

The South Carolina Court of Appeals

Gary Weaver, BEA Wallentstein, and B.E.A. Wallenstein
Hospice Inter Vivos Trust, Plaintiffs,

Of Whom Gary Weaver is the, Appellant,

v.

Progress Energy Carolinas, Inc., William Johnson, and
John Does 1-20, Respondents.

Appellate Case No. 2010-151966

ORDER

Respondents have filed a motion to dismiss, contending Appellant has failed to serve and file a Supplemental Record on Appeal. After careful consideration of the parties' filings, Respondents' motion to dismiss is denied because this Court previously received the filing of Appellants' Supplemental Record on Appeal.

Appellant has filed a petition for rehearing from this Court's March 19, 2012 order and a memorandum in support of a petition for rehearing. Because the order did not have the effect of dismissing or finally deciding Appellant's appeal, this Court will not entertain the petition for rehearing. *See* Rule 221(c), SCACR ("The appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.").


FOR THE COURT

Columbia, South Carolina

FILED

9/11/12 AS

cc:

Gary Weaver, B.E.A. Wallenstein, et al.

Mark W. Buyck, III