

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

74232

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Stephanie P. McDonald, Circuit Judge for The Ninth Judicial Circuit

Case No. 2013-000407

Alan Sheppard.....Appellant

v.

William O. Higgins, Russell Bennett, Ronald C. Owens, Charles P. Darby,
Lynn McCants and Kiawah Resort Associates, LP.....Defendants

Of whom Russell Bennett, Ronald C. Owens, Charles P. Darby, and Kiawah
Resort Associates LP..... Respondents

APPELLANT'S PETITION FOR REHEARING

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2231 Devine Street, Suite 202
Columbia, South Carolina 29205
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(803)799-0470 Fax
Attorney for Appellant

The Appellant Alan Sheppard hereby petitions for a rehearing in the above matter. The grounds for this motion are that the Court overlooked or misapprehended that the Record in this matter includes a short and plain statement of facts showing that the Appellant is entitled to relief. The Appellant submitted to the trial court, as a *pro se* litigant, that a real estate closing occurred on June 28, 2008, within the three year Statute of Limitations, that violated the parties' previous agreement, and that these actions by the Respondents were not subject to any prior actions, and therefore were not barred by res judicata or by release.

Although the Appellant, who was acting *pro se* at the time, did not call his submission an "Amended Complaint", clearly from reading the transcript, this is what the Appellant was attempting to do. (R.p.363; 371-; 373; 379, 391-392, 399-401).

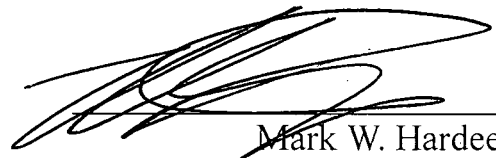
The Court erred taking an over-technical position on this filing, by a *pro se* litigant, depriving him of his due process rights to be heard under both the United States and South Carolina constitutions. *Pro se* litigants are not to be held to the same high standards of perfection in procedural matters as lawyers. *Hines v. Kerner* 404 US 520; 92 Sup.Ct. 594 (1971), *Maty v. Grasselli Chemical Co.* 303 US 197; 58 Sup.Ct. 507 (1938)

CONCLUSION

Appellant Alan Sheppard is entitled to a rehearing in this matter, based on the above, and a reversal of the trial court's Order of Dismissal.

Respectfully submitted,

November 20, 2014



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CERTIFICATE OF SERVICE

I, Vicky McCarter, an employee with the law firm of The Hardee Firm., do hereby certify that I have this date served a copy of the following pleading upon the individual named below, by placing a copy in the United States Mail, postage prepaid and return address clearly indicated to the address below:

COUNSEL SERVED:

Ellis Reed-Hill Lesemann
80 Alexandria Dr. 2nd Floor
Charleston, SC 29403

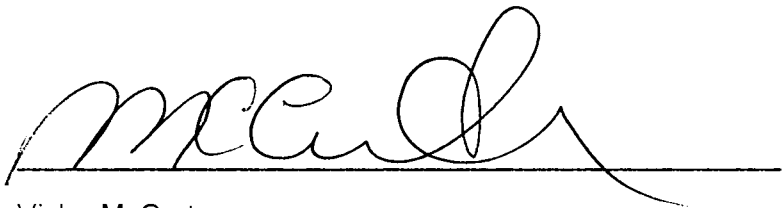
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PLEADING:

Appellant's Petition for Rehearing

A handwritten signature in black ink, appearing to read 'Vicky McCarter', is written over a horizontal line.

Vicky McCarter

Columbia, South Carolina
November 20, 2014