

RECEIVED

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

MAR 24 2016

SC Court of Appeals

APPEAL FROM THE CHARLESTON COUNTY COURT OF COMMON PLEAS
Kristi Lea Harrington, Circuit Court Judge

Appellate Case No.: 2014-000077

Jerome Myers and Gloria Myers.....Appellants,

v.

Walter R. Kaufmann, Kaufmann and Associates, LLC, Joseph A.
Broom, Active Day, Inc., Craig Mehnert COO, Bettye Dorn as Center
Director of Active Day, Inc. @ Charleston, SC.....Respondents.

**RESPONDENTS ACTIVE DAY, INC., CRAIG MEHNERT, COO,
BETTYE DORN AS CENTER DIRECTOR OF ACTIVE DAY, INC. @
CHARLESTON, SC'S RETURN TO APPELLANTS'
PETITION FOR REHEARING**

David S. Cobb
TURNER PADGET
Post Office Box 22129
Charleston, South Carolina 29413
(843) 576-2803
Attorney for Respondents Active Day, Inc.,
Craig Mehnert, COO, Bettye Dorn as Center
Director of Active Day, Inc. @ Charleston, SC

The South Carolina Court of Appeals correctly dismissed Appellants' appeal from Judge Harrington's order dismissing Respondents Active SC One, Inc. (incorrectly named), Bettye Dorn, and Craig Mehnert, who operated an adult day care facility. The only allegation made against these Respondents in the lawsuit was that these Respondents allowed an agent of the Probate Court-appointed Guardian for Appellants' father to take him home from the adult day care facility on June 17, 2010. (R. p. 25, ¶ 17.1 and R. p. 93). The lawsuit did not allege any other factual basis or claim against these Respondents. In addition, Appellants produced no credible evidence that Kauffman acted outside the appointment as Guardian by the Charleston County Probate Court or the mandates of S.C. Code Ann. § 62-5-312.

The "Rule 221 Petition – Rehearing and Remittitur of Appellants" also does not allege any factual complaint that would establish any cause of action against these Respondents. Clearly, allowing the court-appointed Guardian and/or an agent of the Guardian to pick up Appellants' father and take him home did not constitute any actionable conduct or misdeed. Further, Appellants cannot cite any example of "biased discretion" or failure by the trial court or Court of Appeals to apply "the proper law."



David S. Cobb
TURNER PADGET
Post Office Box 22129
Charleston, South Carolina 29413
(843) 576-2803
Attorney for Respondents Active Day, Inc.,
Craig Mehnert, COO, Bettye Dorn as Center
Director of Active Day, Inc. @ Charleston, SC

March 22, 2016

RECEIVED

MAR 24 2016

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

SC Court of Appeals

APPEAL FROM THE CHARLESTON COUNTY COURT OF COMMON PLEAS
Kristi Lea Harrington, Circuit Court Judge

Case No.: 2012-CP-10-8423

Jerome Myers and Gloria Myers.....Appellants,

v.


Walter R. Kaufmann, Kaufmann and Associates, LLC, Joseph A.
Broom, Active Day, Inc., Craig Mehnert COO, Bettye Dorn as Center
Director of Active Day, Inc. @ Charleston, SC.....Respondents.

PROOF OF SERVICE

On March 22 2016, I mailed a copy of Respondents Active SC One, Inc. (incorrectly named), Craig Mehnert, and Bettye Dorn's Return to Appellants' Petition for Rehearing to:

Gloria Myers and Jerome Myers
2321 Taylor Street
North Charleston, South Carolina 29406-6232
APPELLANTS

John J. Dodds, III
858 Lowcountry Boulevard, Suite 101
Mount Pleasant, South Carolina 20464
ATTORNEY FOR RESPONDENTS KAUFFMAN, KAUFMANN AND
ASSOCIATES, LLC, AND JOSEPH A. BROOM


Heather Hagen

Turner | Padget

DAVID S. COBB

Direct Dial: (843) 576-2803

Direct Fax: (843) 577-1629

dcobb@turnerpadget.com

RECEIVED

MAR 24 2016

SC Court of Appeals

March 22, 2016

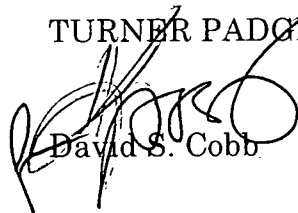
Jenny Abbott Kitchings
Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, South Carolina 29211

Re: **Myers v. Kaufmann et al.**
Docket No.: 2012-CP-10-8423
TP File No.: 12418.101

Dear Ms. Kitchings:

We enclose the original and six (6) copies of Respondents Active Day, Inc., Craig Mehnert, COO, Bettye Dorn as Center Director of Active Day Inc. @ Charleston, SC's Return to Appellants' Petition for Rehearing in this case. Please file the original and return a filed copy to me in the enclosed envelope. If you have any questions or need additional information, please call me at your convenience. With kind regards,

TURNER PADGET



David S. Cobb

DSC/hah
enclosures

cc: Jerome and Gloria Myers (with enclosure)
John Dodds (with enclosure)

Hasler

FIRST-CLASS MAIL

03/22/2016

US POSTAGE

\$01.86



ZIP 29401
011D11647637

First Class Mail

12418.101

Turner | Padgett

P.O. Box 22129, Charleston, SC 29413

Jenny Abbott Kitchings
Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, South Carolina 29211