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SC Court of Appeals

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

Appeal from Spartanburg County
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Cases No. 2019-CP-42-03708 and 2019-CP-42-03709

Appellate Case No. 2022-001059

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.

**APPELLANTS' DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

**Counsel identified on next page*

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Attorneys for Appellants

Appellants¹ designate the following matter to be included in the Record on Appeal, with any duplicative matter (e.g., the Arbitration Agreement, which appears multiple times in the record in both Case 3708² and Case 3709³) to appear in the Record on Appeal only once:

Orders

1. Orders filed April 8, 2021 [Both Cases];
2. Orders filed June 23 and 27, 2022;

Pleadings

3. Summons and Complaint [Both Cases];
4. The Facility's Answer [Both Cases];
5. The Other Appellants' Answers [Both Cases];

Transcript

6. Hearing held January 20, 2021;

¹ "Appellants" refers to both the "Facility," which is a skilled nursing facility in Spartanburg County, and the "Other Appellants," collectively. The "Facility" refers to both the Defendant/Appellant identified as Lake Emory Post Acute Care ("LEPAC") and Defendant/Appellant THI of South Carolina at Camp Care, LLC ("Camp Care LLC"), collectively. (Note: LEPAC and Camp Care LLC are misidentified in the caption as separate entities, which they are not. Rather, LEPAC, or, more precisely, "Lake Emory Post-Acute Care," is the name under which Camp Care LLC does business.) The "Other Appellants" refers to Defendants/Appellants THI of South Carolina, LLC; THI of Baltimore, Inc.; Fundamental Administrative Services, LLC; Fundamental Clinical and Operational Services, LLC ("FCOS"); and Fundamental Long Term Care Holdings, LLC, n/k/a Hunt Valley Holdings, LLC ("HVH"), collectively.

² "Case 3708" refers to Circuit Court Case No. 2019-CP-42-03708.

³ "Case 3709" refers to Circuit Court Case No. 2019-CP-42-03709.

Other Material

7. The Facility's Motion to Compel Arbitration [Both Cases];
 - a. Exhibit A, Arbitration Agreement;
8. Other Appellants' Motions to Stay [Both Cases];
9. The Facility's Memo in Support of its Motion to Compel Arbitration [Both Cases];
 - a. Exhibit B, Admission Agreement;
10. Other Appellants' Memos in Support of Motion to Stay [Both Cases];
11. Exhibits A, B, & C to Plaintiff's Memos in Opposition to Motion to Compel Arbitration;
12. Motion to Alter, Amend, and/or Reconsider Order Denying Defendants' Respective Motions to Compel Arbitration and to Stay, [Both Cases]; and
13. Notice of Appeal and Amended Notice of Appeal with Proofs of Service (omitting the orders attached to notices, as they are already separately designated for inclusion in the Record on Appeal above).

I certify that this designation contains no matter irrelevant to this appeal.

<SIGNED ON THE FOLLOWING PAGE>

Respectfully submitted,
CLEMENT RIVERS, LLP

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February 8, 2023