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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
In the Court of Common Pleas

Doyet A. Early, III, Presiding Judge

Case No. 2013-001909

William R. Ferrara Plaintiff/Appellant

v.

Michael E. Hunt, Sheriff of Aiken County;
and Charles Cain in his individual capacity
as Deputy Sheriff Defendants

Of Whom Charles Cain is the Respondent.

PETITION FOR REHEARING

RECEIVED

AUG 27 2015

SC Court of Appeals

The Appellant respectfully petitions for a rehearing on the following grounds:

1. The Decision of the Court of Appeals overlooks the fact that Judge Gergel's Order, which formed the basis of the Lower Court's granting of Summary Judgment contains numerous inconsistencies and inconsistent findings/conclusions of law and should not have been given preclusive effect by Judge Early.
2. The Court overlooked the fact that Judge Gergel's prior Order made no ruling with respect to State Law Claims for either Malicious Prosecution or Defamation and was therefore not dispositive as to these claims. The Trial Court erred in relying on this Order to grant Respondent's Motion for Summary Judgment.

3. The Court overlooked the fact that Judge Gergel's Order failed to address or dispose of numerous State Law claims and should not have been given preclusive effect by the Lower Court.
4. The Court overlooked and misapprehended the fact that Judge Gergel remanded the above-captioned case to State Court for further proceedings.
5. The Court's opinion misconstrues and misinterprets Judge Gergel's Order which formed the basis of the Lower Court's Order granting Respondent Summary Judgment.
6. The Court's opinion misconstrues and misapplies the law of South Carolina regarding Qualified Privilege/Immunity.
7. The Court's opinion overlooks and misapprehends Appellant's arguments that this matter contains matters of first impression under South Carolina law with respect to whether Res Judicata applies to a prior Federal Court Order containing inconsistent findings/rulings.
8. The Court's opinion overlooks and ignores Appellant's argument that this case raises issues that have not been addressed by South Carolina Courts.
9. The Court's opinion overlooks and misconstrues evidence presented to the Lower Court. The Record in this case is replete with evidence to support Appellant's State Law Claims for Malicious Prosecution.
10. The Court's opinion overlooks and misapplies applicable law regarding the application of qualified privilege to false statements made on the Internet.
11. The Court's opinion overlooks and misapplies evidence in the record that the Respondent willfully violated the Expungement Order.



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ATTORNEYS FOR APPELLANT

West Columbia, South Carolina
August 27, 2015

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SC Court of Appeals

William R. FerraraAppellant

v.

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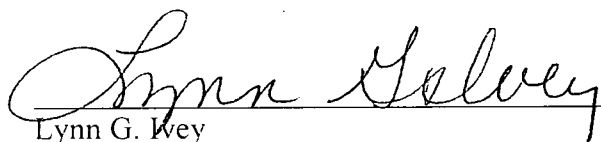
Of whom Charles Cain is the Respondent.

PROOF OF SERVICE

I, Lynn G. Ivey, am employee of Moore Taylor Law Firm, PA, certify that I have served the Petition for Rehearing, by United States mail, in an envelope with sufficient postage affixed thereto, upon all counsel of record on August 27, 2015.

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Lynn G. Ivey

West Columbia, South Carolina
August 27, 2015

August 27, 2015

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201
VIA HAND DELIVERY

RE: William Ferrara vs. Michael E. Hunt, Sheriff of Aiken
County and Charles Cain in his individual capacity as
Deputy Sheriff

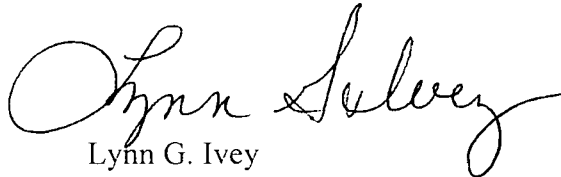
Ct. Appeals Case No. 2013-001909 & 2013-000826

Dear Ms. Kitchings:

Enclosed please find for filing in the above-referenced matter an original and eight copies of Appellant's Petition for Rehearing. Please return the clocked copies to our courier. In addition, I enclose two checks in the amount of \$25.00 each for the filing fees.

By copy of this letter, I am serving a copy on all counsel. Thank you in advance for your assistance in this matter.

Respectfully,


Lynn G. Ivey
Assistant to John C. Bradley, Jr.

Enclosures

cc: Andrew F. Lindemann, Esquire
Matthew B. Rosbrugh, Esquire

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AUG 27 2015

SC Court of Appeals

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