

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Aug 27 2020

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable Perry H. Gravely, Circuit Court Judge

Meghan Gaffney.....Appellant,

v.

The Greenville County Sheriff's Office, Greenville County, and Alorica, Defendants,

Of which Alorica is theRespondent.

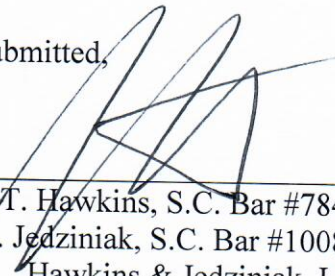
Case No. 2020-CP-23-00906
Appellate Case No.: 2020-001044

APPELLANTS PETITION FOR REHEARING

COMES NOW the appellant, pursuant to Rule 221, SCACR, and other rules of Court, and petitions for rehearing as to the Court's dismissal of this appeal. The appellant, in an abundance of caution, files this petition in order to preserve her ability to file a petition for certiorari. The appellant respectfully submits that her substantial rights will be affected if the dismissal of her case is upheld and she is compelled to arbitrate without meaningfully entering into an agreement to do so. Additionally, as a question of fact exists as to whether the parties entered into an arbitration agreement, the plaintiff respectfully requests that the parties be allowed to conduct limited discovery on that issue. The appellant respectfully submits that the Appellate Court should have ruled that the Circuit Court should have retained jurisdiction pursuant to *Rent-A-Center, West, Inc. v. Jackson*, 561 US 63 (2010). The appellant also respectfully submits that any limitation on her ability to seek redress established by *Toler's Cove Homeowners Ass'n, Inc. v. Trident Const. Co.*, 586 S.E.2d 581 (2003) and other case law should be modified, extended, or changed.¹

¹ The appellant respectfully preserves for appeal all issues related to this case, including all issues discussed in memoranda or other filings, hearings, and herein, including issues related to Due Process, the state and federal right to a jury trial, Equal Protection, and all other constitutional issues.

Respectfully submitted,



Joshua T. Hawkins, S.C. Bar #78470
Helena L. Jedziniak, S.C. Bar #100825
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Attorney for Respondent Alorica

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PROOF OF SERVICE

I certify that I served the Appellant's Petition for Rehearing to the Court of Appeals at ctappfilings@sccourts.org, and on Respondent Alorica, by electronic filing, to its attorneys of record, T. Chase Samples of Jackson Lewis, 15 South Main Street, Suite 700, Greenville, South Carolina, 29601, to the email address: chase.samples@jacksonlewis.com.

s/ Joshua T. Hawkins
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August 27, 2020

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1220 Senate Street
Columbia, SC 29201

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SC Court of Appeals

Re: *Meghan Gaffney v. The Greenville County Sheriff's Office, Greenville County, and Alorica, Defendants, of which Alorica is the Respondent.*
Appellate Case No. 2020-001044

Dear Ms. Kitchings,

Please find enclosed for filing Appellant's Petition for Rehearing in the above-mentioned case. Please also find enclosed the following:

- ✓ Proof of service to all parties, and
- ✓ Filing fee of \$50. (*included with copy sent U.S. Mail)

Should you have any questions, please do not hesitate to contact our office.

Sincerely,



Monica Brody
Paralegal

Enclosures

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