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February 18, 2016

VIA U.S. MAIL, FEDERAL EXPRESS, AND FAX

The Honorable Jenny A. Kitchings
Clerk of Court, South Carolina Court of Appeals
U.S. Mail – P.O. Box 11629, Columbia, SC 29211
Federal Express – 1220 Senate Street, Columbia, SC 29201
Fax: 803.734.1839

RECEIVED
FEB 19 2016
SC Court of Appeals

Re: David M. Repko v. County of Georgetown
Case Tracking No.: 2014-000156
GW File: 13.156

Dear Mrs. Kitchings:

This letter concerns Respondent County of Georgetown's Petition for Rehearing. As an initial matter, pursuant to Rule 240(e), SCACR, Appellant is electing not to file a return unless requested to do so by the Court. We believe all of the arguments in the Petition for Rehearing were addressed in this Court's opinion, the briefing, and oral arguments.

More importantly, Appellant believes that this Court should not even entertain the Petition for Rehearing because Respondent has completely failed to serve its Petition on Appellant's counsel. As of the date of this letter, **Appellant's attorneys of record have not received Respondent's Petition for Rehearing in any mailing nor any electronic mail.** Significantly, Appellant's counsel only learned that Respondent even filed a Petition for Rehearing after searching the S.C. Appellate Court's C-Track Public Access website for the status of this appeal.

After discovering the filing of Respondent's Petition through this Court's website, it is clear that Respondent filed with this Court an *undated* certificate of service certifying that Respondent's Petition was served on all three of Appellant's attorneys of record via U.S. Mail and email. Additionally, Respondent's cover letter to this Court filing the Petition further states that Respondent is serving all three attorneys for the Appellant with a copy of Respondent's Petition via e-mail and U.S. Mail. However, as of February 18, 2016, none of the three attorneys of record for Appellant received any email nor any mailing containing Respondent's Petition for Rehearing.

As a result, Appellant contends that Respondent has wholly failed to comply with rules of this Court applicable to petitions for hearing, including: (1) Rule 240(c)(1), SCACR, as Respondent's undated certificate of service does not reflect any date of service on Appellant; (2) Rule 240(d), SCACR, as a copy of Respondent's Petition has not been served upon Appellant; (3) Rule 262(a)(2), SCACR, as Respondent's Petition filed with this Court is not accompanied by proof of service of such Petition on Appellant.

Because the failure to comply with multiple, substantial rules of this Court that are imposed upon Respondent as the moving party, Appellant fervently contends this Court should not entertain Respondent's Petition for Rehearing. *See* Rule 221(a) (mandating a petition for rehearing "shall be in accordance with Rule 240"); *see also* Rule 240(g), SCACR (mandating that "[f]ailure of the moving party to perform any act required by this Rule may be deemed an abandonment of the motion or petition.").

Appellant will file a return to Respondent's Petition if requested to do so. By copy of this letter, Appellant is serving this letter upon counsel for Respondent via U.S. Mail and e-mail. Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

With kind regards, I remain,

Yours sincerely,

GOLDFINCH WINSLOW, LLC



Ryan P. Compton

cc: Robert L. Widener, Esquire
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David J. Mills, Esquire
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