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**Dec 05 2024**

**S.C. SUPREME COURT**

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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APPEAL FROM SPARTANBURG COUNTY  
COURT OF COMMON PLEAS

JUDGE R. KEITH KELLY, CIRCUIT COURT JUDGE

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Circuit Court Cases No. 2019-CP-42-03708 and -03709  
Court of Appeals Case No. 2022-001059  
Supreme Court Case No. 2024-001764

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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

Appellants

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

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NOW COMES Respondent Kenneth Pace, Individually and as Personal Representative of the Estate of Earl E. Pace, by and through his undersigned counsel, pursuant to Rule 263(b), SCACR, as well as the Court's order of July 16, 2014, and moves for an extension of thirty (30) days' additional time to file/serve his return to the Petitioners' Petition for Writ of Certiorari.

Petitioners' Petition for a Writ of Certiorari was filed on November 7, 2024, making the deadline for Respondent's Return December 7, 2024.

The undersigned counsel for Respondent underwent surgical repair of a torn rotator cuff and bicep tenodesis on December 2, 2024. Counsel is required to completely immobilize her right (dominant) arm. Respondent respectfully requests this deadline be extended by 30 days. Respectfully, Respondent believes this relief is consistent with the interests of justice and will not work any undue prejudice upon Respondent.

WHEREFORE, Respondent moves this Honorable Court to grant an extension of 30 days to file and serve his Return to the Petition for a Writ of Certiorari and corresponding designation of matter to be included in the record on appeal. With the extension requested herein, the new deadline for filing/serving his initial brief and designation of matter would be January 3, 2025, according to the undersigned's calculations. Further, Respondent respectfully requests the Court hold their present initial-briefing/designation-of-matter deadline in abeyance until it acts upon this motion.

s/ Jennifer Spragins Burnett  
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Anderson, South Carolina  
December 5, 2024