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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

MAR 28 2016

SC Court of Appeals

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

Appellate Case No.: 2014-000077

Jerome Myers and Gloria Myers Appellants,

v.

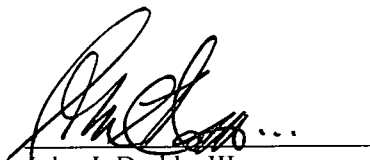
Walter R. Kaufmann, Kaufmann and Associates, LLC, Joseph A.
Broom, Active Day, Inc., Craig Mehnert COO, Bettye Dorn as
Center Director of Active Day, Inc. @Charleston, SC Respondents.

**RESPONDENTS WALTER R. KAUFMANN, KAUFMANN AND
ASSOCIATES, LLC AND JOSEPH A. BROOM RETURN TO APPELLANTS'
PETITION FOR REHEARING**

John J. Dodds, III
Cisa & Dodds, LLP
858 Lowcountry Boulevard, Suite 101
Mt. Pleasant, SC 29464
(843) 881-6530
*Attorney for Respondents Walter R.
Kaufmann, Kaufmann and Associates, LLC
and Joseph A. Broom*

The South Carolina Court of Appeals correctly dismissed Appellants' appeal from Judge Harrington's order dismissing Respondents Walter R. Kaufmann, Kaufmann and Associates, LLC and Joseph A. Broom. The only allegation made against these Respondents in the lawsuit was that Respondent Walter R. Kaufmann allowed Respondent Joseph A. Broom to pick up Appellants' father and 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 Respondent Walter R. Kaufmann 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". Finally, Appellants cannot raise issues for the first time on appeal, but must have been raised to and ruled upon by the circuit court to be preserved. This Appellants failed to do.



John J. Dodds, III
Cisa & Dodds, LLP
858 Lowcountry Boulevard, Suite 101
Mt. Pleasant, SC 29464
(843) 881-6530
*Attorney for Respondents Walter R.
Kaufmann, Kaufmann and Associates, LLC
and Joseph A. Broom*

March 25, 2016.

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SC Court of Appeals

APPEAL FROM 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 25, 2016, I mailed a copy of Respondents Walter R. Kaufmann, Kaufmann and Associates, LLC and Joseph A. Broom Return to Appellants' Petition for Rehearing to:

Gloria Myers and Jerome Myers
2321 Taylor Street
North Charleston, SC 29406-6232
Appellants

David S. Cobb, Esquire
Turner Padgett
Post Office Box 22129
Charleston, SC 29413
*Attorney for Respondents Active Day, Inc.,
Craig Mehnert, COO, Bettye Dorn as Center
Director of Active Day, Inc. @ Charleston, SC*


Susan Peterson

CISA & DODDS, LLP
ATTORNEYS AND COUNSELORS AT LAW
858 Lowcountry Boulevard, Suite 101
Mt. Pleasant, South Carolina 29464
Telephone (843) 881-6530 Fax (843) 881-5433

FRANK M. CISA
JOHN J. DODDS, III
ROBERT S. DODDS

March 25, 2016

frank@cisadodds.com
john@cisadodds.com
robert@cisadodds.com

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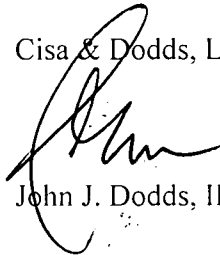
Honorable Jenny Abbott Kitchings
Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, South Carolina 29211

Re: Jerome Myers v. Walter Kaufmann, et al.
Docket No.: 2012-CP-10-8423
Appellate Case No.: 2014-000077

Dear Ms. Kitchings:

We enclose the original and six (6) copies of Respondents Walter R. Kaufmann, Kaufmann and Associates, LLC and Joseph A. Broom 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,

Cisa & Dodds, LLP,



John J. Dodds, III

JJD,III:ssp

Enclosure(s)

cc: Gloria Myers and Jerome Myers (w/enc.)

cc: David S. Cobb, Esquire (w/enc.)