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**Sep 06 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

Grace Gilchrist Knie, Circuit Court Judge

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Case No. 2019-CP-42-03075

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Betty Nanney,  
by and through her Attorney-in-Fact, Leslie Nanney,

Respondent,

v.

THI of South Carolina at Spartanburg, LLC,  
d/b/a Magnolia Manor-Spartanburg, Rusty Flathmann,  
Laura Anne Winn, and Olishia Gaffney,

Appellants.

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**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)  
Gaillard T. Dotterer, III (SC Bar No. 103620)  
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(843) 720-5488

*Attorneys for Appellants*

COME NOW Appellants, THI of South Carolina at Spartanburg, LLC, d/b/a Magnolia Manor-Spartanburg, Rusty Flathmann, Laura Anne Winn, and Olishia Gaffney,, 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 August 23, 2023. *See Betty Nanney v. THI Of S.C. at Spartanburg, LLC*, Unpublished Op. No. 2023-UP-299.

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 August 23, 2023, filing of the Court’s opinion in this case, the present deadline to petition for rehearing is the close of business Thursday, September 7, 2023, which, in accordance with Rule 263(a), SCACR (regarding computation of time), is the 15<sup>th</sup> day after the opinion’s filing. Because of work-related and other time commitments, the undersigned counsel 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 that 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 22, 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. 2020-000500]*

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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Charleston, South Carolina

September 6, 2023

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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 Appellant's **MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING** was served on all other parties to this appeal on September 6, 2023, via email (see attached) to their following counsel of record:

Gary W. Poliakoff, Esquire, atty@gpoliakoff.com  
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*Attorneys for Respondent*

Respectfully submitted,  
CLEMENT RIVERS, LLP

By: s/Russell G. Hines  
Russell G. Hines (SC Bar No. 72100)  
*Attorneys for Appellants*

Charleston, South Carolina

September 6, 2023

## Bell, Pollyana (Polly)

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**From:** Bell, Pollyana (Polly)  
**Sent:** Wednesday, September 6, 2023 4:06 PM  
**To:** 'atty@gpoliakoff.com'; 'rmullmanjr@gmail.com'; 'jwaelde@gpoliakoff.com';  
'jordan@mcgowanhood.com'  
**Cc:** Hines, Russell; Justman, Aimee  
**Subject:** Nanney v. THI; Appellate Case No. 2020-000500 (CR 190411)  
**Attachments:** Motion for Extension - Petition for Rehearing.pdf

Enclosed please find Appellants' Motion for Extension of Time to Petition for Rehearing for service upon you in the above-referenced matter.

Thank you,

Pollyana Bell  
Project Assistant  
Commercial Litigation Practice Group  
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