

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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**RECEIVED**

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

SEP 02 2015  
SC Court of Appeals

The Honorable Edward W. Miller, Circuit Court Judge

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Barbara Gaines.....Respondent,

v.

Joyce Ann Campbell.....Appellant.

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Case No. 2012-CP-23-1971

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**RESPONDENT'S PETITION FOR REHEARING**

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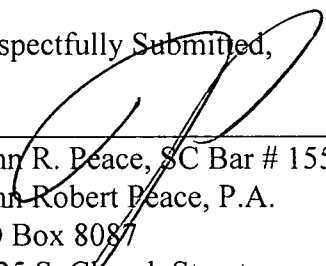
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Fax: (864) 271-3130  
**Attorney for Respondent Barbara Gaines**

Other Counsel of Record:

Marcus K. McGarr, Esq.  
108 Whitsett Street  
Greenville, SC 29601  
Tel: (864) 298-0089  
Fax: (864) 235-0503  
**Attorney for Appellant Joyce Ann Campbell**

Pursuant to Rule 221, SCACR, Respondent Barbara Gaines (hereinafter "Gaines") hereby petitions this Court for Rehearing regarding the Opinion issued on August 19, 2015. As discussed at length in Respondent's Memorandum filed herewith, this Court's 8/19/15 Opinion misapprehends the standard for granting a new trial under Rule 59, SCRCF. In addition, this Court's 8/19/15 Opinion further misapplies the standard of review of such an order on appeal. Therefore, this Court should reverse the August 19, 2015 Opinion and affirm the Circuit Court's Order Granting a New Trial.

Respectfully Submitted,



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John R. Peace, SC Bar # 15521  
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September 1, 2015

**Attorney for Respondent Barbara Gaines**

IN THE STATE OF SOUTH CAROLINA  
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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

The Honorable Edward W. Miller, Circuit Court Judge

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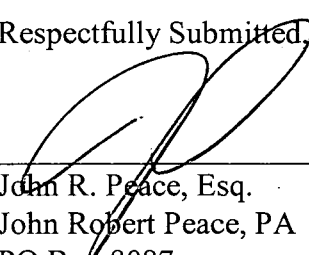
Joyce Ann Campbell.....Appellant.

Case No. 2012-CP-23-1971

PROOF OF SERVICE

I certify that I have served the Respondent's Memorandum In Support of Respondent's Petition For Rehearing to be Included in the Record on Appeal by depositing a copy of it in the U.S. Mail, postage prepaid, on September 1, 2015, addressed to attorney of record, Marcus K. McGarr, Esq., 108 Whitsett Street Greenville, SC 29601.

Respectfully Submitted,

  
John R. Peace, Esq.  
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Attorney for Respondent Barbara Gaines

September 1, 2015

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September 1, 2015

Clerk of Court  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

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SEP 02 2015

SC Court of Appeals

**RE: Gaines v. Campbell**  
**C.A. # 2012-CP-23-1971**  
**Court of Appeal Case Tracking #2013-002367**

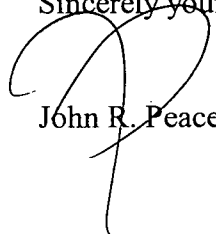
To Whom It May Concern:

Please find enclosed for filing the original and one (6) copies of the Respondent's Memorandum In Support of Respondent's Petition For Rehearing and Respondent's Petition for Rehearing in the above case, along with the original and one copy of the associated Proof of Service.

Please return the clocked copies of the Respondent's Return to Appellant's Motion to Remand to be Included in the Record on Appeal, and the Proof of Service in the enclosed, self-addressed, stamped envelope.

With kindest regards, I remain,

Sincerely yours,



John R. Peace

JRP

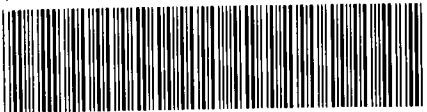
Enclosures

cc: Barbara Gaines  
Marcus K. McGarr, Esq.  
The Honorable Edward W. Miller

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or the HOLD location address or for continuation of your shipping address.

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#### 4 Express Package Service

NOTE: Service order has changed. Please select carefully.

Packages up to 150 lbs.  
For packages over 150 lbs., use the new  
FedEx Express Freight Air Mail.

##### Next Business Day

FedEx First Overnight  
Earliest next business morning delivery to select  
locations. Friday shipments will be delivered on  
Monday unless SATURDAY Delivery is selected.

FedEx Priority Overnight  
Next business morning.\* Friday shipments will be  
delivered on Monday unless SATURDAY Delivery  
is selected.

FedEx Standard Overnight  
Next business afternoon.\*  
Saturday Delivery NOT available.

##### 2 or 3 Business Days

NEW FedEx 2Day A.M.  
Second business morning.\*  
Saturday Delivery NOT available.

FedEx 2Day  
Second business afternoon.\* Thursday shipments  
will be delivered on Monday unless SATURDAY  
Delivery is selected.

FedEx Express Saver  
Third business day.\*  
Saturday Delivery NOT available.

#### 5 Packaging

\*Declared value limit \$500.

FedEx Envelope\*

FedEx Pak\*

FedEx  
Box

FedEx  
Tube

Other

#### 6 Special Handling and Delivery Signature Options

SATURDAY Delivery

NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required

Package may be left without  
obtaining a signature for delivery.

Direct Signature

Someone at recipient's address  
may sign for delivery. Fee applies.

Indirect Signature

If no one is available at recipient's  
address, someone at a neighboring  
address may sign for delivery. For  
residential deliveries only. Fee applies.

#### Does this shipment contain dangerous goods?

One box must be checked.

No

Yes

As per attached  
Shipper's Declaration.

Yes

Shipper's Declaration  
not required.

Dry Ice

Dry Ice, S, UN 1845

Cargo Aircraft

#### 7 Payment Bill to:

Sender  
Acct. No. in Section  
I will be billed.

Recipient

Third Party

Enter FedEx Acct. No. or Credit Card No. below.

Total Packages

Total Weight

lbs.

Your liability is limited to \$100 unless you declare a higher value.

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