

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Steven H. John, Resident Circuit Judge

RECEIVED
FEB 21 2018
SC Court of Appeals

CASE NO. 2016-CP-26-00937
Unpublished Opinion No. 2018-UP-083
Filed February 14, 2018

Cali Alyson Emory, individually and in a representative capacity for all others
similarly situated.....Appellant

vs.

Thag, LLC d/b/a Myrtle Beach Mitsubishi.....Respondent

**PETITION FOR REHEARING
ON BEHALF OF APPELLANTS/PETITIONERS
CALI ALYSON EMORY, INDIVIDUALLY
AND IN A REPRESENTATIVE CAPACITY
FOR ALL OTHERS
SIMILARLY SITUATED**

TO: THE HONORABLE JUDGES OF THE COURT OF APPEALS

Appellants petition this Court for rehearing pursuant to Rules 219 and/or Rule 221 SCACR
on the ground that the Court overlooked or misapprehended the following points:

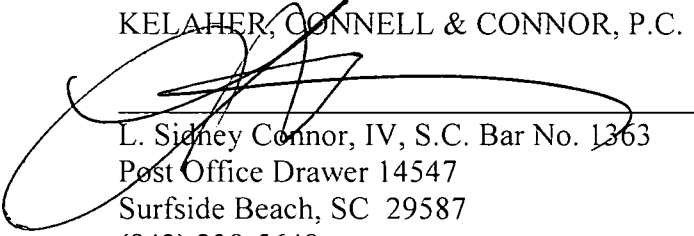
1. That the South Carolina Supreme Court's Opinion in Herron v. Century BMW, 387 S.C. 525, 693 S.E.2d 394 (2010) (Herron I) would not be decided differently today even in light of the United States Supreme Court's decisions on arbitration, because the provision for class

treatment contained within the Dealers Act was not designed to defeat arbitration or to frustrate the purposes of the Federal Arbitration Act, but is in fact neutral to arbitration agreements as it would apply equally to contracts with or without arbitration agreements.

WHEREFORE, Appellants move this Court to rehear the case.

Respectfully submitted,

KELAHER, CONNELL & CONNOR, P.C.



L. Sidney Connor, IV, S.C. Bar No. 1363
Post Office Drawer 14547
Surfside Beach, SC 29587
(843) 238-5648
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Attorneys for Appellants

February 20, 2018

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vs.

Thag, LLC d/b/a Myrtle Beach Mitsubishi, Respondent

PROOF OF SERVICE

PERSONALLY appeared before me, Shelia, who being duly sworn, deposes and says that she is an employee of KELAHER, CONNELL & CONNOR, P.C., Attorneys at Law, and that she has served the **Petition for Rehearing** on the Respondent, through its attorney of record, by depositing a copy of same in the United States Mail, postage prepaid, to:

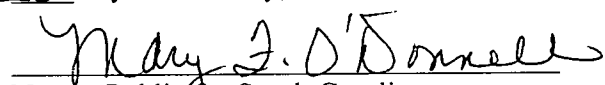
Sarah P. Spruill, Esquire
Haynsworth Sinkler Boyd, P.A.
Post Office Box 2048
Greenville, SC 29602

John H. Tiller, Esquire
Amy F. Bower, Esquire
Haynsworth Sinkler Boyd, P.A.
134 Meeting Street, 4th Floor
Charleston, SC 29401

Date of Mailing: February ~~20~~ 2018


Lynn C. Benton

SWORN to before me this
20th day of February, 2018


Notary Public for South Carolina
My Commission Expires: 5/31/26

KELAHER, CONNELL & CONNOR, P.C.

ATTORNEYS AT LAW

SUITE 209

THE COURTYARD

1500 U.S. HIGHWAY 17 NORTH

P.O. DRAWER 14547

SURFSIDE BEACH, SOUTH CAROLINA 29587

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GENE M. CONNELL, JR.
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LISA POE DAVIS

* OF COUNSEL

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238-5648
FAX: 238-5050

February 20, 2018

RECEIVED
FEB 21 2018
SC Court of Appeals

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

Re: Cali Alyson Emory, individually and in a representative capacity for all others similarly situated v. Thag, LLC d/b/a Myrtle Beach Mitsubishi
Case No.: 2016-CP-26-00937
Our File No.: 2015-352-S

Dear Ms. Kitchings:

Enclosed for filing are an original and seven (7) copies of a Petition for Rehearing in connection with the above referenced appeal, along with Proof of Service of the same. Also, enclosed is my firm's check in the amount of \$25.00 for the filing fee. Please return a clocked copy to me in the envelope provided for your convenience.

I am, by copy of his letter, serving opposing counsel.

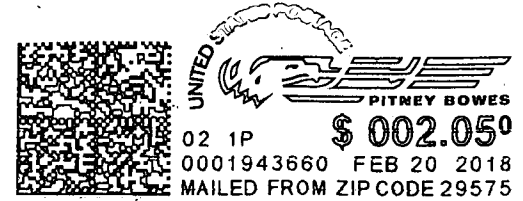
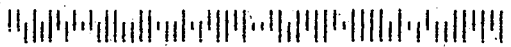
With highest regards, I am

Very truly yours,

L. Sidney Connor, IV

LSCIV:lb
Enclosures

cc with encl.: James Y. Becker, Esquire
Mary M. Caskey, Esquire
Sarah Patrick Spruill, Esquire



KELAHER, CONNELL & CONNOR, P.C.
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