

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

The Honorable Gordon G. Cooper, Master-In-Equity

Case No. 2016-000916

Ex Parte Anthony L. Mathis,

Appellant,

Invacare Corporation, Inc.,
and all of its subsidiaries,
assignors, and assignees,

Respondents,

v.

MD Medical, LLC, and Gary
Day,

Defendants.

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SC Court of Appeals

RESPONDENTS' RETURN TO APPELLANT'S PETITION FOR REHEARING

Brandon T. Reeser
P.O. Box 13177
Charleston, SC 29422
(843) 762-4567
Attorney for Respondents

Respondents file this Return to Appellant's Motion for Rehearing and Memorandum in Support of said Motion in accordance with Rule 240, SCACR. This Court filed its unpublished opinion in this matter under case number 2018-UP-173 on May 2, 2018. In response to Appellant's arguments, Respondents submit the following:

1. In his Petition for Rehearing, Appellant first addresses whether the master-in-equity exceeded his authority by entering judgment against Appellant and ordering Dr. Petrich to redirect payments under the judgment debtor's asset sale contract to Respondent. Appellant, by his own Petition, does not challenge the Court's holding regarding the master-in-equity's authority to so enter judgment against him but instead claims that he is entitled to a determination of ownership of those funds through a separate action apart from the supplemental proceedings at issue here.

Appellant's argument is misplaced, however, as Appellant has admitted that the assets sold to Dr. Petrich pursuant to the April 1, 2015 contract were solely those of the judgment debtor. (R. pp. 69-72; 75-76; 112-15, 122-23.) Additionally, there is no dispute that Dr. Petrich issued his first \$100,000 payment for those assets to the judgment debtor and that those funds were deposited in the judgment debtor's bank account. (R. pp. 122-25.) In essence, Appellant is now attempting to create a factual issue on appeal by claiming that all of the judgment debtor's assets were in fact his individually, which directly contradicts Appellant's admissions before the master-in-equity. There is no evidence in the record before this Court, or presented before the master-in-equity, to support this contention.

2. As to the second issue raised by Appellant in his Petition, Appellant does not challenge the Court's application of the proper standard of review under the Statute of Elizabeth but asserts again that the funds at issue were not property of the judgment debtor. For the reasons explained above, Appellant's argument in this regard is misplaced as the Court's analysis on this issue was proper.

Respectfully submitted,



Brandon T. Reeser
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May 23, 2018

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

The Honorable Gordon G. Cooper, Master-In-Equity

Case No. 2016-000916

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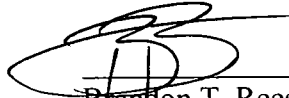
MD Medical, LLC, and Gary
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Defendants.

PROOF OF SERVICE

I certify that I have served Respondents' Return to Appellant's Petition for Rehearing on Dr. Anthony L. Mathis by depositing a copy of it in the United States Mail, postage prepaid, on May 23, 2018, addressed to his attorney of record, Carlos C. Johnson, at his address of P.O. Box 5726, Spartanburg, South Carolina 29304.

May 23, 2018



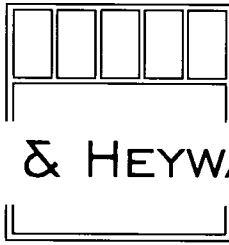
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May 23, 2018

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

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RE: Ex Parte Anthony L. Mathis
Appellate Case No.: 2016-000916

Dear Ms. Kitchings:

Enclosed for filing, please find an original and six (6) copies of Respondents' Return to Appellant's Petition for Rehearing. Additionally, please find enclosed the Proof of Service of same on counsel for the Appellant.

Thank you for your assistance in this matter.

Sincerely,

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Attorney for Respondents

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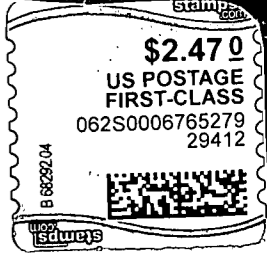
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SOUTH CAROLINA COURT OF APPEALS
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COLUMBIA, SC 29211