

RECEIVED

Feb 09 2023

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.

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 the **INITIAL BRIEF OF APPELLANTS and APPELLANTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** were served on Respondent and on Defendant Kerry L. Wheeler, DO, on February 8, 2023, by emailing (see attached) a copy of the same to their 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

Russell W. Harter, Jr., Esquire

rw hjr@chhlaw.net

CHAPMAN, HARTER & HARTER, P.A.

14 Lavinia Avenue

Greenville, SC 29601

Attorney for Defendant Kerry L. Wheeler, DO

Respectfully submitted,

CLEMENT RIVERS, LLP

By: s/Russell G. Hines

Russell G. Hines (SC Bar No. 72100)

Attorneys for Appellants

Charleston, South Carolina

February 8, 2023

From: [Hines, Russell](#)
To: [Jennifer Burnett](#); [Anthony Harbin](#); "[rwhjr@chhlaw.net](#)"
Cc: [Justman, Aimee](#); [Bell, Pollyana \(Polly\)](#); [Davis, Jay](#); "[Brown, Steve](#)"; [Phillips, Ashton](#); [Peterson, Susan](#); [Wakeham, Rebecca \(Becky\)](#)
Subject: Pace v. Lake Emory (2022-001059) -- Initial Brief of Appellants and Appellants" Designation of Matter
Date: Wednesday, February 8, 2023 11:54:30 PM
Attachments: [image002.png](#)
[Pace v. Lake Emory \(Appeal No. 2022-001059\) -- Initial Brief of Appellants.pdf](#)
[Pace v. Lake Emory \(Appeal No. 2022-001059\) -- Appellants" Designation of Matter.pdf](#)

Attached regarding the above-referenced case please find the **Initial Brief of Appellants** and **Appellants' Designation of Matter to be Included in the Record on Appeal**.

Russell G. Hines
CLEMENT RIVERS, LLP
www.ycrlaw.com
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
Phone: (843) 720-5488
Fax: (843) 579-1327
Email: rhines@ycrlaw.com



CLEMENT RIVERS, LLP

25 Calhoun Street • Suite 400 • Charleston, SC 29401
ycrlaw.com