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Apr 19 2024

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

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

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,

**SECOND MOTION FOR EXTENSION OF
TIME TO PETITION FOR REHEARING**

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)
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Attorneys for Appellants

COME NOW 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 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 March 20, 2024. *See Estate of Jo Eva Rice v. Fundamental Clinical and Operational Services, LLC*, Unpublished Op. No. 2024-UP-083.

Presently, by order of this Court dated April 5, 2024, the deadline to petition for rehearing is today, Friday, April 19, 2024. Because of work-related and other time commitments, the undersigned counsel for Appellants request 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 May 6, 2024. 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 Second Motion for Extension of Time to Petition for Rehearing, Appellate Case No. 2023-000432]

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
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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 Appellants' **SECOND MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING** was served on Respondent on April 19, 2024, by emailing (see attached service email) a copy of the same to Respondent's counsel of record:

W. Harold Christian, Jr., Esquire
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CHRISTIAN & CHRISTIAN, LLC
Attorneys for Respondent

Respectfully submitted,
CLEMENT RIVERS, LLP

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Attorneys for Appellants

Charleston, South Carolina

April 19, 2024

From: [Bell, Pollyana \(Polly\)](#)
To: hchristian@cclawfirm.com; mchristian@cclawfirm.com; jbogle@cclawfirm.com; ggoodwin@cclawfirm.com
Cc: [Justman, Aimee](#); [Hines, Russell](#)
Subject: Rice v. Fundamental Clinical; Appellate Case No. 2023-000432 (CR 210593)
Date: Friday, April 19, 2024 1:31:36 PM
Attachments: [image001.png](#)
[2nd Motion for Extension - Petition for rehearing.pdf](#)

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

Thank you,

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