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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
George M. McFaddin, Jr., Circuit Court Judge

**RECEIVED**

JAN 21 2020

SC Court of Appeals

Appellate Case No. 2019-002081  
Case No. 2018-CP-18-1960

Carl Michael Funny, .....

Respondent,

v.

Waffle House, Inc. and Christopher Heithaus, .....

Appellants.


**PETITION FOR REHEARING**

The Appellants Waffle House, Inc. and Christopher Heithaus petition the South Carolina Court of Appeals for a rehearing of the Court's Order filed January 6, 2020, which *sua sponte* dismisses this appeal. This petition for rehearing is filed in accordance with Rule 221(a) and Rule 240(j), SCACR. Rule 240(j) provides that “[a]ny review of an order issued by an individual judge or justice shall be by petition for rehearing.”

The grounds for the Appellants' petition for rehearing are addressed in detail in the supporting memorandum filed herewith and incorporated herein.

The petition for rehearing is based on the Court's January 6, 2020 dismissal of this appeal; the supporting memorandum filed herewith; and other rules of court.

LINDEMANN, DAVIS & HUGHES, P.A.

BY:   
\_\_\_\_\_  
ANDREW F. LINDEMANN #13030  
5 Calendar Court, Suite 202  
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(803) 881-8920  
Email: andrew@ldh-law.com

*Counsel for Appellants*

January 21, 2020

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Carl Michael Funny, ..... Respondent,

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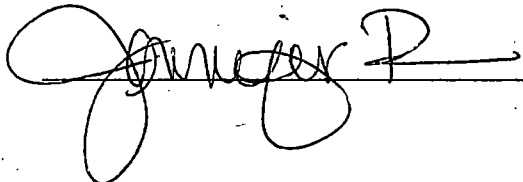
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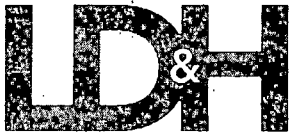
**CERTIFICATE OF SERVICE**

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The undersigned employee of Lindemann, Davis & Hughes, P.A., counsel for the Appellants, does hereby certify that service of the **Petition for Rehearing and Memorandum in Support of Petition for Rehearing** was made upon Respondent's counsel by placing a copy in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 21st day of January 2020:

Joshua E. Slavin, Esquire  
The Law Offices of Joshua E. Slavin, LLC  
746 Wakendaw Boulevard  
Mount Pleasant, South Carolina 29464

  
\_\_\_\_\_



**LINDEMANN  
DAVIS &  
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5 Calendar Court, Suite 202 (29206)  
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January 21, 2020

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*\*Also Admitted in North Carolina  
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*Of Counsel*

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**Hand Delivered**

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

RE: Carl Michael Funny v. Waffle House, Inc. and Christopher Heithaus  
Appellate Case Number: 2019-002081  
Civil Action Number: 2018-CP-18-1960  
Claim Number: GL20170000996  
Our File Number: 326.20090

Dear Ms. Kitchings:

Please find enclosed for filing the originals and seven copies each of the **Petition for Rehearing and Memorandum in Support of Petition for Rehearing** in the above referenced matter. Please find the originals and return a clocked-in copy of each document to me by way of my courier. I have also enclosed my firm's \$50.00 check for the filing fee.

By copy of this letter, I am serving copies on Respondent's counsel. If you have any questions, please advise.

Sincerely,

LINDEMANN, DAVIS & HUGHES, P.A.

Andrew F. Lindemann

AFL/jmb  
Enclosures

cc: (w/ Enclosures)

Joshua E. Slavin, Esquire  
The Law Offices of Joshua E. Slavin, LLC  
746 Wakendaw Boulevard  
Mount Pleasant, South Carolina 29464

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