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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

JUDGE R. KEITH KELLY, CIRCUIT COURT JUDGE

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

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

Jennifer Spragins Burnett (S.C. Bar No. 69617)
Anthony L. Harbin (S.C. Bar No. 6399)
Harbin & Burnett, LLP
P.O. Box 35
Anderson, SC 29622
Ph: 864-964-0333
Fax: 864-964-0930
Attorneys for Respondent

COMES NOW Respondent Kenneth Pace, Individually and as Personal Representative of the Estate of Earl E. Pace, by and through his undersigned counsel, pursuant to Rule 263(b), SCACR, and move for an extension of thirty (30) days' additional time to file/serve his initial brief and corresponding designation of matter to be included in the record on appeal.

Appellant's Initial Brief and Designation of Matter was filed on February 9, 2023, presently, the deadline for Respondent's initial brief and designation of matter is March 11, 2023. On account of work-related and other time commitments, Respondent respectfully requests this deadline be extended by 30 days. Respectfully, Respondent believes this relief is consistent with the interests of justice and will not work any undue prejudice upon Respondent.

WHEREFORE, Respondent moves this Honorable Court to grant him an extension of 30 days' time to file/serve his 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 his initial brief and designation of matter would be April 10, 2023, according to the undersigned's calculations. Further, Respondent respectfully requests the Court hold their present initial-briefing/designation-of-matter deadline in abeyance until it acts upon this motion.

s/ Jennifer Spragins Burnett
Jennifer Spragins Burnett
Anthony L. Harbin (S.C. Bar No. 6399)
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Attorneys for Respondent

Anderson, South Carolina
March 9, 2023

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PROOF OF SERVICE

Jennifer Spragins Burnett (S.C. Bar No. 69617)
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Attorneys for Respondent

I, Jennifer Spragins Burnett, of Harbin & Burnett, LLP, attorneys for Respondent, hereby certify that Respondent's **MOTION FOR EXTENSION OF TIME TO FILE/SERVE RESPONDENT'S INITIAL BRIEF** was served on Appellants on March 9, 2023, by emailing (see attached) a copy of the same to Appellant's counsel of record:

Stephen L. Brown
D. Jay Davis, Jr.
Russell G. Hines
T. Ashton Phillips, III
Clement Rivers, LLP
25 Calhoun Street, Suite 400
Charleston, SC 2940
Attorneys for Appellants

Respectfully submitted,

Harbin & Burnett, LLP

s/ Jennifer Burnett
Jennifer Spragins Burnett
Attorney for Respondent

Anderson, South Carolina
March 9, 2023

Sarah Kellner

From: Sarah Kellner
Sent: Thursday, March 9, 2023 3:45 PM
To: 'Hines, Russell'; 'sbrown@ycrlaw.com'; 'Davis, Jay'; 'aphillips@ycrlaw.com'; 'pbell@ycrlaw.com'; 'ajustman@ycrlaw.com'
Cc: Jennifer Burnett (jennifer@harbinlaw.com); Anthony Harbin
Subject: Pace vs. Lake Emory; Appellate No. 2022-001059
Attachments: Pace-Extension.pdf

Good afternoon,

Please find the attached Motion for Extension of Time to File/Serve our Initial Brief that is being filed with the Appellate Court today.

Thank you,



Sarah Kellner
Paralegal

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