

**RECEIVED**

**Feb 12 2024**

**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-42-02595  
Appellate Case No. 2023-001371

---

Steven McCarson,  
as Personal Representative of the Estate of Louie Arches,

Respondent,

v.

THI of South Carolina at Magnolia Manor-Inman, LLC  
d/b/a Magnolia Manor-Inman, THI of South Carolina at Inman, LLC,  
THI of South Carolina, LLC, Hunt Valley Holdings, LLC,  
Fundamental Administrative Services, LLC,  
Fundamental Clinical and Operational Services, LLC,  
THI of Baltimore, LLC, and James H. Mack,

Appellants.

---

**APPELLANTS' DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON 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  
P.O. Box 993 (29402)  
Charleston, South Carolina 29401  
(843) 720-5488  
*Attorneys for Appellants*

Appellants propose the following to be included in the Record on Appeal, with any duplicative matter (e.g., the Arbitration Agreement, which was filed in the circuit court both as an exhibit to the Facility’s<sup>1</sup> motion to compel arbitration and as an exhibit to the Facility’s memo in support) to be included in the Record on Appeal only one time:

**Orders**

1. Order Denying Defendants’ Motions to Dismiss and Compel Arbitration or Participate in Discovery, filed July 10, 2023;
2. Initial Order Regarding Motion for Reconsideration, filed July 24, 2023;
3. Final Order Regarding Motion for Reconsideration, filed July 27, 2023;

**Pleadings**

4. Summons and Complaint, filed July 14, 2022;
  - a. Exhibit, Affidavit of Merit Luanne Trahan, MSN, APRN, FNP-BC, dated March 14, 2022;
5. The Facility’s Answer to Plaintiff’s Complaint, filed August 22, 2022;
6. THISC’s<sup>2</sup> Answer to Plaintiff’s Complaint, filed August 22, 2022;
7. FAS’s<sup>3</sup> Answer to Plaintiff’s Complaint, filed August 24, 2022;
8. FCOS’s<sup>4</sup> Answer to Plaintiff’s Complaint, filed August 24, 2022;

---

<sup>1</sup> The “Facility” refers to Defendant/Appellant THI of South Carolina at Magnolia Manor-Inman, LLC d/b/a Magnolia Manor-Inman.

<sup>2</sup> “THISC” refers to Defendant/Appellant THI of South Carolina, LLC.

<sup>3</sup> “FAS” refers to Defendant/Appellant Fundamental Administrative Services, LLC.

9. HVH's<sup>5</sup> Answer to Plaintiff's Complaint, filed August 24, 2022;
10. THIB's<sup>6</sup> Answer to Plaintiff's Complaint, filed August 24, 2022;
11. Mack's<sup>7</sup> Answer to Plaintiff's Complaint, filed August 24, 2022;

### **Transcript**

12. Hearing Transcript, June 1, 2023;

### **Other Material**

13. Stipulation of Dismissal Without Prejudice as to THI of South Carolina at Inman, LLC, filed September 28, 2022;
14. Facility's Motion to Compel Arbitration, filed February 3, 2023;
  - a. Exhibit A, Arbitration Agreement;
15. THISC's Motion to Stay, filed February 3, 2023;
16. FAS's Motion to Stay, filed February 3, 2023;
17. FCOS's Motion to Stay, filed February 3, 2023;
18. HVH's Motion to Stay, filed February 3, 2023;
19. THIB's Motion to Stay, filed February 3, 2023;
20. Mack's Motion to Stay, filed February 3, 2023;
21. THISC's Memo in Support of Motion to Stay, filed March 24, 2023;
22. FAS's Memo in Support of Motion to Stay, filed March 24, 2023;
23. FCOS's Memo in Support of Motion to Stay, filed March 24, 2023;
24. HVH's Memo in Support of Motion to Stay, filed March 24, 2023;

---

<sup>4</sup> "FCOS" refers to Defendant/Appellant Fundamental Clinical and Operational Services, LLC.

<sup>5</sup> "HVH" refers to Defendant/Appellant Hunt Valley Holdings, LLC.

<sup>6</sup> "THIB" refers to Defendant/Appellant THI of Baltimore, LLC.

<sup>7</sup> "Mack" refers to Defendant/Appellant James H. Mack.

25. THIB's Memo in Support of Motion to Stay, filed March 24, 2023;
26. Mack's Memo in Support of Motion to Stay, filed March 24, 2023;
27. Facility's Memo in Support of Motion to Compel Arbitration, filed May 31, 2023;
  - a. Exhibit 1, Admission Agreement;
  - b. Exhibit 2, Arbitration Agreement;
  - c. Exhibit 3, Affidavit of Katilia Brannon, dated March 22, 2023;
28. Plaintiff's Memo in Opposition to Motion to Compel Arbitration, filed May 31, 2023;
  - a. Exhibit A, SC Durable Financial Power of Attorney;
  - b. Exhibit B, SC Health Care Power of Attorney;
  - c. Exhibit C, Documents re Mental Capacity;
  - d. Exhibit D, Resident Face Sheet;
29. Motion to Alter, Amend, and/or Reconsider Order Denying Defendants' Motions to Dismiss and Compel Arbitration or Participate in Discovery, filed July 20, 2023;
30. Plaintiff's Memorandum in Opposition to Defendants' Motion for Reconsideration, filed July 24, 2023;
31. Notice of Appeal and Proof of Service, filed/served August 28, 2023 (omitting appealed orders, which are already designated for inclusion in the Record on Appeal elsewhere).

I certify that this Designation of Matter contains no matter which is irrelevant to this appeal.

**<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)  
Gaillard T. Dotterer, III (SC Bar No. 103620)  
Russell G. Hines (SC Bar No. 72100)  
25 Calhoun Street, Suite 400  
P.O. Box 993 (29402)  
Charleston, South Carolina 29401  
(843) 720-5488  
*Attorneys for Appellants*

Charleston, South Carolina

February 12, 2024