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**Apr 02 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SUMTER COUNTY  
George M. McFaddin, Jr., Circuit Court Judge

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Appellate Case No. 2024-001681  
Case No. 2019-CP-43-1021  
Opinion No. 2026-UP-128

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Kimberly Welch, as Personal Representative of the Estate of Judy  
Ann Haselden,..... Respondent,

v.

Michael D. Smoak and Murray Sand Co., Inc., ..... Appellants.

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**PETITION FOR REHEARING**

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The Appellants petition the South Carolina Court of Appeals for a rehearing of the Court’s recent unpublished decision in *Welch v. Smoak*, Op. No. 2026-UP-128 (S.C. Ct. App. filed March 18, 2026).

The grounds for the Appellants’ petition for rehearing are addressed in detail in the supporting memorandum filed herewith and incorporated herein.

The Appellant’ petition for rehearing is based on the Court’s decision in *Welch v. Smoak*, Op. No. 2026-UP-128 (S.C. Ct. App. filed March 18, 2026); the supporting memorandum filed

herewith; the briefs and Record on Appeal; Rule 221(a), SCACR; Rule 240, SCACR; and other rules of court

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April 2, 2026

THE STATE OF SOUTH CAROLINA  
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APPEAL FROM SUMTER COUNTY  
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Kimberly Welch, as Personal Representative of the Estate of Judy  
Ann Haselden,..... Respondent,

v.

Michael D. Smoak and Murray Sand Co., Inc.,..... Appellants.

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 April 24, 2024), the undersigned employee of Lindemann Law Firm, P.A., counsel for the Appellants Michael D. Smoak and Murray Sand Company, Inc., does hereby certify that service of the **Petition for Rehearing and Memorandum in Support of Petition for Rehearing** in the above-captioned matter was made upon all counsel of record by email only this the 2nd day of April 2026, as follows:

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April 2, 2026

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SC Court of Appeals

**Via Email Only**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

RE: Kimberly Welch, as Personal Representative of the Estate of Judy Ann Haselden v. Michael D. Smoak and Murray Sand Co., Inc.  
Appellate Case Number: 2024-001681  
Civil Action Number: 2019-CP-43-1021  
Our File Number: 79.20769

Dear Ms. Kitchings:

Pursuant to Section (b)(2) the Supreme Court's Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024), please find enclosed for filing the **Petition for Rehearing and Memorandum in Support of Petition for Rehearing** with regard to the above-referenced appeal. By copy of this letter, I am serving copies on all counsel of record by email only pursuant to Section (d)(1) of the same Supreme Court Order. I am forwarding the filing fee via U.S. Mail.

If you have any questions, please advise. Thank you for your assistance.

Sincerely,

LINDEMANN LAW FIRM, P.A.

Andrew F. Lindemann

AFL/jrs  
Enclosure

cc: E. Hood Temple, Esquire (w/ Enclosure, Via Email Only)  
Alexander S. Hogsette, Esquire (w/ Enclosure, Via Email Only)  
G. Murrell Smith, Jr., Esquire (w/ Enclosure, Via Email Only)  
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