

**RECEIVED**

**Oct 25 2024**

**SC Court of Appeals**

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

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Appeal from Spartanburg County  
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

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Court of Appeals Case No. 2022-001059  
Circuit Court Cases No. 2019-CP-42-03708 and -03709  
Unpublished Opinion No. 2024-UP-261 (S.C. Ct. App. filed July 17, 2024)

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Kenneth Pace,  
Individually and as Personal Representative of  
the Estate of Earl E. Pace,

Respondent,

v.

Lake Emory Post Acute Care; THI of South Carolina at Camp Care,  
LLC; THI of South Carolina, LLC; THI of Baltimore, Inc.; Fundamental  
Administrative Services, LLC; Fundamental Clinical and Operational  
Services, LLC; Fundamental Clinical Consulting, LLC; Fundamental  
Long Term Care Holdings, LLC; and Kerry L. Wheeler, DO,

Defendants,

Of which Lake Emory Post Acute Care; THI of South Carolina at Camp  
Care, LLC; THI of South Carolina, LLC; THI of Baltimore, Inc.;  
Fundamental Administrative Services, LLC; Fundamental Clinical and  
Operational Services, LLC; and Fundamental Long Term Care  
Holdings, LLC, are

Petitioners.

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**SECOND MOTION FOR EXTENSION OF TIME  
TO SERVE/FILE PETITION FOR WRIT OF CERTIORARI**

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*\*Counsel identified on next page*

CLEMENT RIVERS, LLP

Stephen L. Brown (SC Bar No. 66468)

D. Jay Davis, Jr. (SC Bar No. 12084)

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*Attorneys for Petitioners*

NOW COME Petitioners, Lake Emory Post Acute Care, THI of South Carolina at Camp Care, LLC, THI of South Carolina, LLC, THI of Baltimore, Inc., Fundamental Administrative Services, LLC, Fundamental Clinical and Operational Services, LLC, and Fundamental Long Term Care Holdings, LLC, by and through their undersigned counsel, on the grounds stated below, pursuant to Rule 263(b), SCACR, as well as the Court's order of July 16, 2014, regarding Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals, and hereby move for an extension of ten (10) days' time to file/serve their petition to this Court for issuance of a writ of certiorari to the Court of Appeals to review its decision in this matter.

Presently, by order of this Court filed October 18, 2024, the deadline for the petition for writ of certiorari is October 28, 2024. Due to other time commitments, both work- and non-work-related, the undersigned counsel for Petitioners requests ten (10) additional days to prepare Petitioners' petition seeking this Court's review of the Court of Appeals' decision via writ of certiorari, and the undersigned submits that there is good cause to allow the requested dispensation: It is in furtherance of the interests of justice; it will not work any undue prejudice upon any other party; and it is consistent with the extension protocol established by the Court's aforementioned order of July 16, 2014.

WHEREFORE, Petitioners respectfully request this Honorable Court grant them an extension of ten (10) days' time to file/serve their petition for writ of certiorari. With the extension requested herein, the new deadline for filing/serving the petition for writ of certiorari would be November 7, 2024, according to the undersigned's calculations. Further, Petitioners respectfully request the Court hold this present deadline in abeyance until it acts upon this motion.

Respectfully submitted,  
CLEMENT RIVERS, LLP

By: s/Russell G. Hines  
Stephen L. Brown (SC Bar No. 66468)  
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October 25, 2024

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**PROOF OF SERVICE**

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*\*Counsel identified on next page*

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*Attorneys for Petitioners*

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Petitioners, hereby certify that Petitioners' **SECOND MOTION FOR EXTENSION OF TIME TO SERVE/FILE PETITION FOR WRIT OF CERTIORARI** was served on Respondent on October 25, 2024, by emailing (see attached) a copy of the same to Respondent's counsel of record:

Jennifer Spragins Burnett, Esquire  
[jennifer@harbinlaw.com](mailto:jennifer@harbinlaw.com)  
Anthony L. Harbin, Esquire  
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HARBIN & BURNETT, LLP  
2124 Highway 81 North  
Anderson, SC 29621  
*Attorneys for Respondent*

I also certify that Petitioners' **SECOND MOTION FOR EXTENSION OF TIME TO SERVE/FILE PETITION FOR WRIT OF CERTIORARI** and **PROOF OF SERVICE** was filed with the South Carolina Court of Appeals on October 25, 2024, via email to [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org).

Respectfully submitted,  
CLEMENT RIVERS, LLP

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

Charleston, South Carolina

October 25, 2024

**From:** [Justman, Aimee](#)  
**To:** [jennifer@harbinlaw.com](mailto:jennifer@harbinlaw.com); [aharbin@harbinlaw.com](mailto:aharbin@harbinlaw.com); [skellner@harbinlaw.com](mailto:skellner@harbinlaw.com)  
**Cc:** [Hines, Russell](#); [Bell, Pollyana \(Polly\)](#)  
**Subject:** RE: Pace v. Lake Emory; Ct. App. Case No. 2022-001059 (CR 190600)  
**Date:** Friday, October 25, 2024 2:27:55 PM  
**Attachments:** [image002.png](#)  
[Pace - Motion for Extension.pdf](#)

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Enclosed please find Petitioners' Second Motion for Extension of Time to Serve/File their Petition for Writ of Certiorari for service upon you in the above-referenced matter.

Thank you,

*Aimee Justman, Assistant to  
Stephen L. Brown, Russell G. Hines,  
and Stephen A. Griffith, Jr.  
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