

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Nov 14 2022

SC Court of Appeals

Appeal from Colleton County
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Case No. 2021-CP-15-00657
Appellate Case No. 2022-001242

Jennifer Rahn,
as Personal Representative of the Estate of Robert Ramsey,

Respondent,

v.

Priority Home Care, LLC, and
St. George Health Care, LLC, d/b/a St. George Healthcare Center,

Defendants,

Of which St. George Health Care, LLC, d/b/a St. George
Healthcare Center is

Appellant.

MOTION TO EXTEND TIME TO ORDER TRANSCRIPT

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
D. Jay Davis, Jr. (SC Bar No. 12084)
James D. Gandy, III (SC Bar No. 11925)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
P.O. Box 993 (29402)
Charleston, South Carolina 29401
(843) 720-5488

Attorneys for Appellant

NOW COMES Appellant, St. George Health Care, LLC, d/b/a St. George Healthcare Center, by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and, on the grounds set forth below, hereby moves this Honorable Court for an extension of time to order an additional transcript needed for this appeal.

This is an appeal from the circuit court's denial of Appellant's motion to compel arbitration.

Appellant's motion to compel arbitration was heard by the circuit court on May 19, 2022, the Honorable Bentley D. Price presiding.

Following the circuit court's denial of Appellant's motion to reconsider on August 3, 2022, Appellant timely noticed this appeal on September 2, 2022, and, thereafter, on September 6, 2022, timely ordered the transcript of the May 19, 2022, motion hearing, pursuant to Rule 207(a)(1), SCACR.

Appellant's counsel received the May 19, 2022, hearing transcript from the court reporter on November 2, 2022. A copy of the transcript is attached hereto as **Exhibit A**.

As reflected in the transcript of the May 19, 2022, hearing, the hearing of Appellant's motion to compel arbitration in the instant case was immediately preceded on May 19, 2022, by the hearing of another motion to compel arbitration by St. George Health Care, LLC, d/b/a St. George Healthcare Center, i.e., by

Appellant, in another case, namely, the case of *Washington v. St. George Health Care, LLC*, Case No. 2021-CP-15-00516 (the “*Washington Case*”), and given that the issues/arguments involved in the *Washington* case mirrored those involved in the instant case, the oral argument in the *Washington* case sufficed for the oral argument in this case as well.

Accordingly, the transcript of the May 19, 2022, motion hearing in the *Washington* is relevant to this appeal, too, but through inadvertence, Appellant’s counsel has not yet ordered the transcript of that motion hearing.

In the interest of time, Appellant’s counsel is ordering the transcript of the motion hearing in the *Washington* case contemporaneously with the filing of this motion. A copy of this transcript order is attached hereto as **Exhibit B**.

Appellant’s counsel respectfully submits that there is good cause to allow an extension of time for Appellant to order this transcript and that the Court’s grant of such relief is in the interests of justice and will not result in any undue prejudice or delay.

WHEREFORE, Appellants move this Court to extend the time for them to order the transcript of the May 19, 2022, motion hearing in the *Washington* case; to deem Appellant’s counsel’s order of the transcript (**Exhibit B**) proper; and to allow Appellant to await receipt of the transcript before the time for its initial brief begins to run under Rule 208(a)(1), SCACR.

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)
James D. Gandy, III (SC Bar No. 11925)
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Attorneys for Appellant

Charleston, South Carolina

November 14, 2022

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits submitted.)

P R O C E E D I N G S

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2 MR. COPE: Judge, as I mentioned to you, we have the
3 exact same issues --

4 THE COURT: Number 33?

5 MR. COPE: Yes, sir, that's right, number 33 on the
6 roster. That is the Rahn case.

7 MR. HINES: And, Your Honor, for interest in time, I'd
8 be happy for us to put something quickly on -- we don't need
9 to do the same thing again. I'd like to make sure my record
10 is protected.

11 THE COURT: Why don't you just file a memorandum in
12 support of your motion because, obviously, my ruling is
13 going to be identical.

14 MR. HINES: So --

15 THE COURT: And I'll just incorporate that into the
16 record.

17 MR. COPE: And, Judge, this is for you to have a part
18 of the record. These are two cases that I believe Mr. Hines
19 argued and we got orders on. I'm not involved in one of the
20 cases. I am involved in the other case. Judge Dennis ruled
21 on these exact same issues. We got the ruling about a week
22 ago. It's just the exact same arguments he made, the same
23 brief he filed in those two cases.

24 THE COURT: Because Judge Dennis was sitting next to me
25 when we warned and cautioned to allow people to continue go

1 to arbitration.

2 MR. COPE: Can I hand these up to Your Honor?

3 THE COURT: Sure. He wasn't sitting next to me, he was
4 sitting at the table next to me when we were warned by the
5 Supreme Court to continue.

6 MR. COPE: I will prepare orders for you.

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CERTIFICATE OF TRANSCRIBER

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2
3 I, PENNY M. JOHNSON, do hereby certify that the
4 foregoing transcript is a true and correct record of the
5 recorded proceedings; that said proceedings were transcribed
6 to the best of my ability from the audio recording and
7 supporting information; and that I am neither counsel for,
8 related to, nor employed by any of the parties to this case,
9 and I have no interest, financial or otherwise, in its
10 outcome.

11
12 November 2, 2022

13
14
15 Penny M. Johnson
16 Penny M. Johnson
17 Court Reporter III
18
19
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24
25



CLEMENT RIVERS, LLP

ATTORNEYS AT LAW

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November 14, 2022

VIA EMAIL ONLY

WebEx

1220 Senate Street, Suite 200

Columbia, SC 29201

transcripts@sccourts.org

Re: Gabrielle Washington as Personal Representative of the Estate of Walter Washington, Jr. vs. St. George Health Care, LLC, d/b/a St. George Health Care Center and Walterboro Community Hospital, Inc., d/b/a Colleton Medical Center
Case No.: 2021-CP-15-00516
Claim No.: HBLM# 2125951
YCR File: 14347-20210566

Dear Court Administration:

This law firm represents St. George Health Care, LLC, d/b/a St. George Healthcare Center in the above-referenced matter. In that regard, I would like to request the hearing transcript in the above-referenced matter held on May 19, 2022 in front of the Honorable Judge Bentley Price. Also being sent is a transcript request form for this request.

Please inform me if you require a deposit prior to mailing us a copy and we will send it immediately, otherwise we will remit payment upon receipt of your invoice. If you have any questions, please contact me at the telephone number listed above. With best wishes and kindest regards, I am

Sincerely,

CLEMENT RIVERS, LLP

Russell G. Hines

Russell G. Hines
Partner

EXHIBIT

B

RGH/amj
Enclosures

cc: Jenny Abbott Kitchings, Clerk of Court, South Carolina Court of Appeals
South Carolina Court Administration
Emily Collins Brown, Barnes Alford Stork & Johnson, LLP
Shane M. Burroughs, Esquire, Lanier & Burroughs, LLC
Lee Cope, Esquire, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A.

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to **any** party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name <u>Russell G. Hines</u>	Phone Number <u>(843) 720-5488</u>	Email Address <u>rhines@yclaw.com</u>	
Mailing Address <u>25 Calhoun Street, Suite 400</u>	City <u>Charleston</u>	State <u>SC</u>	Zip Code <u>29401</u>
Transcript Information			
Docket Number <u>2021-CP-15-00516</u>	Case Caption (i.e. State v. John Doe or Smith v. Smith) <u>Gabrielle Washington v. St. George Health Care, LLC</u>		
Date(s) of Proceeding <u>May 19, 2022</u>	Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>	County <u>Colleton</u>	
Presiding Judge <u>Bentley Price</u>	Expedited Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Court Reporter(s) <u>WebEx</u>	Opposing Counsel <u>Emily Collins Brown; Shane Burroughs; and Lee Cope</u>		

Requestor's Signature: s/Russell G. Hines
(Typed name will serve as signature)

Date: November 14, 2022

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name _____	Date Received _____	Email Address _____	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount _____			
Mailing Address for Payment _____	City _____	State _____	Zip Code _____

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Appeal from Colleton County
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Case No. 2021-CP-15-00657
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Jennifer Rahn,
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PROOF OF SERVICE

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Attorneys for Appellant

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellant, hereby certify that Appellant's **MOTION TO EXTEND TIME TO ORDER TRANSCRIPT** was served on Respondent and on Defendant Priority Home Care, LLC, on November 14, 2022, by emailing (see attached) a copy of the same to their following counsel of record:

PARKER LAW GROUP, LLP
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John E. Parker, Jr., Esquire
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-and-

HETRICK, HARVIN & BONDS, LLC
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*Attorneys for Respondent
Jennifer Rahn, as Personal Representative
of the Estate of Robert Ramsey*

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*Attorneys for Defendant
Priority Home Care, LLC*

Respectfully submitted,
CLEMENT RIVERS, LLP

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

Attorneys for Appellant

Charleston, South Carolina

November 14, 2022

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Monday, November 14, 2022 2:35 PM
To: 'lcope@parkerlawgroupsc.com'; Jay Parker; sharvin@lowcountry.com; 'mdc@barnwell-whaley.com'; Summers Clarke
Cc: Hines, Russell; Justman, Aimee
Subject: Rahn v. St. George Healthcare, LLC // Appellate Case No. 2022-01242 (CR 210888)
Attachments: Exhibit A -- Rahn v. St. George -- May 19, 2022, Hr'g Tr.pdf; Exhibit B -- Rahn v. St. George -- Transcript Request.pdf; Mtn to Extend Time to Order Transcript.pdf

Enclosed please find Appellant's Motion to Extend Time to Order Transcript and the exhibits referenced therein which will be filed today in the above-referenced matter.

Thank you,

Pollyana Bell
Project Assistant
Commercial Litigation Practice Group
Phone:(843)720-5488 | Fax:(843)579-1369



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