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SC Court of Appeals

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SC Court of Appeals

ELECTRONICALLY FILED - 2023 Aug 25 9:35 AM - SPARTANBURG - COMMON PLEAS - CASE#2021CP4202473

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. William P. Keesley, Circuit Court Judge

Case No. 2021-CP-42-02473

Eugene W. Villanova and Ruth L. Villanova, by and through Karen Lynn Ward, their attorney in fact, and on behalf of those similarly situated, Respondents,

v.

Pacifica Skylyn, LLC, d/b/a Pacifica Senior Living Skylyn, and Matthew Arledge, Appellants.

NOTICE OF APPEAL

Defendants Pacifica Skylyn, LLC, d/b/a/ Pacifica Senior Living Skylyn, and Matthew Arledge (hereafter “Appellants”), hereby appeal the following Orders of the Circuit Court:

1. The July 13, 2022 Order denying the Appellants’ Motion to Dismiss or in the alternative to Stay and Compel Arbitration; and
2. The July 24, 2023 Order denying the Appellants’ Motion to Reconsider.

Appellants received notice of the final Order on July 24, 2023.

s/Jonathan G. Roquemore

Jonathan G. Roquemore (SC Bar No. 68274)
Joshua D. Shaw (SC Bar No. 77835)
Paul E. Allen, Jr. (SC Bar No.: 104062)
Hedrick Gardner Kincheloe & Garofalo LLP
1230 Main Street, Suite 325
Columbia, SC 29201

August 22, 2023

Other Counsel of Record:

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J. William P. Keesley, Circuit Court Judge

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v.

Pacifica Skylyn, LLC, d/b/a Pacifica Senior Living Skylyn, and Matthew Arledge, . . Appellants.

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing Notice of Appeal in the above-captioned case has been served on the following parties via e-mail, on August 22, 2023, pursuant to Rule 262(c)(3), SCACR, and South Carolina Supreme Court Order No. 2020-000447, as amended on May 6, 2022:

Patrick E. Knie
Knie & Shealy Attorneys at Law
250 Magnolia Street
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Mitch Slade
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PO Box 1007
Spartanburg, SC 29304
mitch@mitchsladelaw.com
Attorneys for Plaintiffs/Respondents

s/Paul E. Allen Jr.
Paul E. Allen, Jr.

From: [Paul E. Allen, Jr](#)
To: [Pat Knie](#); pknie@knielaw.com; [Mitch Slade](#)
Cc: [Jonathan G. Roquemore](#); [Joshua D. Shaw](#)
Subject: Service of Notice of Appeal - Eugene W. Villanova et al. v. Pacifica Skylyn, LLC et al. (Case No. 2021-CP-42-02473)
Date: Tuesday, August 22, 2023 2:19:00 PM
Attachments: [Notice of Appeal.PDF](#)
[Judge Keesley Order - July 24, 2023 .PDF](#)
[Judge Keesley Order - July 13, 2022 .PDF](#)

Good afternoon,

Please see the attached Notice of Appeal in the above-referenced case, as well as a copy of the orders to be challenged on appeal. We intend to file the attached Notice of Appeal at the Court of Appeals later today.

Best regards,

Paul Allen



HEDRICK GARDNER
HEDRICK GARDNER KINCHELOE & GAROFALO LLP
ATTORNEYS AT LAW

Charlotte • Raleigh • Wilmington • Columbia • Asheville

August 22, 2023

Via e-mail

South Carolina Court of Appeals
Honorable Jenny Kitchings
ctappfilings@sccourts.org
1220 Senate Street
Columbia, SC 29201

Reply To:

Paul E. Allen, Jr.
Attorney
1230 Main Street, Suite 325
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RE: Eugene W. Villanova and Ruth L. Villanova, by and through Karen Lynn Ward, their attorney in fact, and on behalf of those similarly situated v. Pacifica Skylyn, LLC d/b/a Pacifica Senior Living Skylyn, and Matthew Arledge
Civil Action No: 2021-CP-42-02473

Dear Ms. Kitchings:

Please find enclosed the following for filing in the above-referenced matter:

- (1) The Notice of Appeal in the above-captioned case;
- (2) Proof of service of the Notice of Appeal on the Respondents, including a copy of the e-mail serving the Notice of Appeal; and,
- (3) A copy of the orders to be challenged on appeal.

Please note that the \$250.00 filing fee has been mailed under separate cover. Please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,

s/ Paul E. Allen, Jr.

Paul E. Allen, Jr.

PEA/pea

Enclosure(s)

cc: All Counsel of Record (via e-mail)

www.hedrickgardner.com

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