

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM COLLETON COUNTY  
Court of Common Pleas

A. Victor Rawl, Special Referee

Opinion No. 5094

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Neeltec Enterprises, Inc. d/b/a Fireworks  
Supermarket.....Appellant

vs.

Willard Long d/b/a/Foxy's Fireworks and d/b/a Fireworks Superstore  
.....Respondent

APPELLANT'S RETURN TO RESPONDENT'S PETITION FOR REHEARING

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March 15 , 2013

Attorneys for Appellant

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**S.C. SUPREME COURT**

The Supreme Court held in *Spence v. Wingate*, 381 S.C. 487, 674 S.E.2d 169 (2009) that where the lower court grants a party's motion on the *precise* ground sought by the moving party, the aggrieved party need take no further action to preserve the issue on appeal.

The Order of the Special Referee, issued nearly seven years ago, did just that. Neeltec seeks to have its case proceed to a trial on the merits at the earliest convenient date.

All of which is respectfully submitted this 15<sup>th</sup> day of March, 2013.

  
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Attorney for Appellant, Neeltec Enterprises, Inc.

**CERTIFICATE OF SERVICE BY MAIL**

Opinion No. 5094

I, Sheri H. McClendon, a paralegal with the law firm of Rogers Townsend & Thomas, PC, do hereby certify that I have served a copy of the foregoing document upon counsel of record by U.S. Mail, postage prepaid, on March 15, 2013, at the following address:

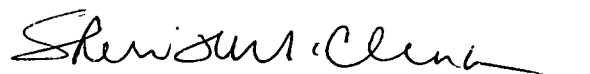
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