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Aug 03 2023

SC Court of Appeals

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

Appeal from Spartanburg County
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Appellate Case No. 2020-001107
Case No. 2018-CP-42-03447

Estate of Barbara Owens, by and through her Personal
Representative, Mary Jane McCraw, Individually and on behalf of
Statutory Beneficiaries,

Respondent,

v.

Fundamental Clinical and Operational Services, LLC;
Fundamental Administrative Services, LLC; THI of South
Carolina, LLC; THI Of South Carolina at Spartanburg, LLC d/b/a
Magnolia Manor-Spartanburg,

Appellants.

**MOTION FOR EXTENSION OF TIME
TO PETITION FOR REHEARING**

CLEMENT RIVERS, LLP
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Russell G. Hines (SC Bar No. 72100)
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Attorneys for Appellants

COME NOW Appellants, Fundamental Clinical and Operational Services, LLC, Fundamental Administrative Services, LLC, THI of South Carolina, LLC, and THI Of South Carolina at Spartanburg, LLC d/b/a Magnolia Manor-Spartanburg, by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and move for an extension of fifteen (15) days' additional time to file/serve a petition for rehearing of this matter, which the Court decided via opinion filed July 19, 2023. *See Estate of Owens v. Fundamental Clinical and Operational Services, LLC*, Unpublished Op. No. 2023-UP-272.

Rule 221(a), SCACR, provides, "Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court." Based on the July 19, 2023, filing of the Court's opinion in this case, the present deadline to petition for rehearing is the close of business today, August 3, 2023, which, in accordance with Rule 263(a), SCACR (regarding computation of time), is the 15th day after the opinion's filing. Because of work-related and other time commitments, the undersigned counsel for Appellants requests the Court's allowance of fifteen (15) days' additional time to petition for rehearing.

Respectfully, the undersigned submits there is good cause for the Court to grant the relief requested herein, as it is, under the circumstances, a reasonable

dispensation, timely sought, consistent with the interests of justice, posing no threat of undue prejudice to any other party.

WHEREFORE, Appellants request the Court grant them an extension of 15 days' time to petition for rehearing. By the undersigned's calculations, the grant of this relief would make the new deadline to petition for rehearing August 18, 2023. ADDITIONALLY, for the same reasons set forth in support of the within request for an extension of time, Appellants request the Court hold the present deadline for petitioning for rehearing in abeyance until the Court acts on this motion.

*[Signature page for Motion for Extension of Time to Petition for Rehearing,
Appellate Case No. 2020-001107)*

Respectfully submitted,

CLEMENT RIVERS, LLP

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Charleston, South Carolina

Dated: August 3, 2023

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Appellants.

PROOF OF SERVICE

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Attorneys for Appellants

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that Appellants' **MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING** was served on all other parties to this appeal on August 3, 2023, via email (see attached) to their following counsel of record:

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Dated: August 3, 2023

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Thursday, August 3, 2023 2:33 PM
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'pknie@knielaw.com'; 'jordan@mcgowanhood.com'
Cc: Hines, Russell; Justman, Aimee
Subject: Owens v. Fundamental Clinical; Appellate Case No. 2020-001107 (CR 180214)
Attachments: 1st Motion for Extension - petition for rehearing.pdf

Enclosed please find Appellants' Motion for Extension of Time to Petition for Rehearing which will be filed today in the above-referenced matter.

Thank you,

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