



# The South Carolina Court of Appeals

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March 05, 2025

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Re: Beverly Calloway v. Oakbrook Healthcare, LLC  
Appellate Case No. 2024-000910

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 the enclosed order, as required by Rules 208 and 209 of the South Carolina Appellate Court Rules.

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

Beverly Calloway, as Personal Representative of the  
Estate of Hattie Admore, Respondent,

v.

Oakbrook Healthcare, LLC, d/b/a Oakbrook Health and  
Rehabilitation Center and Patricia Castle, Appellants.

Appellate Case No. 2024-000910

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## ORDER

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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. Respondent also filed a reply. 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.").



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FOR THE COURT

Columbia, South Carolina

cc:

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**FILED**  
**Mar 05 2025**

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