

**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 **FINAL REPLY BRIEF OF APPELLANTS and APPELLANTS' CERTIFICATION FOR FINAL REPLY BRIEF** were served on Respondent and on Defendant Kerry L. Wheeler, DO, on August 1, 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

rwhjr@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

August 1, 2023

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Tuesday, August 1, 2023 12:58 PM
To: 'jennifer@harbinlaw.com'; 'aharbin@harbinlaw.com'; 'skellner@harbinlaw.com'; 'rwhjr@chhlaw.net'
Cc: Hines, Russell; Justman, Aimee
Subject: Pace v. Lake Emory; Appellate Case No. 2022-001059 (CR 190600)
Attachments: Final Reply Brief of Appellants.pdf; Final Brief of Appellants.pdf; Appellants' Certification for Final Reply Brief.pdf; Appellants' Certification for Final Brief.pdf

Enclosed please find Appellants' Final Brief, Final Reply Brief, and Certifications for service upon you in the above-referenced matter.

Thank you,

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



CLEMENT RIVERS, LLP
25 Calhoun Street • Suite 600 • Charleston, SC 29401
FOR OFFICE