

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Josh Hawkins, Appellant,

v.

American Airlines, The Qantas Group d/b/a  
Qantas Airlines, Expedia, and Travel Guard  
Insurance, Defendants,

Of Which American Airlines and Expedia are  
the Respondents.

Appellate Case No. 2020-001150

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RETURN TO PETITION FOR REHEARING  
BY RESPONDENT EXPEDIA

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Pursuant to the Court's request for a return to the Petition for Rehearing, Respondent Expedia replies as follows:

1. Appellant does not identify with particularity anything which this Court overlooked or misapprehended as Rule 221(a), SCACR, requires. The Petition simply states that the decision "conflicts with the law".

The circuit court dismissed Appellant's case against Expedia for two reasons: (1) Appellant's claims must either go to arbitration or to small claims court (magistrate's court); (2) Appellant's arguments were untimely. Appellant did not appeal the circuit court's dismissal on the second of these grounds. Therefore, the unappealed ground became the law of the case. The two-issue rule precluded appellate review of the judgment. Appellant

does not challenge that ruling.

2. The remainder of the Petition does not address anything in the Court's opinion, but is based upon an e-mail exchange between counsel after the opinion was filed. While this appeal was pending, Appellant filed claims against Expedia in magistrate's court based on the same fact pattern as this case. The presiding magistrate stayed that case pending this Court's ruling on appeal. The Appellant's case in magistrate's court remains pending.

Appellant states that after his counsel received this Court's judgment, counsel emailed Respondents' counsel inquiring whether the pending magistrate's court case could move forward. Appellant states that "both appellees [*sic*, respondents] took the untenable and disingenuous position that this Court's decision means the case can never be litigated". This is a mischaracterization or misinterpretation of what was said.

After this Court's judgment was entered, Appellant's counsel emailed asking the Respondents' respective counsel to agree in writing that the magistrate's court case could go forward, or was it our position that "the claims in magistrate's court are somehow disposed of by this opinion". In response, Expedia took the position there were no issues for the magistrate to decide. This is consistent with the answer Expedia filed with the magistrate in 2020 and with the position Expedia took before the magistrate before he decided to place a hold on the case pending this Court's decision. Expedia does not believe that this Court's decision deprived the magistrate of jurisdiction. Expedia believes, and will argue before the magistrate, that the decision may end or limit Appellant's claims in that case.

Appellant's magistrate court claim is not at issue this appeal. There is no basis for the Court to amend its order to address any effect which the decision may have upon the

Appellant's case in magistrate's court.

All of which is respectfully submitted.

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Columbia, South Carolina

May 9, 2024.

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May 09 2024

SC Court of Appeals

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PROOF OF SERVICE

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THE UNDERSIGNED hereby certifies that on May 9, 2024, the undersigned served  
the Return to Petition for Rehearing and Proof of Service on the following attorneys via  
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May 9, 2024

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