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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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JUL 08 2016

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2014-CP-10-1827
Appellate Case No.: 2014-002079

Coastal Federal Credit Union,..... Appellant,

v.

Angel Latoria Brown, Respondent.

RESPONDENT'S PETITION FOR REHEARING *EN BANC*

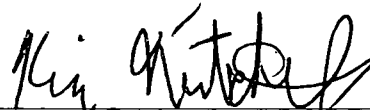
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Attorneys for Respondent

COMES NOW, Kirby Mitchell, attorney for Respondent, and petitions this Honorable Court pursuant to Rule 221(a), SCACR, for a rehearing *en banc*. Respondent's counsel respectfully submits that the majority opinion issued on June 30, 2016 overlooks facts in this record and misapprehends the law in the case. Specifically, Respondent states the majority opinion incorrectly concludes that because Coastal Federal Credit Union's [hereinafter "CFCU's"] selling of the vehicle "did not extinguish CFCU's rights under the sales contract..." (see Sec. V. of majority opinion in CFCU v. Angel Brown), then it follows directly that the 6-year statute of limitations should be applied. However, as the dissenting opinion correctly concludes, CFCU's cause of action "does not arise from a breach of the *sales* contract under the SCUCC; rather, it is a debt collection action on the security interest, not arising under the SCUCC" (see dissenting opinion in CFCU v. Angel Brown). The dissent's focus is the correct one. The key is the triggering event for the cause of action and what that cause of action arises from in analyzing the applicability of a statute of limitations defense.

This case is appropriate for a rehearing *en banc* for four (4) reasons: (a) this is an issue of first impression in South Carolina, (b) this is an issue directly affecting the financial status and security of many thousands of South Carolina consumers, (c) upon information and belief, there has been a substantial diversity of approaches, orders (some appealed and many not), and opinions among South Carolina's Circuit Court judges on this issue and on related and very similar fact scenarios, so further direction and education to the bench and bar in South Carolina would be of great public benefit, and (d) this opinion contains a thoughtful and persuasive dissent. Further, should this Honorable Court grant Respondent's petition for rehearing *en banc*, Respondent requests the court grant oral argument in this case.

For the foregoing reasons, Respondent's counsel respectfully requests this Honorable Court grant a rehearing *en banc* in this case with oral argument.

Respectfully submitted,



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July 6, 2016

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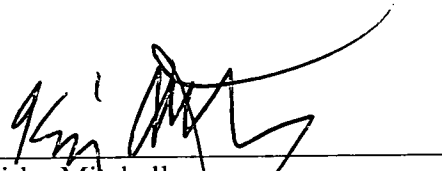
Coastal Federal Credit Union..... Appellant

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Angel Latoria Brown.....Respondent.

PROOF OF SERVICE

I certify that I have served the Respondent's Petition for Rehearing *En Banc* on Coastal Federal Credit Union by depositing a copy of it in the United States mail on July 6, 2016, addressed to their attorney of record, Sarah Dalonzo-Baker of Kirschbaum, Nanney, Keenan & Griffin, P.A., 2418 Blue Ridges Rd., Ste 200, Raleigh, North Carolina 27607.



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July 6, 2016

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