



The South Carolina Court of Appeals

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January 24, 2025

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Re: Thomas D. Kilpatrick v. Pruitthealth - Ridgeway, LLC
Appellate Case No. 2024-000596

Dear Counsel:

Enclosed is the order of the Court. The respondent's initial brief and designation of matter are due within thirty days of the date of this letter.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Hannissai, deputy". The signature is written in a cursive style with a large initial 'C'.

CLERK

The South Carolina Court of Appeals

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.

Appellate Case No. 2024-000596

ORDER

Respondent moved to dismiss this appeal, for sanctions, and for attorney's fees and costs. Respondent argues this appeal is frivolous, has been taken solely for the purpose of delay, and is unsupported by precedent substantiating Appellants' arguments. Appellants filed a return, opposing dismissal, the imposition of sanctions, and the awarding of costs. Appellants argue the appeal is not frivolous and has not been taken for the purpose of delay. Appellants submit the one

published case cited by Respondent either was wrongly decided or does not control the instant appeal. After careful consideration, we deny Respondent's motion to dismiss. Further, we deny Respondent's motion for sanctions because we do not believe this appeal is frivolous or has been taken solely for the purpose of delay. *See* Rule 269, SCACR ("Where an appeal, petition, motion[,] or return is frivolous or taken solely for the purposes of delay, or is not in compliance with these Rules, the appellate court may upon its own motion or that of a party, after ten (10) days notice, impose upon offending attorneys or parties such sanctions as the circumstances of the case and discouragement of like conduct in the future may require."). To the extent Respondent requests attorney's fees and costs separate from its request for sanctions, we deny the request as premature. *See* Rule 222, SCACR ("A party desiring costs to be taxed shall, within fifteen (15) days of the issuance of the remittitur, serve and file a motion requesting that costs be assessed under this Rule.").



FOR THE COURT

Columbia, South Carolina

FILED
Jan 24 2025

cc:

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Donald Jay Davis, Jr., Esquire
Stephen Lynwood Brown, Esquire
Matthew Oliver Riddle, Esquire
John Elliott Parker, Jr., Esquire
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