

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

C.A. No.: 2013-CP-10-1400

RECEIVED
DEC 13 2017
SC Court of Appeals

Robert J. BurkeRespondent,

v.

Republic Parking System, Inc.Appellant.

**APPELLANT’S RETURN IN OPPOSITION TO RESPONDENT’S MOTION FOR
LEAVE TO FILE AN UNTIMELY AMENDED PETITION FOR REHEARING**

Rule 221(a), SCACR, provides in pertinent part as follows:

Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court. A petition for rehearing shall be in accordance with Rule 240, and shall state with particularity the points supposed to have been overlooked or misapprehended by the court.


Respondent Robert J. Burke submitted his original petition for rehearing on November 6, 2017. That petition was timely under the rules. As provided by Rule 241(e), SCACR, Appellant did not file a return.

Now, more than a month later on December 7, 2017, Burke seeks to assign new and additional “points supposed to have been overlooked or misapprehended.” This attempt to take a second bite at the apple is untimely and Appellant does not consent to

this late addition. Therefore, Burke's motion for leave to file an amended petition for rehearing should be denied.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.



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Attorneys for Republic Parking System, Inc.

December 13, 2016

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PROOF OF SERVICE

I certify that I have served *Appellant's Return in Opposition to Respondent's Motion for Leave to File an Untimely Amended Petition for Rehearing* on Respondent on December 13, 2017, by mailing a copy of the same via United States Mail, postage prepaid, to the following:

Clayton B. McCullough
Jamie A. Khan
McCullough Khan, LLC
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December 13, 2017

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

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SC Court of Appeals

Re: *Robert J. Burke v. Republic Parking System, Inc.*
Appellate Case No. 2015-000269

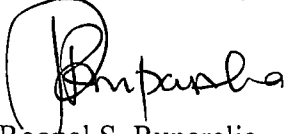
Dear Ms. Kitchings:

Enclosed herewith for filing, please find the original, *Appellant's Return in Opposition to Respondent's Motion for Leave to File an Untimely Amended Petition for Rehearing*, together with seven copies. Also enclosed is the original and one copy of the Proof of Service. I would appreciate your having the originals filed and returning clocked copies to me via my courier.

If you have any questions, please give me a call. Thank you for your assistance in this matter.

With kind regards, I remain

HAYNSWORTH SINKLER BOYD, P.A.



Roopal S. Ruparelia

RSR/jmb
Enclosures

cc: Clayton B. McCullough
Jamie A. Khan