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Mar 12 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master in Equity and Special Circuit Court Judge

Appellate Case No. 2017-001555

CAROLINA CENTER BUILDING CORP., Appellant,

v.

ENMARK STATIONS, INC. AND
THE TOWN OF HILTON HEAD ISLAND, Respondents

RESPONDENT ENMARK'S RETURN TO
APPELLANT'S PETITION FOR REHEARING

Respondents submit this Return to Appellant's Petition for Rehearing pursuant to Rule 221(a) SCACR.

Standard of Review Under Rule 221(a) SCACR

A petition for rehearing is designed to bring to the attention of the appellate court matters or issues it may have overlooked or misapprehended previously on appeal. "The purpose of a petition for rehearing is not ". . . to have the case tried in the appellate court a second time." *Kennedy v. S.C. Retirement Sys.*, 349 S.C. 351, 532, 564 S.E.2d 322, 322 (2001) (quoting Jean H. Toal, *Appellate Practice in South Carolina* 309 (1999)).

Argument

The Appellant's forty-six (46) page Petition for Rehearing is simply a verbatim copy of its Final Brief on Appeal. It does not highlight any issue overlooked or misapprehended but is just an attempt to argue the appeal a second time. All said issues were thoroughly discussed in Respondent's Final Brief and properly determined in this Court's February 10, 2021 decision.

Said Petition should be denied.

RUSSELL P. PATTERSON, P.A.

By: /s/ Russell P. Patterson
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Hilton Head Island, South Carolina
March 12, 2021

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ENMARK STATIONS, INC. AND Respondents
THE TOWN OF HILTON HEAD ISLAND,

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below counsel for Appellant and counsel for Respondent Town of Hilton Head Island were served with a copy of Respondent Enmark Stations, Inc.'s Return to Appellant's Petition for Rehearing by mailing a copy of the same via E-mail and First Class, U.S. Mail, postage-paid on the date set forth below.

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Respectfully submitted,

/s/ Russell P. Patterson

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SC Court of Appeals

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March 12, 2021

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Via E-Mail & Mail
ctappfilings@sccourts.org

Re: Carolina Center v. Enmark Stations, Inc.
Appellate Case: 2017-00155

Dear Ms. Allen:

Please find attached the original of Respondent's Return to Appellant's Petition for Rehearing, along with a Certificate of Service by Mail.

Please contact me with any questions.

Sincerely,
RUSSELL P. PATTERSON, P.A.


Russell P. Patterson

RPP:djt

Enclosures

cc: H. Fred Kuhn, Esq. (w/encl.)
Gregory Milam Alford, Esq. (w/encl.)