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Dec 05 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM SPARTANBURG COUNTY
COURT OF COMMON PLEAS

JUDGE R. KEITH KELLY, CIRCUIT COURT JUDGE

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

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

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

Jennifer Spragins Burnett (S.C. Bar No. 69617)
Anthony L. Harbin (S.C. Bar No. 6399)
Harbin & Burnett, LLP
P.O. Box 35
Anderson, SC 29622
Ph: 864-964-0333
Attorneys for Respondent

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
Jennifer Spragins Burnett (SC Bar 69617)
Anthony L. Harbin (S.C. Bar No. 6399)
Harbin & Burnett, LLP
P.O. Box 35
Anderson, SC 29622
Ph: 864-964-0333
Attorneys for Respondent

Anderson, South Carolina
December 5, 2024

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PROOF OF SERVICE

Jennifer Spragins Burnett (S.C. Bar No. 69617)
Anthony L. Harbin (S.C. Bar No. 6399)
Harbin & Burnett, LLP
P.O. Box 35
Anderson, SC 29622
Ph: 864-964-0333
Attorneys for Respondent

I, Jennifer Spragins Burnett, of Harbin & Burnett, LLP, attorneys for Respondent, hereby certify that Respondent's **MOTION FOR EXTENSION OF TIME TO FILE/SERVE RESPONDENT'S RETURN TO PETITION FOR A WRIT OF CERTIORARI** was served on Appellants on December 5, 2024, by emailing (see attached) a copy of the same to Appellant's counsel of record:

Stephen L. Brown
D. Jay Davis, Jr.
Russell G. Hines
T. Ashton Phillips, III
Clement Rivers, LLP
25 Calhoun Street, Suite 400
Charleston, SC 2940
Attorneys for Appellants

I also certify that Respondent's **MOTION FOR EXTENSION OF TIME TO FILE/SERVE RESPONDENT'S RETURN TO PETITION FOR A WRIT OF CERTIORARI** and **PROOF OF SERVICE** was filed with the Supreme Court of South Carolina on December 5, 2024, via email (see attached) to supctfilings@sccourts.org.

Respectfully submitted,

Harbin & Burnett, LLP

s/ Jennifer Burnett
Jennifer Spragins Burnett
Attorney for Respondent

Anderson, South Carolina
December 5, 2024