

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

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Jan 09 2023

SC Court of Appeals

Appeal from Spartanburg County
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2022-001059
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.

**MOTION FOR EXTENSION OF TIME
TO FILE/SERVE APPELLANTS' INITIAL BRIEF**

**Counsel identified on next page*

CLEMENT RIVERS, LLP

Stephen L. Brown (SC Bar No. 66468)

D. Jay Davis, Jr. (SC Bar No. 12084)

Russell G. Hines (SC Bar No. 72100)

T. Ashton Phillips, III (SC Bar No. 104227)

25 Calhoun Street, Suite 400

Charleston, South Carolina 29401

P.O. Box 993 (29402)

(843) 720-5488

Attorneys for Appellants

COME NOW Appellants 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, by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and move for an extension of thirty (30) days' additional time to file/serve their initial brief and corresponding designation of matter to be included in the record on appeal.

Presently, by order of this Court filed December 8, 2022, the deadline for Appellants' initial brief and designation of matter is January 9, 2023. On account of work-related and other time commitments, Appellants respectfully request this deadline be extended by 30 days. Respectfully, Appellants believe this relief is consistent with the interests of justice and will not work any undue prejudice upon Respondent.

WHEREFORE, Appellants move this Honorable Court to grant them an additional extension of 30 days' time to file/serve their initial brief and corresponding designation of matter to be included in the record on appeal. With the extension requested herein, the new deadline for filing/serving their initial brief and designation of matter would be February 8, 2023, according to the undersigned's calculations. Further, Appellants respectfully request the Court hold

their present initial-briefing/designation-of-matter deadline in abeyance until it acts upon this motion.

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)
Russell G. Hines (SC Bar No. 72100)
T. Ashton Phillips, III (SC Bar No. 104227)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488
Attorneys for Appellants

Charleston, South Carolina

January 9, 2023

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Defendants,

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Appellants.

PROOF OF SERVICE

**Counsel identified on next page*

CLEMENT RIVERS, LLP

Stephen L. Brown (SC Bar No. 66468)

D. Jay Davis, Jr. (SC Bar No. 12084)

Russell G. Hines (SC Bar No. 72100)

T. Ashton Phillips, III (SC Bar No. 104227)

25 Calhoun Street, Suite 400

Charleston, South Carolina 29401

P.O. Box 993 (29402)

(843) 720-5488

Attorneys for Appellants

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that Appellants' **MOTION FOR EXTENSION OF TIME TO FILE/SERVE APPELLANTS' INITIAL BRIEF** was served on Respondent on January 9, 2023, by emailing (see attached) a copy of the same to Respondent's counsel of record:

Jennifer Spragins Burnett, Esquire
jennifer@harbinlaw.com
Anthony L. Harbin, Esquire
aharbin@harbinlaw.com
HARBIN & BURNETT, LLP
2124 Highway 81 North
Anderson, SC 29621
Attorneys for Respondent

Respectfully submitted,
CLEMENT RIVERS, LLP

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

Charleston, South Carolina

January 9, 2023

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Monday, January 9, 2023 11:21 AM
To: 'Jennifer Burnett'; 'Anthony Harbin'
Cc: Hines, Russell; Justman, Aimee
Subject: Pace v. Lake Emory ; Appellate Case No. 2022-001059 (CR 190600)
Attachments: 2nd motion for extension - initial brief.pdf

Enclosed please find Appellants' Motion for Extension of Time to File/Serve their Initial Brief 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



CLEMENT RIVERS, LLP
25 Calhoun Street • Suite 200 • Charleston, SC 29401
www.clementrivers.com