

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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MAR 09 2016

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
G. Thomas Cooper, Jr., Circuit Court Judge

Case No. 2007-CP-40-2187

Protection and Advocacy for the People with Disabilities, Inc.;
M.J.B. on behalf of and as next friend of J.B.; C.B.B. on behalf of
and as guardian of P.B.; G.C. and L.C. on behalf of and as next
friend of A.E.; J.H. on behalf of and as next friend of A.J.; G.M.
on behalf of and as next friend of E.M.; N.M. on behalf of and as
guardian of E.J.M.; R.P. on behalf of and as guardian of S.P.; R.R.
and J.R. on behalf of and as guardians of K.D.R.; and J.K. on
behalf of and as guardian of S.S., Appellants,

v.

South Carolina Department of Disabilities and Special Needs; Dr.
Beverly Buscemi, in her official capacity as Director of the South
Carolina Department of Disabilities and Special Needs; and Nancy
Banor, Deborah McPherson, Christine Sharp, Rick Huntress, Fred
Lynn, Harvey Shiver and Kelly Hanson Floyd, as Commissioners
of the South Carolina Department of Disabilities and Special
Needs, Respondents.

PETITION FOR REHEARING


The Respondents South Carolina Department of Disabilities and Special
Needs, et. al, (that is, all Respondents) petition the South Carolina Court of Appeals

for a rehearing of the Court's recent decision in *Protection and Advocacy, et al., v. South Carolina Department of Disabilities and Special Needs, et. al*, Op. No. 5383 (S.C. Ct. App. filed February 24, 2016).

The grounds for the Respondents' petition for rehearing and the specific relief requested are addressed in detail in the supporting memorandum filed herewith and incorporated herein.

This petition for rehearing is based on the Court's decision in *Protection and Advocacy, et al., v. South Carolina Department of Disabilities and Special Needs, et. al*, Op. No. 5383 (S.C. Ct. App. filed February 24, 2016), the supporting memorandum filed herewith; the briefs and Record on Appeal and subsequent filings with this Court; Rule 221(a), SCACR; Rule 224, SCACR; and other rules of court.

DAVIDSON & LINDEMANN, P.A.

BY: 
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Counsel for Respondents

Columbia, South Carolina

March 9, 2016

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Banor, Deborah McPherson, Christine Sharp, Rick Huntress, Fred
Lynn, Harvey Shiver and Kelly Hanson Floyd, as Commissioners
of the South Carolina Department of Disabilities and Special
Needs, Respondents.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondents, does hereby certify that service of the **Petition for Rehearing and Memorandum in Support of Petition for Rehearing** in the above-captioned matter was made upon all counsel of record by email and hand delivery at the below listed

address this the 9th day of March 2016:

Via Email and Hand Delivery

Steven W. Hamm, Esquire

C. Jo Anne Wessinger Hill, Esquire

Richardson, Plowden & Robinson, P.A.

1900 Barnwell Street

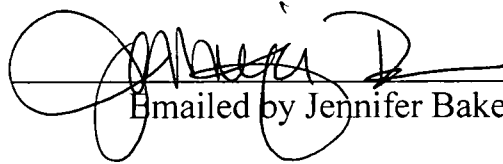
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Hand Delivered by Gary Trammell



Emailed by Jennifer Baker

DAVIDSON & LINDEMANN, P.A.

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March 9, 2016

Of Counsel
Kenneth P. Woodington

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SC Court of Appeals

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Protection and Advocacy for the People with Disabilities, Inc.; M.J.B. on behalf of and as next friend of J.B.; C.B.B. on behalf of and as guardian of P.B.; G.C. and L.C. on behalf of and as next friend of A.E.; J.H. on behalf of and as next friend of A.J.; G.M. on behalf of and as next friend of E.M.; N.M. on behalf of and as guardian of E.J.M.; R.P. on behalf of and as guardian of S.P.; R.R. and J.R. on behalf of and as guardians of K.D.R.; and J.K. on behalf of and as guardian of S.S. v. South Carolina Department of Disabilities and Special Needs; Dr. Beverly Buscemi, in her official capacity as Director of the South Carolina Department of Disabilities and Special Needs; and Nancy Banor, Deborah McPherson, Christine Sharp, Rick Huntress, Fred Lynn, Harvey Shiver and Kelly Hanson Floyd, as Commissioners of the South Carolina Department of Disabilities and Special Needs

Appellate Case Number: 2014-000244
Civil Action Number: 2007-CP-40-2187
Our File Number: 79.7400

Dear Ms. Kitchings:

Please find enclosed for filing the originals and seven copies each of the **Petition for Rehearing and Memorandum in Support of Petition for Rehearing** in the above referenced matter. Please file the originals and return a clocked-in copy of each document to me by way of my courier. I have not enclosed the \$25.00 filing since DDSN, as a state agency, is exempt.

By copy of this letter, I am serving copies on all counsel of record by email and hand delivery. Thank you for your assistance in this matter.

The Honorable Jenny Abbott Kitchings
March 9, 2016
Page Two

With highest regards, I am

Sincerely yours,

DAVIDSON & LINDEMANN, P.A.



Kenneth P. Woodington

KPW/jmb
Enclosures

cc: (w/ Enclosures)

Via Email and Hand Delivery

Steven W. Hamm, Esquire
C. Jo Anne Wessinger Hill, Esquire
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1900 Barnwell Street
Columbia, South Carolina 29201