

RECEIVED

Jun 13 2022

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Spartanburg County
Court of Common Pleas

Grace Gilchrist Knie, Circuit Court Judge

Case No. 2021-CP-42-01048
Appellate Case No. 2022-000173

Pamela Farmer,
as Personal Representative of the Estate of Wallace F. Powell,

Respondent,

v.

THI of South Carolina at Spartanburg, LLC
d/b/a Magnolia Manor-Spartanburg; THI of South Carolina, LLC;
Jeanette Blankenship; Rusty Flathmann; and Angela Sherbert,

Appellants.

**MOTION FOR LIMITED REMAND
TO REQUEST CIRCUIT COURT APPROVAL OF SETTLEMENT**

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
D. Jay Davis, Jr. (SC Bar No. 12084)
Russell G. Hines (SC Bar No. 72100)
Kara S. Grevey (SC Bar No. 101742)
T. Ashton Phillips, III (SC Bar No. 104227)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Attorneys for Appellants

NOW COME Appellants, THI of South Carolina at Spartanburg, LLC d/b/a Magnolia Manor-Spartanburg; THI of South Carolina, LLC; Jeanette Blankenship; Rusty Flathmann; and Angela Sherbert, by and through their undersigned counsel, and hereby move this Honorable Court for relief as follows.

The parties to this case, i.e., Appellants and Respondent, Pamela Farmer, as Personal Representative of the Estate of Wallace F. Powell, have reached an agreement that, provided it is approved by the circuit court,¹ will fully and finally settle the case, and thus moot this appeal.

WHEREFORE, Appellants move this Court for an order²:

- (a) Remanding this case to the circuit court for the limited purpose of allowing the parties to seek the circuit court's approval of the parties' settlement agreement;
- (b) Providing that, in the event the circuit court *approves* the settlement, the parties shall promptly advise this Court of the

¹ This is a wrongful death and survival action. Accordingly, the parties' settlement agreement must be approved by the circuit court. *See* S.C. Code Ann. § 15-51-42.

² PLEASE NOTE: Pursuant to the Court's order of May 16, 2022, Appellants' initial brief is due today, June 13, 2022. Because of this deadline, Appellants are going ahead and filing the instant motion on their own, as opposed to filing a "consent" motion that bears Respondent's counsel's signature, too. But this is simply a matter of Appellants' undersigned counsel having not yet been able to confirm Respondent's counsel's approval to add their "s/" signature to the instant motion. Appellants' undersigned counsel fully expects that Respondent's counsel's formal consent to the instant motion will be obtained and conveyed to the Court shortly.

same and that this appeal should be dismissed with no costs awarded to or assessed against any party; and

- (c) Providing that, in the event the circuit court does *not* approve the settlement, the parties shall promptly advise this Court of the same and that this appeal should be reinstated to proceed in due course.

Additionally, Appellants request that the Court hold this appeal in abeyance—to include expressly the deadline for Appellants’ initial brief—until it rules upon the instant motion.

<SIGNED ON THE FOLLOWING PAGE>

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Stephen L. Brown (SC Bar No. 66468)
D. Jay Davis, Jr. (SC Bar No. 12084)
Russell G. Hines (SC Bar No. 72100)
Kara S. Grevey (SC Bar No. 101742)
T. Ashton Phillips, III (SC Bar No. 104227)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488
Attorneys for Appellants

Charleston, South Carolina

June 13, 2022

RECEIVED

Jun 13 2022

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Spartanburg County
Court of Common Pleas

Grace Gilchrist Knie, Circuit Court Judge

Case No. 2021-CP-42-01048

Appellate Case No. 2022-000173

Pamela Farmer,
as Personal Representative of the Estate of Wallace F. Powell,

Respondent,

v.

THI of South Carolina at Spartanburg, LLC
d/b/a Magnolia Manor-Spartanburg; THI of South Carolina, LLC;
Jeanette Blankenship; Rusty Flathmann; and Angela Sherbert,

Appellants.

PROOF OF SERVICE

CLEMENT RIVERS, LLP

Stephen L. Brown (SC Bar No. 66468)

D. Jay Davis, Jr. (SC Bar No. 12084)

Russell G. Hines (SC Bar No. 72100)

Kara S. Grevey (SC Bar No. 101742)

T. Ashton Phillips, III (SC Bar No. 104227)

25 Calhoun Street, Suite 400

Charleston, South Carolina 29401

P.O. Box 993 (29402)

(843) 720-5488

Attorneys for Appellants

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that the **MOTION FOR LIMITED REMAND TO REQUEST CIRCUIT COURT APPROVAL OF SETTLEMENT** was served on Respondent on June 13, 2022, by emailing (see attached email) a copy of the same to Respondent's counsel of record:

Charles E. Usry, Esquire
cusry@rplegalgroup.com
Jescelyn T. Spitz, Esquire
jspitz@rplegalgroup.com
RIKARD & PROTOPAPAS, LLC
2110 N. Beltline Blvd.
Columbia, SC 29204
Attorneys for Respondent

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Russell G. Hines (SC Bar No. 72100)
Attorneys for Appellants

Charleston, South Carolina

June 13, 2022

Hines, Russell

From: Hines, Russell
Sent: Monday, June 13, 2022 10:23 PM
To: 'Jescelyn Spitz'; 'Charles Usry'
Cc: 'Emily Medlin'; Davis, Jay; Wakeham, Rebecca (Becky); Grevey, Kara S.; Phillips, Ashton; 'Brown, Steve'; Justman, Aimee; Bell, Pollyana (Polly)
Subject: Farmer v. THI (2022-000173) -- Motion for Limited Remand to Request Circuit Court Approval of Settlement
Attachments: Farmer v. THI (2022-000173) -- Mot. for Limited Remand for Settlement Purposes.pdf

Attached regarding the above-referenced case please find the **Motion for Limited Remand to Request Circuit Court Approval of Settlement**.

Russell G. Hines
CLEMENT RIVERS, LLP
www.ycrlaw.com
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
Phone: (843) 720-5488
Fax: (843) 579-1327
Email: rhines@ycrlaw.com



CLEMENT RIVERS, LLP
25 Calhoun Street • Suite 400 • Charleston, SC 29401
ycrlaw.com