

RECEIVED

Nov 13 2023

SC Court of Appeals

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

Appeal from Spartanburg County
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Case No. 2021-CP-42-03701
Appellate Case No. 2023-000432

The Estate of Jo Eva Rice, deceased,
by her Personal Representative Sonya Lovett,

Respondent,

v.

Fundamental Clinical and Operational Services, LLC;
Fundamental Administrative Services, LLC; and
THI of South Carolina at Magnolia Place–Spartanburg,
a/k/a Physical Rehab and Wellness of Spartanburg,

Appellants,

**MOTION FOR EXTENSION OF TIME TO NOVEMBER 15, 2023, TO
FILE/SERVE INITIAL REPLY BRIEF OF APPELLANTS**

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)
Russell G. Hines (SC Bar No. 72100)
T. Ashton Phillips, III (SC Bar No. 104227)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Attorneys for Appellants

NOW COME Appellants, Fundamental Clinical and Operational Services, LLC, Fundamental Administrative Services, LLC, and THI of South Carolina at Magnolia Place–Spartanburg, a/k/a Physical Rehab and Wellness of Spartanburg, by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and on the grounds set forth below, move to extend the time for them to file/serve their initial reply brief and any corresponding designation of matter to be included in the record on appeal by two (2) days from today, Monday, November 13, 2023, to Wednesday, November 15, 2023.

With the service of the initial brief of Respondent on October 13, 2023, the original deadline for Appellants' initial reply brief was October 23, 2023, pursuant to Rule 208(a)(3), SCACR. By motions served/filed October 23, 2023, and November 2, 2023, respectively, Appellants sought to extend this deadline, first to November 2, 2023, and then to today, Monday, November 13, 2023. To the best of the undersigned's knowledge, the Court has not yet acted on either of these motions.

In previously moving for an extension of the deadline to today, Monday, November 13, 2023, the undersigned counsel for Appellants believed in good faith that the extension sought would allow him sufficient time to complete Appellants' initial reply brief and any corresponding designation of matter; however, owing to the unusual occurrence of today's date coinciding with writing deadlines in five (5) other matters in which the undersigned is involved (such writings being specifically,

two deadlines to petition the Supreme Court for a writ of certiorari, two deadlines to file Rule 59(e), SCRCF, motions, and one deadline to respond in opposition to a motion in federal court), and to today's deadlines coming on the heels of a family trip out of town this past weekend, the undersigned is in need of a modest amount of additional time to complete Appellants' initial reply brief and any corresponding designation.

Accordingly, the instant motion asks that the Court extend the time for Appellants to file/serve their initial reply brief and any corresponding designation of matter by two (2) days beyond November 13, 2023, i.e., through Wednesday, November 15, 2023. And the undersigned respectfully asks the Court to consider the circumstances that occasion the instant motion sufficient to warrant such relief, which, it is submitted, is timely sought, is reasonable in scope, is consistent with the interests of justice, and is not prejudicial to Respondent.

WHEREFORE, Appellants move this Honorable Court to extend the time for Appellants to file/serve their initial reply brief and any corresponding designation of matter by two (2) days beyond November 13, 2023, i.e., through Wednesday, November 15, 2023. Additionally, Appellants respectfully request the Court hold their present initial-reply-briefing/designation-of-matter deadline in abeyance until it acts upon this motion.

<SIGNED ON THE FOLLOWING PAGE>

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)
Russell G. Hines (SC Bar No. 72100)
T. Ashton Phillips, III (SC Bar No. 104227)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488
Attorneys for Appellants

Charleston, South Carolina

November 13, 2023

RECEIVED

Nov 13 2023

SC Court of Appeals

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

Appeal from Spartanburg County
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Case No. 2021-CP-42-03701
Appellate Case No. 2023-000432

The Estate of Jo Eva Rice, deceased,
by her Personal Representative Sonya Lovett,

Respondent,

v.

Fundamental Clinical and Operational Services, LLC; Fundamental
Administrative Services, LLC; and
THI of South Carolina at Magnolia Place–Spartanburg, a/k/a Physical
Rehab and Wellness of Spartanburg,

Appellants,

PROOF OF SERVICE

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)
Russell G. Hines (SC Bar No. 72100)
T. Ashton Phillips, III (SC Bar No. 104227)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Attorneys for Appellants

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that Appellants' **MOTION FOR EXTENSION OF TIME TO NOVEMBER 15, 2023, TO FILE/SERVE INITIAL REPLY BRIEF OF APPELLANTS** was served on Respondent on November 13, 2023, by emailing (see attached) a copy of the same to Respondent's counsel of record:

W. Harold Christian, Jr., Esquire
hchristian@cclawfirm.com
Matthew W. Christian, Esquire
mchristian@cclawfirm.com
CHRISTIAN & CHRISTIAN, LLC

-and-

Jordan C. Calloway, Esquire
jcalloway@mcghowanhood.com
MCGOWAN, HOOD, FELDER & PHILLIPS, LLC

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

November 13, 2023

From: [Hines, Russell](#)
To: [Jordan Calloway](#); [Harold Christian](#); [Matt Christian](#); icalloway@mcgowanhood.com
Cc: [Brown, Stephen L.](#); [Davis, Jay](#); [Phillips, Ashton](#); [Gandy, III, James D. \(Tripp\)](#); jbogle@cclawfirm.com; ggoodwin@cclawfirm.com; [Justman, Aimee](#); [Bell, Pollyana \(Polly\)](#)
Subject: Rice v. Fundamental (Appellate Case No. 2023-000432) -- Motion to Extend Deadline for Initial Reply Brief of Appellants to November 15, 2023
Date: Monday, November 13, 2023 11:45:08 PM
Attachments: [image001.png](#)
[Rice v. Fundamental -- Mot. for Ext re AIRB to 11-15-23.pdf](#)

Attached for service in the above-referenced matter please find Appellants' **Motion for Extension of Time to November 15, 2023, to File/Serve Initial Reply Brief of Appellants.**

Russell G. Hines
CLEMENT RIVERS, LLP
www.ycrlaw.com
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
Phone: (843) 720-5488
Fax: (843) 579-1327
Email: rhines@ycrlaw.com



CLEMENT RIVERS, LLP

25 Calhoun Street • Suite 400 • Charleston, SC 29401
ycrlaw.com