

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM OCONEE COUNTY
COURT OF COMMON PLEAS

Hon. R. Lawton McIntosh, Circuit Court Judge

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SC Court of Appeals

Case No. 2009-CP-37-1428

Andrea Beth Campbell.....Appellant

v.

Ronnie A. Brockway, M.D., and Oconee OB/GYN Assoc., PA, Respondents

RESPONDENTS' RETURN TO PETITION FOR REHEARING

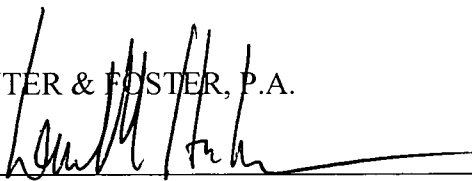
HUNTER & FOSTER, P.A.
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Attorneys for Respondents

The Respondents respectfully request that the Petition for Rehearing be denied. Contrary to the argument presented by Campbell, the opinion of the lower court does not violate either *Benton v. Roger C. Peace Hosp.*, 443 SE2d 537 (S.C. 1994) or *Dean v Ruscon Corp.*, 468 S.E.2d 645 (S.C. 1996). As this Court correctly noted in its opinion affirming the lower court, Campbell was on notice prior to June 26, 2006, of a claim arising from the procedure of August 9, 2005. Under the rule of *Dean*, the fact that Campbell might not have comprehended the full extent of her damage is immaterial. The result in *Benton* is distinguishable because the injury in that case, suffered by a patient who suffered from Down's Syndrome and was mentally disadvantaged, was not discoverable from the appearance of the symptoms that were observable after the act of alleged negligence. Here, Campbell repeatedly complained to her medical practitioners prior to June 26, 2006, of problems she believed were caused by the procedure.

For the reasons stated above, Petition for Rehearing should be denied.

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Dated: 11/14/12
Greenville, SC

Attorney for Respondents Ronnie A. Brockway,
M.D., and Oconee OB/GYN Associates, PA

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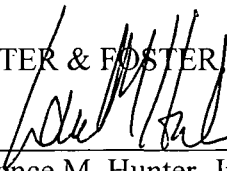
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PROOF OF SERVICE

I hereby certify that the original and six (6) copies of the Respondent's Return to Petition to Rehear were filed with the South Carolina Court of Appeals, and one (1) copy was served upon counsel for the Appellant on this date by depositing same in the United States Mail, postage prepaid, addressed as follows:

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