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IN THE STATE OF SOUTH CAROLINA

In The Court of Appeals

**RECEIVED**

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

FEB 12 2016

**SC Court of Appeals**

Charles B. Simmons, Jr., Master-in-Equity

Appeal No. 2015-001820

Case No. 2013-CP-23-01715

Michael Stehney, Jr.,.....Respondent,

v.

Ronald E. Ferguson, Susan M. Ferguson, and Ronald J. Ferguson, Defendants,

Of whom Ronald J. Ferguson is the .....Appellant.

Case No. 2013-CP-23-03179

Ronald E. Ferguson and Susan M. Ferguson, .....Plaintiffs,

v.

Christopher Todd Usher, Addison Corporation, and Addison Homes, LLC,.....Respondents.

**PETITION FOR REHEARING OR REINSTATEMENT**

Ronald J. Ferguson  
103 Mill Creek Rd  
Piedmont, SC 29673  
(864) 509-0169

COMES NOW, Ronald J. Ferguson, pro-se, and moves of this Court for reinstatement of the above appeal or in the alternative a final order granting leave to petition the South Carolina Supreme Court for a writ of certiorary.

The grounds for this motion are as follows:

The appeal was taken from an order of the Master-in-Equity, County of Greenville, following the consolidation of three actions (2013CP2301715, 2013CP2301810 and 2013CP2303179) in contravention of 28 USC 1446(d).

In the underlying litigation Plaintiff in 2013CP2301715 is alleging the defendants are responsible for damages under the doctrine of respondeat superior.

Defendants in 2013CP2301715 sought discovery pursuant to SCRPC, Rules 26 and 45, and consistent with S.C. Code 15-38-15(d).

A party (Defendants, a state licensed contractor performing work pursuant to contract in 3179) liable under S.C. Code 15-38-15 objected to the discovery, and was joined in such by Plaintiffs in '1715'.

The South Carolina Supreme Court has ruled in multiple cases that when a lower court or counsel prevents a party from exercising due diligence in discovery renders such judgment invalid as preventing substantive due process.

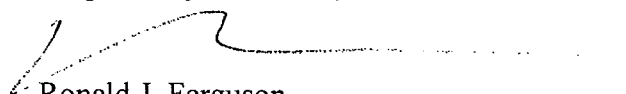
The South Carolina Court of Appeals rendered another of their inept and short sighted judgments which are inconsistent with the State Supreme Court and United States Court precedents.

In yet another example of conflicting rules, the South Carolina Supreme Court finds, "A decision of the Court of Appeals is not final for the purpose of review by the Supreme Court until the petition for rehearing or reinstatement has been acted on by the Court of Appeals." Rule 242(c)

While Rule 221(c) provides, "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."

Wherefore, premises considered, the Court of Appeals should reinstate the appeal or issue an Order granting leave to pursue Certiorari at the Supreme Court to address the conflicting opinions between the two chambers.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify, that on this date, I served a copy of the Appellant's Petition for Rehearing or Reinstatement, dated 02/09/2016 on Plaintiff's Attorney of record by

\_\_\_\_\_ delivering it to him/her personally; or,

\_\_\_\_\_ mailing it to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows; or,

X   mailing it to the address indicted by their counsel of record as follows:

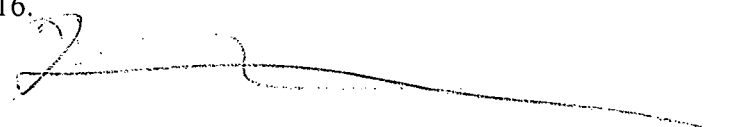
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This the 9<sup>th</sup> day of February, 2016.



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Ronald J. Ferguson