

**RECEIVED**

**May 31 2023**

**SC Court of Appeals**

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

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Appeal from Spartanburg County  
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

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Appellate Case No. 2022-001059  
Case No. 2019-CP-42-03708 and  
Case No. 2019-CP-42-03709

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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.

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**SECOND MOTION FOR EXTENSION OF TIME TO FILE/SERVE  
APPELLANTS' INITIAL REPLY BRIEF**

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*\*Counsel identified on next page*

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*Attorneys for Appellants*

COME NOW Appellants 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, by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and move for a second extension of ten (10) days' additional time to file/serve their initial reply brief.

Presently, by order of this Court filed May 22, 2023, the current deadline for Appellants' initial reply brief is June 1, 2023. On account of work-related and other time commitments, Appellants respectfully request this deadline be extended by 10 days. Respectfully, Appellants believe this relief is consistent with the interests of justice and will not work any undue prejudice upon Respondent.

WHEREFORE, Appellants move this Honorable Court to grant them a second extension of 10 days' time to file/serve their initial reply brief. With the extension requested herein, the new deadline for filing/serving their initial reply brief would be June 12, 2023, according to the undersigned's calculations. Further, Appellants respectfully request the Court hold their present initial-reply-briefing deadline in abeyance until it acts upon this motion.

*[Signature on next page]*

*[Signature page for Second Motion for Extension of Time to File/Serve Appellants’  
Initial Reply Brief, Appellate Case No. 2022-001059]*

Respectfully submitted,  
CLEMENT RIVERS, LLP

By: s/Russell G. Hines  
Stephen L. Brown (SC Bar No. 66468)  
D. Jay Davis, Jr. (SC Bar No. 12084)  
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Appellants.

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**PROOF OF SERVICE**

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*\*Counsel identified on next page*

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*Attorneys for Appellants*

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that Appellants' **SECOND MOTION FOR EXTENSION OF TIME TO FILE/SERVE APPELLANTS' INITIAL REPLY BRIEF** was served on Respondent on May 31, 2023, by emailing (see attached) a copy of the same to Respondent's counsel of record:

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*Attorneys for Respondent*

Respectfully submitted,

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By: s/Russell G. Hines

Russell G. Hines (SC Bar No. 72100)

*Attorneys for Appellants*

Charleston, South Carolina

May 31, 2023

## Bell, Pollyana (Polly)

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**From:** Bell, Pollyana (Polly)  
**Sent:** Wednesday, May 31, 2023 1:37 PM  
**To:** 'Anthony Harbin'; 'jennifer@harbinlaw.com'; 'skellner@harbinlaw.com'  
**Cc:** Hines, Russell; Justman, Aimee  
**Subject:** Pace v. Lake Emory; Appellate Case No. 2022-001059 (CR 190600)  
**Attachments:** 2nd Motion for extension - initial reply brief.pdf

Enclosed please find Appellants' Second Motion for Extension of Time to File/Serve their Initial Reply Brief which will be filed today in the above-referenced matter.

Thank you,

Pollyana Bell  
Project Assistant  
Commercial Litigation Practice Group  
Phone:(843)720-5488 | Fax:(843)579-1369



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