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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

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

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

v.

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

PETITION FOR REHEARING

The Appellants petition the South Carolina Court of Appeals for a rehearing of the Court's recent unpublished decision in *Welch v. Smoak*, Op.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's 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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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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**Also Admitted in North Carolina*

April 2, 2026

Via Email Only

The Honorable Jenny Abbott Kitchings

Clerk of Court

South Carolina Court of Appeals

Email: ctappfilings@sccourts.org

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SC Court of Appeals

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)
Frederick N. Hanna Jr., Esquire (w/ Enclosure, Via Email Only)
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