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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

Case No. 2021-CP-26-01328

Jane Doe, Respondent,

v.

Massage Envy Franchising, LLC; Palmetto Wellness Group, LLC;
Palmetto Wellness Group, SC, LLC, d/b/a Massage Envy Grand Dunes;
and PGD Investments, Inc., Defendants.

Of whom Massage Envy Franchising, LLC is the Appellant.

NOTICE OF APPEAL

Pursuant to Rule 203, SCACR, Appellant Massage Envy Franchising, LLC appeals, in part, the Order denying Massage Envy Franchising, LLC's Motion to Dismiss, or in the Alternative, Stay Litigation and to Compel Arbitration of Plaintiff's Claims, and/or in the Alternative to Dismiss Plaintiff's Claims Pursuant to Rule 12(b)(6) ("Motion to Compel Arbitration"), entered by the Honorable Kristi F. Curtis, on August 24, 2022. Appellant received electronic notice of the entry of the Order denying its Motion to Compel Arbitration on August 24, 2022. A copy of the Order denying Massage Envy Franchising, LLC's Motion to Compel Arbitration is attached hereto as **Exhibit A**.

Appellant hereby timely appeals the August 24, 2022 Order.

Respectfully Submitted,

s/ Lindsay A. Joyner

John T. Lay, SC BAR NO. 64526

Lindsay A. Joyner, SC BAR NO. 77437

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September 22, 2022

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Palmetto Wellness Group, SC, LLC, d/b/a Massage Envy Grand Dunes;
and PGD Investments, Inc., Defendants.

Of whom Massage Envy Franchising, LLC is the Appellant.

PROOF OF SERVICE

This is to certify that the undersigned counsel has caused to be served this day (1) copy of Notice of Appeal via electronic mail at the address stated in the Amended Order of the Supreme Court dated May 6, 2022 and as set forth below to the following:

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Palmetto Wellness Group SC, LLC; &
Massage Envy Grande Dunes

A copy of the email serving counsel for Respondents is attached hereto.

Respectfully Submitted,

s/ Lindsay A. Joyner
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Attorneys for Appellant Massage Envy
Franchising, LLC

September 22, 2022
Columbia, South Carolina

From: [Lindsay Joyner](#)
To: scott@evansmoorelaw.com; [James B. Moore III](#); [Brian Kent](#); [Stewart Ryan](#)
Cc: [Blackburn, Cherie](#); [Ricard, Rhett D.](#); [Jasmine D. Smith](#); [Cal Watson](#); [Jillian Hansen](#); [Brachman, Paul D](#)
Bcc: [Brad Shwer](#); [Nicole Stewart](#); [Lorena Van Assche](#); [9461_2 Jane Doe v Massage Envy Franchising LLC Palmetto Wellness Group LLC Palmetto Wellness Group SC LLC d b a Massage Envy Grande Dunes and PGD Email 9461_2](#)
Subject: Jane Doe, plaintiff v. Massage Envy Franchising, LLC, et al Case No. 2021-CP-26-01328 [GWB-IMANMAIN.FID868764]
Date: Thursday, September 22, 2022 8:47:55 AM
Attachments: [\[FINAL\] Ltr CtApp encl Notice of Appeal.pdf](#)
[\[FINAL\] Notice of Appeal with Exhibit A.pdf](#)

Scott, James, Brian, and Stewart,

As permitted by Supreme Court Order 2022-05-06-03, part (d)(1), and pursuant to Rule 203 of the South Carolina Appellate Court Rules, I am herewith serving via email Appellant Massage Envy Franchising, LLC's Notice of Appeal in the above-captioned matter. Shortly, I will be filing these documents with the Court of Appeals as permitted by Order 2022-05-06-03, part (b)(2), and I will attach this email to the proof of service of the same.

Should you have any issues opening the attachments, please let me know. Thank you.

With warmest regards,

Lindsay



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This message is from the law firm Gallivan, White & Boyd, PA and may be a confidential and privileged legal communication to the named recipient(s). If you receive this message in error or are not the named recipient(s), please notify the sender and delete this email. Thank you.

September 22, 2022

VIA EMAIL ONLY

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201
ctappfilings@sccourts.org

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Sep 22 2022
SC Court of Appeals

Re: *Jane Doe v. Massage Envy Franchising, LLC et al.*
Horry County C/A No. 2021-CP-26-01328
GWB File No. 9461-2

Dear Ms. Kitchings:

Attached for electronic filing in accordance with Supreme Court Order 2022-05-06-03, part (b)(2), and pursuant to Rule 203 of the South Carolina Appellate Court Rules, please find the Notice of Appeal of Appellant Massage Envy Franchising, LLC in the above-captioned matter. As permitted by Order 2022-05-06-03, no other copies, whether paper or electronic, are being provided, unless requested by the Court.

By copy of this letter, we are serving counsel for Respondents via email as permitted by Order 2022-05-06-03, part (d)(1), and attached is a proof of service to that effect.

Our firm's check in the amount of \$250.00 for payment of the filing fee will be delivered to the Court today via our courier.

If you have any questions or need additional information, please do not hesitate to contact me.

With kind regards, I am

Sincerely,

GALLIVAN, WHITE & BOYD, P.A.



Lindsay A. Joyner

LAJ/jh
Enclosures

cc: Scott Christopher Evans (*via U.S. mail & email*)
James Bernice Moore, III (*via U.S. mail & email*)
Brian D. Kent (*via U.S. mail & email*)
M. Stewart Ryan (*via U.S. mail & email*)
Cherie W. Blackburn (*via email only*)
Rhett Douglas Ricard (*via email only*)
J. Calhoun Watson (*via email only*)
Jasmine Denise Smith (*via email only*)