

The South Carolina Court of Appeals

Estate of Edward James Mims, Laura M. Cole, Personal
Representative, Appellant,

v.

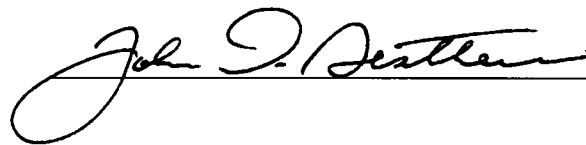
The South Carolina Department of Disabilities and
Special Needs, Kathi Lacy, and Stan Butkus,
Respondents.

Appellate Case No. 2014-001373

ORDER

Appellant moved for this court to publish its November 8, 2017 opinion (2017-UP-422) in the above captioned case. The Protection and Advocacy for People with Disabilities, Inc. and the National Academy of Elder Law Attorneys together moved for leave to file an *amici curiae* brief in support of Appellant's motion to publish. We grant the motion for leave to file an *amici curiae* brief and accept the *amici curiae* brief, as well as Respondents' brief in response.

Respondents have petitioned for rehearing. We grant Respondents' petition for rehearing in part.¹ We dispense with further briefing and argument. The attached opinion is substituted for 2017-UP-422, which is withdrawn. In light of our decision to withdraw 2017-UP-422 and publish the attached opinion, Appellant's motion to publish 2017-UP-422 is moot.



J.

¹ We grant the petition for rehearing as to Section 2, Respondents' contention that Respondents Lacy and Butkus cannot be liable for Appellant's allegations of negligence, gross negligence, and negligent supervision as a matter of law. The remainder of the petition is denied.

Stephanie P. McDonald

J.

D. Han Li

J.

Columbia, South Carolina

cc:

Patricia Logan Harrison, Esquire
Kenneth P. Woodington, Esquire
William H. Davidson, II, Esquire
Kathleen Ashley Warthen, Esquire
Andrew Jefferson Atkins, Esquire
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FILED

2/21/18