

**RECEIVED**

**Oct 13 2023**

**SC Court of Appeals**

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

Appeal from Spartanburg County  
Court of Common Pleas  
Grace Gilchrist Knie, Circuit Court Judge

Case No. 2022-CP-42-01163

Timothy Hutley, Guardian for Jane Doe,

Respondent,

v.

THI of South Carolina at Magnolia Manor Inman, LLC,  
THI of Baltimore, Inc., THI of South Carolina, LLC,  
Hunt Valley Holdings, LLC, THI of South Carolina at Inman, LLC,  
Murray Forman, and Kathy Scroggs, Individually,

Defendants.

Of which THI of South Carolina at Magnolia Manor Inman, LLC,  
THI of Baltimore, Inc., THI of South Carolina, LLC, and  
Hunt Valley Holdings, LLC, are the

Appellants.

**AMENDED NOTICE OF APPEAL \***

CLEMENT RIVERS, LLP  
Stephen L. Brown (SC Bar No. 66468)  
D. Jay Davis, Jr. (SC Bar No. 12084)  
James D. Gandy III (SC Bar No. 11925)  
Gaillard T. Dotterer III (SC Bar No. 103620)  
Russell G. Hines (SC Bar No. 72100)  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
(843) 720-5488

*Attorneys for Appellants*

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\* PLEASE NOTE: The only reason for this amended, or, more accurately, corrected, notice of appeal is that the notice of appeal that Appellants served and filed in this matter yesterday, October 12, 2023, was inadvertently dated “October 12, 2022.” The instant notice of appeal is being served and filed today, October 13, 2023, solely out of an abundance of caution and to the extent that correcting the scrivener’s error in the date on yesterday’s notice of appeal, and the corresponding proof of service, may be necessary to ensure that this appeal is properly perfected.

**Other Counsel of Record:**

C. Daniel Pruitt (SC Bar No. 66497)  
300 Pettigru Street  
Greenville, South Carolina 29601  
(864) 232-4273

*Attorney for Respondent*

Defendants/Appellants THI of South Carolina at Magnolia Manor Inman, LLC (the “Facility”),<sup>1</sup> THI of Baltimore, Inc. (“THIB”), THI of South Carolina, LLC (“THISC”), and Hunt Valley Holdings, LLC (“HVH”) (collectively, “Appellants”) hereby appeal the following orders of the Honorable Grace Gilchrist Knie, Circuit Court Judge:

- **Form 4 Order [Denying the Facility’s Motion to Compel Arbitration and the Other Appellants’<sup>2</sup> Motions to Stay]**, filed March 21, 2023;
- **Formal Order [Denying the Facility’s Motion to Compel Arbitration and the Other Appellants’ Motions to Stay]**, filed May 15, 2023; and
- **Order Regarding Defendants’ Motion for Reconsideration**, filed September 13, 2023.

Copies of the appealed orders are attached hereto and incorporated herein by reference. Appellants received written notice of entry of the most recent order on September 13, 2023.

**<SIGNED ON THE FOLLOWING PAGE>**

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<sup>1</sup> The “Facility” refers to Defendant THI of South Carolina at Magnolia Manor–Inman, LLC (named in this action as “THI of South Carolina at Magnolia Manor Inman, LLC,” i.e., without the dash), which is the sole licensee and operator of the skilled nursing facility known as Magnolia Manor Inman.

<sup>2</sup> The “Other Appellants” refers to THIB, THISC, and HVH, collectively.

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)  
James D. Gandy III (SC Bar No. 11925)  
Gaillard T. Dotterer III (SC Bar No. 103620)  
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(843) 720-5488  
*Attorneys for Appellants*

Charleston, South Carolina

October 13, 2023

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Appeal from Spartanburg County  
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Case No. 2022-CP-42-01163

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Timothy Hutley, Guardian for Jane Doe,

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v.

THI of South Carolina at Magnolia Manor Inman, LLC,  
THI of Baltimore, Inc., THI of South Carolina, LLC,  
Hunt Valley Holdings, LLC, THI of South Carolina at Inman, LLC,  
Murray Forman, and Kathy Scroggs, Individually,

Defendants.

Of which THI of South Carolina at Magnolia Manor Inman, LLC,  
THI of Baltimore, Inc., THI of South Carolina, LLC, and  
Hunt Valley Holdings, LLC, are the

Appellants.

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**PROOF OF SERVICE**

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CLEMENT RIVERS, LLP  
Stephen L. Brown (SC Bar No. 66468)  
D. Jay Davis, Jr. (SC Bar No. 12084)  
James D. Gandy III (SC Bar No. 11925)  
Gaillard T. Dotterer III (SC Bar No. 103620)  
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*Attorneys for Appellants*

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that Appellants' **AMENDED NOTICE OF APPEAL** was served on Respondent on October 13, 2023, by emailing (see attached email) a copy of the same to Respondent's counsel of record:

C. Daniel Pruitt, Esquire  
[danlaw@bellsouth.net](mailto:danlaw@bellsouth.net)  
300 Pettigru Street  
Greenville, SC 29601  
*Attorney for Respondent*

I further certify that a copy of Appellants' **AMENDED NOTICE OF APPEAL** was this day, October 13, 2023, E-Filed with the lower court (see attached NEF), thus also, i.e., in addition to service by email, effecting service of the notice today on Respondent's above-identified counsel of record via the E-Filing System.

Respectfully submitted,  
CLEMENT RIVERS, LLP

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

Charleston, South Carolina

October 13, 2023

**From:** [Hines, Russell](#)  
**To:** [Dan Pruitt](#); [Dan Pruitt](#)  
**Cc:** [Dan Pruitt-paralegal](#); [Gandy, III, James D. \(Tripp\)](#); [Brown, Stephen L.](#); [Davis, Jay](#); [Gandy, III, James D. \(Tripp\)](#); [Dotterer III, Gaillard T. \(Gilly\)](#); [Peterson, Susan](#); [Preiser, Skyla](#); [Wakeham, Rebecca \(Becky\)](#); [Eversole, Amy R.](#); [Justman, Aimee](#); [Bell, Pollyana \(Polly\)](#)  
**Subject:** Hutley (Jane Doe) v. THI of SC at Magnolia Manor Inman (2022-CP-42-01163 ) -- Amended Notice of Appeal  
**Date:** Friday, October 13, 2023 7:32:34 PM  
**Attachments:** [image001.png](#)  
[Hutley v. THI \(2022-CP-42-01163 \) -- Am. Notice of Appeal.pdf](#)  
[2023 03-21 -- Form 4 Order Denying MTCA Mots. to Stay.pdf](#)  
[2023 05-15 -- Formal Order Denying MTCA & Mots. to Stay.pdf](#)  
[2023 09-13 -- Order Denying MTR.pdf](#)

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Dan,

Attached for service please find our **Amended Notice of Appeal** and copies of the **Appealed Orders** in the above-referenced matter.

As explained in the amended notice, I'm only serving/filing it out of an abundance of caution because I inadvertently dated yesterday's notice for "October 12, 2022," instead of "October 12, 2023."

Russ

Russell G. Hines  
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\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
NOTICE OF ELECTRONIC FILING [NEF]

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**A filing has been submitted to the court RE:** 2022CP4201163

**Official File Stamp:** 10-13-2023 07:38:14 PM  
**Court:** CIRCUIT COURT  
Common Pleas  
Spartanburg  
**Case Caption:** Timothy Hutley, Guardian For Jane Doe VS Thi Of South Carolina At Magnolia Manor Inman, Llc , defendant, et al  
**Document(s) Submitted:** Appeal/Notice of Appeal to Court of Appeals  
- Exhibit/Filing of Exhibits  
- Exhibit/Filing of Exhibits  
- Exhibit/Filing of Exhibits  
**Filed by or on behalf of:** Russell Grainger Hines

This notice was automatically generated by the Court's auto-notification system.

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**The following people were served electronically:**

Russell Grainger Hines for Thi Of South Carolina At Magnolia Manor Inman, Llc, Hunt Valley Holdings, Llc, Thi Of South Carolina, Llc, Thi Of Baltimore, Inc.  
Gaillard Townsend Dotterer, III for Thi Of South Carolina At Magnolia Manor Inman, Llc, Hunt Valley Holdings, Llc, Thi Of South Carolina, Llc, Thi Of Baltimore, Inc.  
Charles Daniel Pruitt for Timothy Hutley, Guardian For Jane Doe  
Donald Jay Davis, Jr. for Thi Of South Carolina At Magnolia Manor Inman, Llc, Hunt Valley Holdings, Llc, Thi Of South Carolina, Llc, Thi Of Baltimore, Inc.  
James D. Gandy, III for Thi Of South Carolina At Magnolia Manor Inman, Llc, Hunt Valley Holdings, Llc, Thi Of South Carolina, Llc, Thi Of Baltimore, Inc.

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

Murray Forman  
Thi Of South Carolina At Inman  
Kathy Scroggs