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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.

**RESPONDENT'S DESIGNATION OF MATTERS TO
BE INCLUDED IN THE RECORD ON APPEAL**

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Attorneys for Respondent

Respondent Kenneth Pace, Individually and as Personal Representative of the Estate of Earl E. Pace, does hereby designate the following to be included in the Record on Appeal:

- 1) Hon. R. Keith Kelly Order of April 8, 2021 in case number 2019CP4203708 and case number 2019CP4203709;
- 2) Hon. R. Keith Kelly Order of June 23, 2022 in case number 2019CP4203708;
- 3) Hon. R. Keith Kelly Order of June 27, 2022 in case number 2019CP4203709;
- 4) Certificate of Electronic Notification filed June 23, 2022 at 4:31 PM in case number 2019CP4203708;
- 5) Plaintiffs Complaint in case number 2019CP4203708 and case number 2019CP4203709 filed October 21, 2019;
- 6) Defendants' Answer in case number 2019CP4203708 and case number 2019CP4203709 filed November 25, 2019;
- 7) Defendants' Motion to Dismiss Plaintiff's Complaint, Compel Arbitration and Motions to Stay Court Proceedings in case number 2019CP4203708 and case number 2019CP4203709 filed April 13, 2020;
- 8) Admission Agreement – South Carolina executed by Calvin Hill dated January 29, 2015 (bearing bates number PACE0006-0017);
- 9) Facility-Resident/Representative Arbitration Agreement executed by Calvin Hill dated January 29, 2015;
- 10) Plaintiff's Memorandum in Opposition to the Motion to Compel Arbitration including all exhibits in case number 2019CP4203708 and case number 2019CP4203709 filed November 30, 2020;

- 11) Defendants' Motion to Alter, Amend, and/or Reconsider Order Denying Defendants' Respective Motions to Compel Arbitration and to Stay in in case number 2019CP4203708 and case number 2019CP4203709 filed April 19, 2021;
- 12) Defendants' Notice of Appeal with Proof of Service in case number 2019CP4203708 and case number 2019CP4203709 filed July 27, 2022;
- 13) Defendants' Amended Notice of Appeal with Proof of Service in case number 2019CP4203708 and case number 2019CP4203709 filed July 27, 2022;
- 14) Transcript of Hearing held January 20, 2021 in case number 2019CP4203708 and case number 2019CP4203709;
- 15) Respondent's Motion to Dismiss the Appeal in case number 2019CP4203708 and case number 2019CP4203709 filed August 1, 2022; and
- 16) Appellants' Return to Respondent's Motion to Dismiss the Appeal filed August 12, 2022.

CERTIFICATION OF COUNSEL

The undersigned certifies that this Designation of Matter to be Included in the Record on Appeal complies with SCACR Rule 209(b).

Respectfully submitted,

HARBIN & BURNETT, LLP

s/ Jennifer Spragins Burnett

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