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Mar 14 2023

SC Court of Appeals

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

Appeal from Spartanburg County
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Case No. 2021-CP-42-03701

The Estate of Jo Eva Rice, deceased,
by her Personal Representative Sonya Lovett,

Respondent,

v.

Fundamental Clinical and Operational Services, LLC;
Fundamental Administrative Services, LLC; and
THI of South Carolina at Magnolia Place–Spartanburg, a/k/a
Physical Rehab and Wellness of Spartanburg,

Appellants,

NOTICE OF APPEAL

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)

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Attorneys for Appellants

Other Counsel of Record:

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Attorneys for Respondent

Defendants/Appellants, Fundamental Clinical and Operational Services, LLC; Fundamental Administrative Services, LLC; and THI of South Carolina at Magnolia Place at Spartanburg, LLC d/b/a Physical Rehabilitation and Wellness Center of Spartanburg (misidentified in this action as “THI of South Carolina at Magnolia Place – Spartanburg, a/k/a Physical Rehab and Wellness of Spartanburg”) (collectively, “Appellants”), hereby appeal the following orders of the Honorable J. Derham Cole, Circuit Court Judge:

- **Order [Denying Motion to Compel Arbitration and Motions to Stay]** filed November 21, 2022, and
- **Form 4 Order [Denying Motion to Alter, Amend and/or Reconsider]** filed March 1, 2023.

Copies of the appealed orders are attached hereto and incorporated herein by reference. Appellants received written notice of entry of the most recent order on March 1, 2023.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Stephen L. Brown (SC Bar No. 66468)
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Attorneys for Appellants

Charleston, South Carolina

March 14, 2023

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Fundamental Clinical and Operational Services, LLC;
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Physical Rehab and Wellness of Spartanburg,

Appellants,

PROOF OF SERVICE

CLEMENT RIVERS, LLP

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Attorneys for Appellants

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that Appellants' **NOTICE OF APPEAL** was served on Respondent on March 14, 2023, by emailing (see attached service email) a copy of the same to Respondent's counsel of record:

W. Harold Christian, Jr., Esquire
hchristian@cclawfirm.com
Matthew W. Christian, Esquire
mchristian@cclawfirm.com
CHRISTIAN & CHRISTIAN, LLC
Attorneys for Respondent

I also certify that a copy of this **NOTICE OF APPEAL** was today, March 14, 2023, E-Filed with the lower court (see attached NEF), which also, i.e., in addition to service by email, effected service of the notice today on Respondent's above-identified counsel of record via the E-Filing System.

Respectfully submitted,
CLEMENT RIVERS, LLP

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

Charleston, South Carolina

March 14, 2023

From: [Hines, Russell](#)
To: hchristian@cclawfirm.com; ["mchristian@cclawfirm.com"](mailto:mchristian@cclawfirm.com)
Cc: ["Brown, Steve"](#); [Davis, Jay](#); [Gandy, III, James D. \(Tripp\)](#); [Phillips, Ashton](#); [Wakeham, Rebecca \(Becky\)](#); [Peterson, Susan](#); [Justman, Aimee](#); [Bell, Pollyana \(Polly\)](#); ibogle@cclawfirm.com; avenable@cclawfirm.com
Subject: Rice v. Fundamental (Case No. 2021-CP-42-03701) -- Notice of Appeal
Date: Tuesday, March 14, 2023 10:48:36 AM
Attachments: [image001.png](#)
[Rice v. Fundamental -- Notice of Appeal.pdf](#)
[Appealed Order 1 -- Order filed 11-21-22 Denying MTCA and Mots. to Stay.pdf](#)
[Appealed Order 2 -- Order filed 3-1-23 Denying MTR.pdf](#)

Attached for service please find Defendants'/Appellants' **Notice of Appeal** in the above-referenced matter.

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***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP4203701

Official File Stamp: 03-14-2023 10:57:28 AM
Court: CIRCUIT COURT
Common Pleas
Spartanburg
Case Caption: Sonya Lovett , plaintiff, et al VS Fundamental Clinical And Operational Services, Llc ,
defendant, et al
Document(s) Submitted: Appeal/Notice of Appeal to Court of Appeals
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
Filed by or on behalf of: Russell Grainger Hines

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Donald Jay Davis, Jr. for Thi Of South Carolina At Magnolia Place - Spartanburg
Russell Grainger Hines for Fundamental Clinical And Operational Services, Llc et al
Joshua David Christian for Sonya Lovett
Matthew W. Christian for Sonya Lovett et al
Warren H. Christian, Jr. for Sonya Lovett
James D. Gandy, III for Fundamental Clinical And Operational Services, Llc et al

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Donald Jay Davis, Jr. for Fundamental Administrative Services, Llc
Donald Jay Davis, Jr. for Fundamental Clinical And Operational Services, Llc, Thi Of South
Carolina At Magnolia Place - Spartanburg, Fundamental Administrative Services, Llc