

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Larry B. Hyman, Jr., Circuit Court Judge

---

Case No. 2014-CP-26-1665  
Appellate Case No. 2015-000680

---

RECEIVED  
OCT 20 2017  
SC Court of Appeals

Emily Carlson and Alice Preyer, ..... Petitioners,

v.

John C. Dockery, III, ..... Respondent.

In re Emily Cheshire Dockery,

Of whom Emily Carlson and Alice Preyer ..... are the Respondents,

and

Emily Cheshire Dockery ..... is the Appellant.

---

**RESPONSE IN OPPOSITION TO RESPONDENTS'  
PETITION FOR REHEARING**

---

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

Appellant Emily Cheshire Dockery ("Appellant"), by and through her undersigned counsel, hereby submits this Response in Opposition to the Petition for Rehearing filed by Respondents Emily Carlson and Alice Preyer ("Respondents").

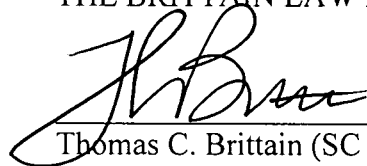
This Honorable Court has reviewed all of the pertinent documents and heard oral arguments from counsel for Appellant and Respondents. The Court's decision as to Appellant's

court appointed conservator is based on sound reasoning and accurately reflects the Record on Appeal presented to this Honorable Court for consideration together with oral arguments.

Respondents allege in their Petition for Rehearing that this Court “overlooked substantial evidence in the Record on Appeal”. Appellant strongly disagrees with this allegation and contends that the Court thoroughly reviewed the Record on Appeal and took all pertinent evidence into consideration when finding that, “Although the GAL testified her conclusions were the result of an investigation, she failed to elaborate or present any evidence verifying specific instances of financial misconduct” as to Appellant’s son John Dockery. In addition, the Appellate Court properly found that the, “probate court’s belief that a third-party conservator would prevent family infighting and give Dockery peace of mind alone does not provide the ‘good cause’ necessary to ignore the priority provision of section 62-5-410.”

For the above stated reasons Appellant respectfully request this Honorable Court deny Respondents’ Petition for Rehearing.

THE BRITTAIN LAW FIRM



Thomas C. Brittain (SC Bar #00893)  
Mary Madison Brittain Langway (SC Bar #73722)  
4614 Oleander Drive  
Myrtle Beach, SC 29577  
(843) 449-8562  
[tommyb@brittainlawfirm.com](mailto:tommyb@brittainlawfirm.com)  
[marymadison@brittainlawfirm.com](mailto:marymadison@brittainlawfirm.com)  
Attorneys for the Appellants

October 17, 2017  
Myrtle Beach, SC

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Larry B. Hyman, Jr., Circuit Court Judge

---

Case No. 2014-CP-26-1665  
Appellate Case No. 2015-000680

---

Emily Carlson and Alice Preyer, ..... Petitioners,

v.

John C. Dockery, III, .....Respondent.

In re Emily Cheshire Dockery,

Of whom Emily Carlson and Alice Preyer ..... are the Respondents,

and

Emily Cheshire Dockery ..... is the Appellant.

RECEIVED  
OCT 20 2017  
SC Court of Appeals

---

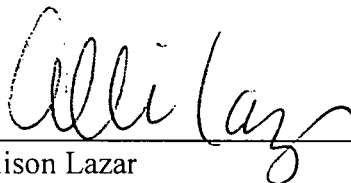
**PROOF OF SERVICE**

---

I, Allison Lazar, do hereby certify that I am an employee of The Brittain Law Firm, P.A., attorneys for the Appellant Emily Cheshire Dockery in the above-entitled action, and that I have this 18<sup>th</sup> day of October, 2017, caused to be served upon the following parties the **Response in Opposition to Respondents' Petition for Rehearing** by depositing a copy of same in the United States Mail, with sufficient first class postage affixed thereto, addressed as follows:

James F. McCrackin, Esq.  
NELSON, MULLINS, RILEY & SCARBOROUGH, LLP  
3751 Grissom Parkway, Suite 300  
Myrtle Beach, SC 29577

V. Lee Moore, Esq.  
MOORE, JOHNSON & SARANITI LAW FIRM, P.A.  
P.O. Box 14737  
Surfside Beach, SC 29587-4737



\_\_\_\_\_  
Allison Lazar

**SWORN AND SUBSCRIBED** before me  
this 18<sup>th</sup> day of October, 2017.



\_\_\_\_\_  
**NOTARY PUBLIC FOR SOUTH CAROLINA**  
My Commission Expires: 5/2/2021

THE BRITTAIN LAW FIRM, P.A.

ATTORNEYS AT LAW  
4614 OLEANDER DRIVE  
MYRTLE BEACH, SOUTH CAROLINA 29577

THOMAS C. BRITTAIN  
MARY MADISON BRITTAIN LANGWAY  
A. PRESTON BRITTAIN  
T. CASE BRITTAIN, JR.

843-449-8562  
FAX 843-497-6124  
www.brittainlawfirm.com

October 18, 2017

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

RECEIVED  
OCT 20 2017  
SC Court of Appeals

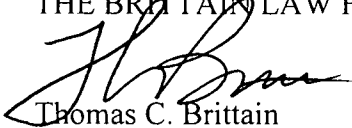
RE: Emily Carlson and Alice Preyer v. John Dockery  
Appellate Case No. 2015-000680

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of Appellant's Response in Opposition to Respondents' Petition for Rehearing in the above-referenced matter together with the Proof of Service.

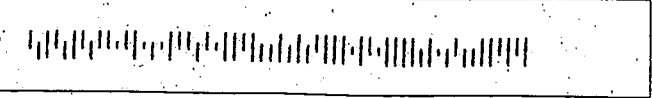
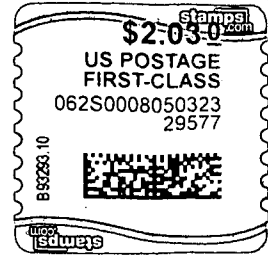
With warm regards, I am  
Yours truly,

THE BRITTAIN LAW FIRM, P.A.



Thomas C. Brittain  
Mary Madison Brittain Langway  
TCB/MMBL/all

cc: James F. McCrackin, Esq.  
Virginia Lee Moore, Esq.



THE BRITAIN LAW FIRM, P.A.  
ATTORNEYS AT LAW  
4614 OLEANDER DRIVE  
MYRTLE BEACH, SOUTH CAROLINA 29577

TO:

The Honorable Jenny Abbot Kitchens  
Clerk of Court  
SC Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

**RECEIVED**  
OCT 20 2017  
SC Court of Appeals