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**Aug 17 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

J. Mark Hayes, II, Circuit Court Judge

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

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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.

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

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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)  
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(843) 720-5488

*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 a second 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 *See Estate of Owens v. Fundamental Clinical and Operational Services, LLC*, Unpublished Op.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 original deadline to petition for rehearing was the close of business August 3, 2023, which, in accordance with Rule 263(a), SCACR (regarding computation of time), was the 15<sup>th</sup> day after the opinion's filing. Previously, via Motion for Extension of Time filed on August 3, 2023, Appellants sought a 15-day extension of this deadline, requesting an extension of the deadline through August 18, 2023. This motion has not yet been acted upon by the Court.

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 September 5, 2023.<sup>1</sup> 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 Second Motion for Extension of Time to Petition for Rehearing, Appellate Case No. 2020-001107)*

Respectfully submitted,  
CLEMENT RIVERS, LLP

By: s/Russell G. Hines  
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*Attorneys for Appellants*

Charleston, South Carolina

Dated: August 17, 2023

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<sup>1</sup> Calculating the 15-day period (from August 18, 2023) in accordance with Rule 263(a), SCACR, it runs until Tuesday, September 5, 2023, because the 15<sup>th</sup> day is Saturday, September 2, 2023, and Monday, September 4, 2023, is Labor Day.

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Magnolia Manor-Spartanburg,

Appellants.

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**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' **SECOND 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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*Attorneys for Appellants*

Charleston, South Carolina

Dated: August 17, 2023

## Bell, Pollyana (Polly)

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**From:** Bell, Pollyana (Polly)  
**Sent:** Thursday, August 17, 2023 10:33 AM  
**To:** 'atty@gpoliakoff.com'; 'rmullmanjr@gmail.com'; 'jwaelde@gpoliakoff.com';  
'pknie@knielaw.com'; 'jordan@mcgowanhood.com'  
**Cc:** Hines, Russell; Justman, Aimee  
**Subject:** Owens v. Fundamental Clinical; Appellate Case No. 2020-001107 (CR 180214)  
**Attachments:** 2nd Motion for Extension - Petition for Rehearing.pdf

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

Thank you,

Pollyana Bell  
Project Assistant  
Commercial Litigation Practice Group  
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