

**RECEIVED**

**Nov 14 2024**

**SC Court of Appeals**

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

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Appeal from Fairfield County  
Court of Common Pleas

Patrick C. Fant, III, Circuit Court Judge

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Case No. 2023-CP-20-00268  
Appellate Case No. 2024-000596

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Thomas D. Kilpatrick  
as Special Administrator for the Estate of Anthony Lemon,

Respondent,

v.

Pruitthealth-Ridgeway, LLC f/k/a Unihealth Post-Acute Care-Tanglewood, LLC, United Health Services of South Carolina, Inc., Pruitthealth Consulting Services, Inc., Pruitthealth Therapy Services, Inc. f/k/a United Rehab, Inc., Pruitthealth, Inc., Neil Pruitt, Jr., THI of South Carolina at Columbia, LLC d/b/a Midlands Health and Rehabilitation Center, THI of South Carolina, LLC, Fundamental Clinical and Operational Services, LLC, Fundamental Clinical Consulting, LLC, Fundamental Long Term Care Holdings, Inc., Fundamental Administrative Services, LLC, and Hunt Valley Holdings, LLC,

Defendants,

Of which THI of South Carolina at Columbia, LLC d/b/a Midlands Health and Rehabilitation Center, THI of South Carolina, LLC, Fundamental Clinical and Operational Services, LLC, Fundamental Administrative Services, LLC, and Hunt Valley Holdings, LLC, are the

Appellants.

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**APPELLANTS' MOTION FOR LEAVE TO MOVE OUT OF TIME TO  
EXTEND THE TIME TO FILE/SERVE RETURN TO MOTION TO DISMISS**

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*\*Counsel identified on the next page*

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*Attorneys for Appellants*

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

COMES NOW Appellants THI of South Carolina at Columbia, LLC d/b/a Midlands Health and Rehabilitation Center, THI of South Carolina, LLC, Fundamental Clinical and Operational Services, LLC, Fundamental Administrative Services, LLC, and Hunt Valley Holdings, LLC, by and through their undersigned counsel, and, on the grounds set forth below, hereby move this Honorable Court (a) to grant them leave to file/serve the within motion to extend the time for filing/serving their return to motion to dismiss out of time; and (b) to grant them a first extension of 10 days' time.

Respondent filed a Motion to Dismiss in this present appeal, however, through inadvertence, the undersigned overlooked the email with the motion filed by Respondent. Consequently, the undersigned did not properly calendar the time to respond or otherwise move for an extension of time, which would ran on November 12, 2024.

With apologies to the Court and opposing counsel for this oversight, the undersigned humbly submits that good cause exists to grant the relief requested herein, which relief, the undersigned submits, is in the interests of justice and will not cause any undue prejudice to Respondent. As an initial matter, the undersigned would assure the Court that the aforementioned oversight was simply the result of

inadvertence and by no means reflective of any intentional disregard for the proper appellate process.

In the almost 19 years in which the undersigned has regularly practiced in this Court, it has been his experience that the Court has generally graciously allowed parties two extensions of the time for most deadlines. Notwithstanding the unusual way (procedurally speaking) in which it is being sought herein, in terms of actual time, the Court's allowance of the additional time requested herein (which is, ultimately, an extension of time through November 22, 2024) keeps this appeal on the same schedule as it would have been on had Appellants timely requested a first 10-day extension on November 12, 2024.

Besides the foregoing explanation of the aforementioned oversight, the additional time requested herein is being requested because of other time commitments (work-related and non-work-related).

Wherefore, the undersigned hereby moves this Honorable Court (a) to grant them leave to file/serve the within motion to extend the time for filing/serving their return to motion to dismiss out of time; and (b) to grant them a first extension of 10 days' time to November 22, 2024. Moreover, the undersigned asks that the Court hold Appellants' return to motion to dismiss deadline in abeyance until it rules upon the foregoing requests for relief.

**<SIGNED ON THE FOLLOWING PAGE>**

Respectfully submitted,  
CLEMENT RIVERS, LLP

By: s/Russell G. Hines  
D. Jay Davis, Jr. (SC Bar No. 12084)  
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Charleston, South Carolina

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Defendants,

Of which THI of South Carolina at Columbia, LLC d/b/a Midlands Health and Rehabilitation Center, THI of South Carolina, LLC, Fundamental Clinical and Operational Services, LLC, Fundamental Administrative Services, LLC, and Hunt Valley Holdings, LLC, are the

Appellants.

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**PROOF OF SERVICE**

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*\*Counsel identified on the next page*

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*Attorneys for Appellants*

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that the **APPELLANTS' MOTION FOR LEAVE TO MOVE OUT OF TIME TO EXTEND THE TIME TO FILE/SERVE RETURN TO MOTION TO DISMISS** were served on Respondent (and the other Defendants besides Appellants) on November 14, 2024, by emailing (see attached email) a copy of the same to counsel of record:

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Respectfully submitted,  
CLEMENT RIVERS, LLP

By: s/Russell G. Hines  
Russell G. Hines (SC Bar No. 72100)

*Attorneys for Appellants*

Charleston, South Carolina

November 14, 2024

**From:** [Bell, Pollyana \(Polly\)](#)  
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**Cc:** [Justman, Aimee](#); [Hines, Russell](#)  
**Subject:** Kilpatrick v. Pruitthealth - Ridgeway, LLC ; Appellate Case No. 2024-000596 (CR 230463)  
**Date:** Thursday, November 14, 2024 3:50:36 PM  
**Attachments:** [Kilpatrick - Motion for Leave re Motion for Extension w POS.pdf](#)  
[image001.png](#)

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Enclosed please find Appellants' Motion for Leave to Move Out of Time to Extend the Time to File/Serve Return to Motion to Dismiss for service upon you in the above-referenced matter.

Thank you,

Pollyana Bell  
Project Assistant  
Commercial Litigation Practice Group  
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