

EXHIBIT 1

RECEIVED

Jan 22 2026

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	IN THE COURT OF COMMON PLEAS
Robert Vance, by his duly appointed Guardian Ad Litem, Michael Vance, Plaintiff, vs. Greenville Community Healthcare, LLC d/b/a Patewood Post-Acute, Palmetto Community Healthcare, LLC, Providence Group, Inc., Providence Administrative Consulting Services, Inc., PACS Group, Inc., PACS Holdings, LLC, Patewood Realty, LLC, Next Palmetto Realty, LLC, and White Oak Healthcare REIT II, LLC, Defendants.	CIVIL ACTION NO. 2024-CP-23-06685 CONSENT CONFIDENTIALITY AGREEMENT AND ORDER

Whereas Robert Vance, by his duly appointed Guardian Ad Litem, Michael Vance and Greenville Community Healthcare, LLC d/b/a Patewood Post-Acute, Palmetto Community Healthcare, LLC, Providence Group, Inc., Providence Administrative Consulting Services, Inc., PACS Group, Inc., PACS Holdings, LLC, Patewood Realty, LLC, Next Palmetto Realty, LLC, and White Oak Healthcare REIT II, LLC (“parties”) to this Consent Confidentiality Order have stipulated that certain discovery material is and should be treated as confidential, and have agreed to the terms of this order; accordingly, it is ORDERED:

1. **Scope.** All documents produced in the course of discovery, all responses to discovery requests and all deposition testimony and deposition exhibits and any other materials which may be subject to discovery (hereinafter collectively “documents”) shall be subject to this Order concerning confidential information as set forth below.

2. **Form and Timing of Designation.** Confidential documents shall be so designated by placing or affixing the word “CONFIDENTIAL” on the document on the bottom of the page in a manner which will not interfere with the legibility of the document and which will permit

complete removal of the Confidential designation. Documents shall be designated CONFIDENTIAL prior to, or contemporaneously with, the production or disclosure of the documents. Inadvertent or unintentional production of documents without prior designation as confidential shall not be deemed a waiver, in whole or in part, of the right to designate documents as confidential as otherwise allowed by this Order. **All medical records will be deemed “Confidential” pursuant to HIPAA without the need to designate the records as “Confidential.”**

3. **Documents Which May be Designated Confidential.** Any party may designate documents as confidential but only after review of the documents by an attorney who has, in good faith, determined that the documents contain information protected from disclosure by statute, sensitive personal or business information, trade secrets, or confidential research, development, or commercial information. Information or documents which are available in the public sector may not be designated as confidential.

4. **Depositions.** Portions of depositions shall be deemed confidential only if designated as such when the deposition is taken or within seven business days after receipt of the transcript. Such designation shall be specific as to the portions to be protected.

5. **Protection of Confidential Material.**

a. **General Protections.** Documents designated CONFIDENTIAL under this Order shall not be used or disclosed by the parties or counsel for the parties or any other persons identified below (¶ 5.b.) for any purposes whatsoever other than preparing for and conducting the litigation in which the documents were disclosed (including any appeal of that litigation). The parties shall not disclose documents designated as confidential to putative class members not named as plaintiffs in putative class litigation unless and until one or more classes have been certified.

b. **Limited Third Party Disclosures.** The parties and counsel for the parties shall not disclose or permit the disclosure of any documents designated CONFIDENTIAL under the terms of this Order to any other person or entity except as set forth in subparagraphs (1)-(5) below, and then only after the person to whom disclosure is to be made has executed an acknowledgment that he or she has read and understands the terms of this Order and is bound by it. Subject to these requirements, the following categories of persons may be allowed to review documents which have been designated CONFIDENTIAL pursuant to this Order:

- (1) counsel and employees of counsel for the parties who have responsibility for the preparation and trial of the lawsuit;
- (2) parties and employees of a party to this Order but only to the extent counsel shall certify that the specifically named individual party or employee's assistance is necessary to the conduct of the litigation in which the information is disclosed;
- (3) court reporters engaged for depositions and those persons, if any, specifically engaged for the limited purpose of making photocopies of documents;
- (4) consultants, investigators, or experts (hereinafter referred to collectively as "experts") employed by the parties or counsel for the parties to assist in the preparation and trial of the lawsuit; and
- (5) other persons only upon consent of the producing party or upon order of the court and on such conditions as are agreed to or ordered.

c. **Control of Documents.** Counsel for the parties shall take reasonable efforts to prevent unauthorized disclosure of documents designated as Confidential pursuant to the terms of this order. Counsel shall maintain a record of those persons, including employees of counsel, who have reviewed or been given access to the documents along with the

originals of the forms signed by those persons acknowledging their obligations under this Order.

d. **Copies.** All copies, duplicates, extracts, summaries or descriptions (hereinafter referred to collectively as “copies”), of documents designated as Confidential under this Order or any portion of such a document, shall be immediately affixed with the designation “CONFIDENTIAL” if the word does not already appear on the copy. All such copies shall be afforded the full protection of this Order.

6. **Filing of Confidential Materials.** In the event a party seeks to file any material that is subject to protection under this Order with the court, that party shall take appropriate action to insure that the documents receive proper protection from public disclosure including: (1) filing a redacted document with the consent of the party who designated the document as confidential; (2) where appropriate (*e.g.* in relation to discovery and evidentiary motions), submitting the documents solely for *in camera* review; or (3) where the preceding measures are not adequate, seeking permission to file the document under seal pursuant to the procedural steps set forth in the Rules of Civil Procedure, or such other rule or procedure as may apply in the relevant jurisdiction. Absent extraordinary circumstances making prior consultation impractical or inappropriate, the party seeking to submit the document to the court shall first consult with counsel for the party who designated the document as confidential to determine if some measure less restrictive than filing the document under seal may serve to provide adequate protection. This duty exists irrespective of the duty to consult on the underlying motion. Nothing in this Order shall be construed as a prior directive to the Clerk of Court to allow any document be filed under seal. The parties understand that documents may be filed under seal only with the permission of the court after proper motion pursuant to said Rules.

7. **Greater Protection of Specific Documents.** No party may withhold information from discovery on the ground that it requires protection greater than that afforded by this Order unless the party moves for an Order providing such special protection.

8. **Challenges to Designation as Confidential.** Any CONFIDENTIAL designation is subject to challenge. The following procedures shall apply to any such challenge.

a. The burden of proving the necessity of a Confidential designation remains with the party asserting confidentiality.

b. A party who contends that documents designated CONFIDENTIAL are not entitled to confidential treatment shall give written notice to the party who affixed the designation of the specific basis for the challenge. The party who so designated the documents shall have fifteen (15) days from service of the written notice to determine if the dispute can be resolved without judicial intervention and, if not, to move for an Order confirming the Confidential designation.

c. Notwithstanding any challenge to the designation of documents as confidential, all material previously designated CONFIDENTIAL shall continue to be treated as subject to the full protections of this Order until one of the following occurs:

- (1) the party who claims that the documents are confidential withdraws such designation in writing;
- (2) the party who claims that the documents are confidential fails to move timely for an Order designating the documents as confidential as set forth in paragraph 8.b. above; or
- (3) the court rules that the documents should no longer be designated as confidential information.

d. Challenges to the confidentiality of documents may be made at any time and are not waived by the failure to raise the challenge at the time of initial disclosure or designation.

9. **Treatment on Conclusion of Litigation.**

a. **Order Remains in Effect.** All provisions of this Order restricting the use of documents designated CONFIDENTIAL shall continue to be binding after the conclusion of the litigation unless otherwise agreed or ordered.

b. **Return of CONFIDENTIAL Documents.** Within thirty (30) days after the conclusion of the litigation, including conclusion of any appeal, all documents treated as confidential under this Order, including copies as defined above (¶5.d.) shall be returned to the producing party unless: (1) the document has been entered as evidence or filed (unless introduced or filed under seal); (2) the parties stipulate to destruction in lieu of return; or (3) as to documents containing the notations, summations, or other mental impressions of the receiving party, that party elects destruction. Notwithstanding the above requirements to return or destroy documents, counsel may retain attorney work product including an index which refers or relates to information designated CONFIDENTIAL so long as that work product does not duplicate verbatim substantial portions of the text of confidential documents. This work product continues to be Confidential under the terms of this Order. An attorney may use his or her work product in a subsequent litigation provided that its use does not disclose the confidential documents.

10. **Order Subject to Modification.** This Order shall be subject to modification on motion of any party or any other person who may show an adequate interest in the matter to intervene for purposes of addressing the scope and terms of this Order. The Order shall not,

however, be modified until the parties shall have been given notice and an opportunity to be heard on the proposed modification.

11. **No Judicial Determination.** This Order is entered based on the representations and agreements of the parties and for the purpose of facilitating discovery. Nothing herein shall be construed or presented as a judicial determination that any specific document or item of information designated as CONFIDENTIAL by counsel is subject to protection under Rule 26(c) of the Federal Rules of Civil Procedure or otherwise until such time as a document-specific ruling shall have been made.

12. **Persons Bound.** This Order shall take effect when entered and shall be binding upon: (1) counsel who signed below and their respective law firms; and (2) their respective clients.

IT IS SO ORDERED.

May 30, 2025
Charleston, South Carolina

<p>WE SO CONSENT: BURR & FORMAN, LLP</p> <p><u>s/ Nicholas C.C. Stewart</u> Nicholas C.C. Stewart 115 Fairchild Street, Suite 200 Daniel Island, SC 29492 Ph. 843.973.6888 nstewart@burr.com Attorney for Defendants</p>	<p>WE SO CONSENT: CHRISTIAN & CHRISTIAN</p> <p><u>s/ Matthew W Christian</u> Matthew W. Christian PO Box 332 Greenville, SC 29602 Ph. 864.232.7363 mchristian@cclawfirm.com Attorney for Plaintiff</p>
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Greenville Common Pleas

Case Caption: Robert Vance , plaintiff, et al vs. Greenville Community Healthcare LLC , defendant, et al
Case Number: 2024CP2306685
Type: Order/Consent Order

So Ordered

Hon Perry H. Gravely, Chief Administrative
Judge-Civil

EXHIBIT 2

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	IN THE COURT OF COMMON PLEAS
<p>Robert Vance, by his duly appointed Guardian Ad Litem, Michael Vance,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>Greenville Community Healthcare, LLC d/b/a Patewood Post-Acute, Palmetto Community Healthcare, LLC, Providence Group, Inc., Providence Administrative Consulting Services, Inc., PACS Group, Inc., PACS Holdings, LLC, Patewood Realty, LLC, Next Palmetto Realty, LLC, and White Oak Healthcare REIT II, LLC,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">CASE NO: 2024-CP-23-06685</p> <p style="text-align: center;">DEFENDANTS' MOTION TO DISMISS CLAIM FOR CORPORATE NEGLIGENCE</p>

Defendants Greenville Community Healthcare, LLC d/b/a Patewood Post-Acute, Palmetto Community Healthcare, LLC, Providence Group, Inc., Providence Administrative Consulting Services, Inc., PACS Group, Inc., PACS Holdings, LLC, Patewood Realty, LLC, Next Palmetto Realty, LLC, and White Oak Healthcare REIT II, LLC (hereinafter "Defendants"), by and through their undersigned counsel hereby move pursuant to Rule 12(b)(6), SCRCPP, for an Order dismissing Plaintiff's claim for corporate negligence because South Carolina does not recognize corporate negligence as a legal theory for relief.

In *McCord v. Laurens County Healthcare System*, the South Carolina Court of Appeals declined to adopt the theory of corporate negligence and stated "[e]ven if we were inclined to agree with the hospital corporate negligence doctrine, such a declaration of public policy is the function of the legislature or perhaps our supreme court." *McCord v. Laurens Cnty. Health Care Sys.*, 429 S.C. 286, 298, 838 S.E.2d 220, 226 (Ct. App. 2020). The court in *McCord*, considered other cases where the courts declined to adopt the corporate negligence theory and concluded the theory is nto

recognized in South Carolina. As a result, Plaintiff's claim for corporate negligence must be dismissed as to all Defendants.

Defendants reserve the right to supplement this Motion with a memorandum of law, affidavits, evidence and other documents in support of this Motion.

BURR & FORMAN, LLP

s/Nicholas C.C. Stewart

J. Bennett Crites, III

Nicholas C.C. Stewart

100 Calhoun Street, Suite 400

Charleston, SC 29401

Ph. 843.723.7831

bcrites@burr.com

nstewart@burr.com

Attorneys for Defendants

December 30, 2024

Charleston, South Carolina

EXHIBIT 3

Robert Vance et al
PLAINTIFF(S)

Greenville Community Healthcare LLC et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (*CHECK REASON*):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (*CHECK REASON*):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (*CHECK APPLICABLE BOX*):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

This matter came before the Court on March 26, 2025. Matthew Christian was present on behalf of the Plaintiffs and Nicholas Stewart was present on behalf of the Defendants. After hearing the arguments of the parties and a review of the filings in the case, the Defendants' Motion to Dismiss is Denied.

It Is So Ordered.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 03/31/2025 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Greenville Common Pleas

Case Caption: Robert Vance , plaintiff, et al vs. Greenville Community Healthcare LLC , defendant, et al
Case Number: 2024CP2306685
Type: Order/Electronic Form 4

So Ordered

William C. McMaster, III

EXHIBIT 4

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	IN THE COURT OF COMMON PLEAS
<p>Robert Vance, by his duly appointed Guardian Ad Litem, Michael Vance,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>Greenville Community Healthcare, LLC d/b/a Patewood Post-Acute, Palmetto Community Healthcare, LLC, Providence Group, Inc., Providence Administrative Consulting Services, Inc., PACS Group, Inc., PACS Holdings, LLC, Patewood Realty, LLC, Next Palmetto Realty, LLC, and White Oak Healthcare REIT II, LLC,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">CASE NO: 2024-CP-23-06685</p> <p style="text-align: center;">DEFENDANTS’ MOTION TO RECONSIDER DENIAL OF MOTION TO DISMISS CLAIM OF CORPORATE NEGLIGENCE</p>

Defendants Greenville Community Healthcare, LLC d/b/a Patewood Post-Acute, Palmetto Community Healthcare, LLC, Providence Group, Inc., Providence Administrative Consulting Services, Inc., PACS Group, Inc., PACS Holdings, LLC, Patewood Realty, LLC, Next Palmetto Realty, LLC, and White Oak Healthcare REIT II, LLC (hereinafter “Defendants”), by and through their undersigned counsel moves, pursuant to Rule 59(e), SCRCF, to Reconsider Judge William C. McMaster, III’s Order denying Defendants’ Motion to Dismiss Plaintiff’s claim of corporate negligence.

The basis for this Motion is the Court’s Order provides no legal reasoning or authority to support its denial of the Motion to Dismiss and Order contains a clear error of law.

STANDARD FOR MOTION TO RECONSIDER

The decision to grant or deny a motion under Rule 59(e), SCRCF, lies within the sound discretion of the trial court. *Pollard v. Cnty. of Florence*, 314 S.C. 397, 402, 444 S.E.2d 534, 536 (Ct. App. 1994). “An abuse of discretion arises where the judge issuing the order was controlled

by an error of law or where the order is based on factual conclusions that are without evidentiary support.” *BB & T v. Taylor*, 369 S.C. 548, 551, 633 S.E.2d 501, 503 (2006). A motion for reconsideration is a proper vehicle to “correct a clear error of law or prevent manifest injustice.” *Thomas Jackson Constr., Inc. v. Lake Tree Murray*, 2007 WL 9254168, at *1 (S.C. Ct. Comm. Pleas Nov. 9, 2007) (citing *Pacific Ins. Co. v. Am. Nat’l Fire Ins. Co.*, 148 F.3d 396, 402 (4th Cir. 1998)).

ARGUMENT

I. The Order must be reconsidered because it contains an error of law because South Carolina does not recognize the doctrine of “corporate negligence.”

The Order contains an error of law by not dismissing Plaintiff’s claim for corporate negligence. South Carolina does not recognize “corporate negligence” as a distinct, standalone separate cause of action separate from general negligence. There is not a single case or judgement presented to this Court adopting the theory of “corporate negligence” and defines the elements of such a claim. There is not a single case presented to this Court that establishes the elements necessary to establish the claim of corporate negligence.

In 2020, a mere five years before this Court’s Order, the South Carolina Court of Appeals was presented with the same question of if South Carolina recognized the corporate negligence doctrine in healthcare settings and it declined to recognize the doctrine in *McCord v. Laurens Cnty. Health Healthcare Sys.* The Court went into detailed analysis and stated:

“We have considered the corporate negligence doctrine for hospitals before but passed on the invitation to recognize it.”

McCord v. Laurens Cnty. Health Care Sys., 429 S.C. 286, 297, 838 S.E.2d 220, 226 (Ct. App. 2020).

The McCord court continues to analyze this allege doctrine and finishes its decision with
“Even if we were inclined to agree with the hospital corporate negligence doctrine, such a declaration of public policy is the function of the legislature or perhaps our supreme court.”

McCord v. Laurens Cnty. Health Care Sys., 429 S.C. 286, 298, 838 S.E.2d 220, 226 (Ct. App. 2020).

Despite this clear and unambiguous language from the South Carolina Court of Appeals in 2020, this Court has seemingly adopted the doctrine of “corporate negligence” via a Form 4 Order that does not contain any legal analysis or rationale for ignorance precedence.

The Court of Appeals in 2020 clearly and unequivocally ruled that South Carolina does not recognize the doctrine of “corporate negligence.” If this Court desires to create a new cause of action in South Carolina, then it must do so with more than a Form 4 Order and provide rationale for disagreed with the *McCord* holding.

II. The Court’s Order is prejudicial to Defendants.

This Court’s Order is highly prejudicial to Defendants because Defendants do not have the right to immediately appeal the erroneous Order. Defendants must now defend against a claim that does not exist, risk a potential adverse verdict against them, and then only can Defendants appeal to the Court of Appeals to correct this Court’s obvious and blatant error of law. Defendants being forced to defend against a non-existent claim is highly prejudicial.

Defendants should not have to defend itself against a claim not legally recognized in South Carolina and it is the duty of this Court to apply the law. In this instance, the Court has seemingly not given Defendants’ Motion any consideration because it has entered a simply Form 4 Order without any legal support for its findings. The law is clear that South Carolina does not recognize

this cause of action so if this Court is going to rule against precedent, it must do so with some legal reasoning. Even if the Court is not included to reconsider its prior Order, it must enter a new Order that contains some legal rationale for ruling against established South Carolina precedent in *McCord*.

CONCLUSION

Based on the above arguments, the Court must reconsider its Order denying Defendants' Motion to Dismiss Plaintiff's claim of corporate negligence.

BURR & FORMAN, LLP

s/Nicholas C.C. Stewart
J. Bennett Crites, III
Nicholas C.C. Stewart
115 Fairchild Street, Suite 200
Daniel Island, SC 29492
Ph. 843.973.6888
Fax 843.973.6825
bcrites@burr.com
nstewart@burr.com
Attorneys for Defendants

April 11, 2025
Charleston, South Carolina

EXHIBIT 5

Robert Vance et al
PLAINTIFF(S)

Greenville Community Healthcare LLC et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED** (*CHECK REASON*): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN** (*CHECK REASON*): Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*):
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

After careful consideration of the able argument and filings of counsel and review of the record, the Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately considered. Accordingly, Defendants' Motion to Reconsider Denial of Motion to Dismiss Claim of Corporate Negligence is Denied.

It Is So Ordered.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/19/2025 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Greenville Common Pleas

Case Caption: Robert Vance , plaintiff, et al vs. Greenville Community Healthcare LLC , defendant, et al
Case Number: 2024CP2306685
Type: Order/Electronic Form 4

So Ordered

William C. McMaster, III