

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**  
**Sep 23 2022**  
**SC Court of Appeals**

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Honorable Kristi F. Curtis, Circuit Court Judge

Case No. 2021-CP-26-01328  
Appellate Case No.: 2021-001439

Jane Doe, .....Respondent,

-v-

Massage Envy Franchising, LLC, Palmetto Wellness Group, LLC<sup>1</sup>,... Respondents.  
PGD Investments, Inc.

Of Whom PGD Investments, Inc. is the .....Appellant,

**NOTICE OF APPEAL**

Pursuant to Rule 203, SCACR, PGD Investments, Inc. appeals the Honorable Kristi F. Curtis’ August 24, 2022 Order denying the Motions to Stay Litigation and Compel Arbitration or Alternatively Dismiss the Complaint. Appellant received written notice of entry of these orders on August 24, 2022.

<sup>1</sup> Palmetto Wellness Group, SC, LLC (incorrectly styled “Palmetto Wellness Group, SC, LLC d/b/a Massage Envy grand Dunes” in the Complaint) was dismissed from this action February 25, 2022.

September 23, 2022

Respectfully submitted,

s/ Cherie W. Blackburn

Cherie W. Blackburn (SC Bar No. 10812)

Rhett D. Ricard (SC Bar No. 102353)

NEXSEN PRUET, LLC

205 King Street, Suite 400 (29401)

P.O. Box 486

Charleston, South Carolina 29402

Phone: 843.577.9440

Facsimile: 843.414.8209

E-mail: [cblackburn@nexsenpruet.com](mailto:cblackburn@nexsenpruet.com)

E-mail: [rricard@nexsenpruet.com](mailto:rricard@nexsenpruet.com)

ATTORNEYS FOR APPELLANT PGD  
INVESTMENTS, INC.

Other Counsel of Record:

James B. Moore III, Esquire

Scott C. Evans, Esquire

Evans Moore, LLC

121 Screven Street

Georgetown, SC 29440

Brian D. Kent, Esquire

M. Stewart Ryan, Esquire

Laffey, Bucci & Kent, LLP

1435 Walnut Street, Suite 700

Philadelphia, PA 19102

**Attorneys for Respondent Jane Doe**

John T. Lay, Esquire

Lindsay A. Joyner, Esquire

Gallivan, White & Boyd P.A.

Post Office Box 7368

Columbia, SC 29202

Paul D. Brachman, Esquire

Paul, Weiss, Rifkind, Wharton & Garrison LLP

2001 K Street, NW

Washington, DC, 20006-1047

Bradley D. Shwer, Esquire  
Thorpe Shwer, PC  
3200 N. Central Avenue, Suite 1560  
Phoenix, AZ 85012  
**Attorneys for Massage Envy Franchising, LLC**

Jasmine D. Smith, Esquire  
J. Calhoun Watson, Esquire  
Robinson Gray, LLC  
Post Office Box 11449  
Columbia, South Carolina 29211  
**Attorneys for Palmetto Wellness Group, LLC**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

**Sep 23 2022**

**SC Court of Appeals**

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Honorable Kristi F. Curtis, Circuit Court Judge

Case No. 2021-CP-26-01328  
Appellate Case No.: 2021-001439

Jane Doe, .....Respondent,

-v-

Massage Envy Franchising, LLC, Palmetto Wellness Group, LLC<sup>2</sup>,... Respondents.  
PGD Investments, Inc.

Of Whom PGD Investments, Inc. is the .....Appellant,

**PROOF OF SERVICE**

I certify that I have served Notice of Appeal upon Appellant by sending a copy of it via email, on September 23, 2022 to their attorneys of record as follows:

James B. Moore III, Esquire  
Scott C. Evans, Esquire  
Evans Moore, LLC  
121 Screven Street  
Georgetown, SC 29440

Brian D. Kent, Esquire  
M. Stewart Ryan, Esquire  
Laffey, Bucci & Kent, LLP  
1435 Walnut Street, Suite 700  
Philadelphia, PA 19102

<sup>2</sup> Palmetto Wellness Group, SC, LLC (incorrectly styled “Palmetto Wellness Group, SC, LLC d/b/a Massage Envy grand Dunes” in the Complaint) was dismissed from this action February 25, 2022.

*Laura Patat*

---

Laura Patat, Legal Assistant  
NEXSEN PRUET, LLC

**From:** [Patat, Laura O.](#)  
**To:** ["scott@evansmoorelaw.com"](mailto:scott@evansmoorelaw.com); ["james@evansmoorelaw.com"](mailto:james@evansmoorelaw.com); ["Brian Kent"](#); ["Stewart Ryan"](#)  
**Cc:** [Blackburn, Cherie](#); [Ricard, Rhett D.](#); ["ljoyner@GWBlawfirm.com"](mailto:ljoyner@GWBlawfirm.com); ["jlay@GWBlawfirm.com"](mailto:jlay@GWBlawfirm.com); ["pbrachman@paulweiss.com"](mailto:pbrachman@paulweiss.com); ["Cal Watson"](#)  
**Bcc:** ["PGD Investments Inc 065668 00001 Jane Doe v PGD Investments et al E Mails"](#)  
**Subject:** Jane Doe v. Massage Envy Franchising, LLC, et al Case No. 2021-CP-26-01328 [IWOV-NPCHAR1.FID1175642]  
**Date:** Friday, September 23, 2022 2:16:04 PM  
**Attachments:** [9.23.22 - Letter to Court of Appeals for Notice of Appeal filing - PGD Investments.pdf](#)  
[Notice of Appeal - PGD Investments.pdf](#)

---

Good Afternoon,

Please see attached for service upon you Appellant PGD Investments, Inc.'s Notice of Appeal in the above-referenced matter. The attached will be emailed shortly to the South Carolina Court of Appeals for filing.

Thank you,  
Laura

## Laura O. Patat

Legal Practice Assistant  
Nexsen Pruet, LLC  
205 King St, Suite 400  
Charleston, SC 29401  
Post Office Box 486 (29402)  
T: 843.720.1744, F: 8434148233  
[LPatat@nexsenpruet.com](mailto:LPatat@nexsenpruet.com)

[www.nexsenpruet.com](http://www.nexsenpruet.com)



September 23, 2022

**VIA E-MAIL AND UPS DELIVERY**

**RECEIVED**

**Sep 23 2022**

**SC Court of Appeals**

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

**Re: *Jane Doe v. Palmetto Wellness Group, LLC, PGD Investments, Inc., et al.***  
***Horry County, Civil Action No. 2021-CP-26-01328***

Dear Ms. Kitchings:

Attached for electronic filing, please find the Notice of Appeal of Appellant PGD Investments, Inc. in the above-referenced matter. Our firm's check in the amount of \$250.00 for payment of the filing fee will be delivered via UPS delivery.

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

Very truly yours,



Cherie W. Blackburn

Enclosures

CWB/lop

cc: J. Calhoun Watson, Esquire (via U.S. Mail and Email)  
Jasmine D. Smith, Esquire (via U.S. Mail and Email)  
James B. Moore III, Esquire (via U.S. Mail and Email)  
Scott C. Evans, Esquire (via U.S. Mail and Email)  
M. Stewart Ryan, Esquire (via U.S. Mail and Email)

Austin

**Charleston**

Charlotte

Columbia

Greensboro

Greenville

Bluffton / Hilton Head

Myrtle Beach

Raleigh

Ms. Jenny Abbott Kitchings  
September 23, 2022  
Page 2

Brian D. Kent, Esquire (via U.S. Mail and Email)  
Lindsay A. Joyner, Esquire (via U.S. Mail and Email)  
John T. Lay, Esquire (via U.S. Mail and Email)  
Paul D. Brachman, Esquire (via U.S. Mail and Email)