

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

RECEIVED

Jul 27 2022

SC Court of Appeals

Appeal from Spartanburg County
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Case No. 2019-CP-42-03708 and
Case No. 2019-CP-42-03709

Kenneth Pace,
Individually and as Personal Representative of
the Estate of Earl E. Pace,

Respondent,

v.

Lake Emory Post Acute Care; THI of South Carolina at Camp
Care, LLC; THI of South Carolina, LLC; THI of Baltimore, Inc.;
Fundamental Administrative Services, LLC; Fundamental
Clinical and Operational Services, LLC; Fundamental Clinical
Consulting, LLC; Fundamental Long Term Care Holdings, LLC;
and Kerry L. Wheeler, DO,

Defendants,

Of which Lake Emory Post Acute Care; THI of South Carolina at
Camp Care, LLC; THI of South Carolina, LLC; THI of
Baltimore, Inc.; Fundamental Administrative Services, LLC;
Fundamental Clinical and Operational Services, LLC; and
Fundamental Long Term Care Holdings, LLC, are

Appellants.

NOTICE OF APPEAL

**Counsel identified on next page*

CLEMENT RIVERS, LLP

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Attorneys for Appellants

Other Counsel of Record:

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Attorneys for Respondent

Defendants Lake Emory Post Acute Care; THI of South Carolina at Camp Care, LLC;¹ THI of South Carolina, LLC; THI of Baltimore, Inc.; Fundamental Administrative Services, LLC; Fundamental Clinical and Operational Services, LLC; and Fundamental Long Term Care Holdings, LLC (collectively, “Appellants”), hereby appeal the following orders of the Honorable R. Keith Kelly, Circuit Court Judge:

- **Order Denying Defendants’ Motions to Dismiss, Compel Arbitration, and to Stay the State Court Proceeding**, filed April 8, 2021, and
- **Order Denying the Motion to Alter, Amend and/or Reconsider by the Defendants**, filed June 27, 2022.

Copies of the appealed orders are attached hereto and incorporated herein by reference. Appellants received written notice of entry of the most recent order on June 27, 2022.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Stephen L. Brown (SC Bar No. 66468)
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Attorneys for Appellants

Charleston, South Carolina

July 26, 2022

¹ Plaintiff/Respondent misidentified “Lake Emory Post Acute Care” and “THI of South Carolina at Camp Care, LLC” as separate entities. “THI of South Carolina at Camp Care, LLC” does business as “Lake Emory Post Acute Care.”

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Consulting, LLC; Fundamental Long Term Care Holdings, LLC;
and Kerry L. Wheeler, DO,

Defendants,

Of which Lake Emory Post Acute Care; THI of South Carolina at
Camp Care, LLC; THI of South Carolina, LLC; THI of
Baltimore, Inc.; Fundamental Administrative Services, LLC;
Fundamental Clinical and Operational Services, LLC; and
Fundamental Long Term Care Holdings, LLC, are

Appellants.

PROOF OF SERVICE

**Counsel identified on next page*

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Attorneys for Appellants

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that Appellants' **NOTICE OF APPEAL** was served on Respondent on July 26, 2022, by emailing (see attached) a copy of the same to Respondent's counsel of record:

Jennifer Spragins Burnett, Esquire
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Attorneys for Respondent

I also certify that a copy of this **NOTICE OF APPEAL** is this day, July 26, 2022, being E-Filed with the lower court (which will also, i.e., in addition to service by email, effect service of the notice today on Respondent's above-identified counsel of record via the E-Filing System).

Respectfully submitted,
CLEMENT RIVERS, LLP

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

Charleston, South Carolina

July 26, 2022

From: [Hines, Russell](#)
To: [Jennifer Burnett](#); "[Anthony Harbin](#)"
Cc: "[Brown, Steve](#)"; [Davis, Jay](#); [Phillips, Ashton](#); [Wakeham, Rebecca \(Becky\)](#); [Peterson, Susan](#); [Preiser, Skyla](#); [Justman, Aimee](#); [Bell, Pollyana \(Polly\)](#)
Subject: Pace v. Lake Emory Post Acute Care (Cases No. 2019-CP-42-03708 & -03709) -- Notice of Appeal
Date: Tuesday, July 26, 2022 11:36:15 PM
Attachments: [image001.png](#)
[Pace v. Lake Emory -- Notice of Appeal.pdf](#)
[Appealed Order 1 -- 2021 4-8 -- Order Denying MTCA and MTS.pdf](#)
[Appealed Order 2 -- 2022 6-27 -- Order Denying MTR.pdf](#)

Attached please find our **Notice of Appeal** in the above-referenced cases.

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