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Sep 26 2022

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

The Honorable Frank R. Addy, Jr.
Circuit Court Judge

C.A. No.: 2022-CP-24-00514 & 2022-CP-24-00515

Barry R. Prince as Personal Representative
of the Estate of Louvenia Prince.....Respondent,

v.

NHC Healthcare - Greenwood LLC d/b/a
National Healthcare of Greenwood,
National Healthcare Corporation, NHC/OP,
L.P. , National Health Corporation,
National Health Investors Appellants.

NOTICE OF APPEAL

NHC Healthcare - Greenwood LLC d/b/a National Healthcare of Greenwood, National Healthcare Corporation, NHC/OP, L.P., National Health Corporation, National Health Investors (“Defendants”), appeal the orders denying the motions to dismiss and motions to compel arbitration dated August 26, 2022. Defendants received written notice of the denial of their motions on August 26, 2022. A copy of these orders are attached to this notice.

ELECTRONICALLY FILED - 2022 Sep 26 3:19 PM - GREENWOOD - COMMON PLEAS - CASE#2022CP2400515

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

s/Denny P. Major

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Attorneys for Appellants

September 26, 2022

Other Counsel of Record:

CHRISTIAN & CHRISTIAN

Warren H. Christian, Jr.

Joshua D. Christian, S.C. Bar No. 73820

Post Office Box 332

Greenville, SC 29602

(864) 232-7363

Attorney for Plaintiff

EXHIBIT A

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF GREENWOOD
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022-CP-24-514

BARRY PRINCE, ET AL

NHC, ET AL

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: COURT

Attorney for : Plaintiff Defendant
or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order attached) Statement of Judgment by the Court:

This matter came before the Court on August 25, 2022 on Defendant’s motion to compel arbitration and motion to dismiss certain corporate Defendants. Having considered the pleadings and argument of counsel, the Court finds that a genuine dispute exists as to whether an enforceable arbitration agreement was signed by the decedent’s attorney-in-fact and whether the scope of that power of attorney encompassed the attorney-in-fact to bind decedent to arbitration. Accordingly, the Court orders that Defendant’s motion is denied at this time. This motion may be renewed once discovery on these issues is completed without prejudice to any party or their arguments for or against compelling arbitration.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate “N/A” in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

s/ Frank R. Addy, Jr.

Circuit Court Judge

2159

Judge Code

Aug. 25, 2022

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

Joshua David Christian

ATTORNEY(S) FOR THE PLAINTIFF(S)

Dendy Parker Major

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: WebEx recording only for initial hearing; no hearing held on motion to alter or amend. Contact South Carolina Court Administration to request any transcript of this hearing.

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

Certificate of Electronic Notification

Recipients

J. Alexander - Notification transmitted on 08-26-2022 04:02:18 PM.

Cameo Joseph - Notification transmitted on 08-26-2022 04:02:18 PM.

Denny Major - Notification transmitted on 08-26-2022 04:02:19 PM.

Warren Christian - Notification transmitted on 08-26-2022 04:02:19 PM.

Joshua Christian - Notification transmitted on 08-26-2022 04:02:18 PM.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2022CP2400514

Official File Stamp: 08-26-2022 04:02:04 PM

Court: CIRCUIT COURT

Common Pleas

Greenwood

Case Caption: Barry Prince , plaintiff, et al VS Nhc Healthcare
Greenwood Llc , defendant, et al

Document(s) Submitted: Order/Form 4 Order/Form 4

Filed by or on behalf of: Freda Sartin

This notice was automatically generated by the Court's auto-notification system.

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The following people were served electronically:

Warren H. Christian, Jr. for Barry Prince

Denny Parker Major for National Healthcare Of
Greenwood et al

Cameo Elizabeth Joseph for National Healthcare
Of Greenwood et al

J. Ben Alexander for National Healthcare Of
Greenwood et al

Joshua David Christian for Barry Prince

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

As Personal Representative Of The Estate Of
Louvenia Prince

Louvenia Prince

Louvenia Prince Estate

BARRY PRINCE, ET AL

NHC, ET AL

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: COURT

Attorney for : Plaintiff Defendant
or
 Self-Represented Litigant

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Certificate of Electronic Notification

Recipients

J. Alexander - Notification transmitted on 09-26-2022 03:19:36 PM.

Cameo Joseph - Notification transmitted on 09-26-2022 03:19:36 PM.

Denny Major - Notification transmitted on 09-26-2022 03:19:37 PM.

Warren Christian - Notification transmitted on 09-26-2022 03:19:37 PM.

Joshua Christian - Notification transmitted on 09-26-2022 03:19:36 PM.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
NOTICE OF ELECTRONIC FILING [NEF]

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A filing has been submitted to the court RE: 2022CP2400515

Official File Stamp: 09-26-2022 03:19:15 PM

Court: CIRCUIT COURT
Common Pleas
Greenwood

Case Caption: Barry Prince , plaintiff, et al VS Nhc Healthcare - Greenwood, Llc , defendant, et al

Document(s) Submitted: Appeal/Notice of Appeal to Court of Appeals
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits

Filed by or on behalf of: Denny Parker Major

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

- Warren H. Christian, Jr. for Barry Prince
- Denny Parker Major for Nhc Healthcare - Greenwood, Llc et al
- Joshua David Christian for Barry Prince
- Cameo Elizabeth Joseph for Nhc Healthcare - Greenwood, Llc et al
- J. Ben Alexander for Nhc Healthcare - Greenwood, Llc et al

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As Personal Representative Of The Estate Of Louvenia Prince