICE

Pursuant to Section (d)(1) of the Supreme Court’s Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), the undersigned employee of Gist Law Firm, P.A., counsel for the Appellant John Kennedy, does hereby certify that service of the **Reply in Opposition to Respondent’s Motion for Rehearing** was made upon Appellant’s counsel by email only this the 7th day of September, 2023 as follows:

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s/ Erica McCrea
