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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
William C. McMaster, III, Circuit Court Judge

Appellate Case No. 2025-002264
Case No. 2025-CP-23-01757
Case No. 2025-CP-23-01759

Kimberly Haag, Individually and as
Personal Representative of the Estate
of Raymond Zeigler,.....

Respondent,

v.

Carlyle Senior Care of Fountain Inn,
LLC; Carlyle Senior Care Management
Company, Inc.; New Day Health Ventures,
LLC; LARK of Fountain Inn, LLC; Fountain
Inn Healthcare, LLC d/b/a Fountain Inn Post
Acute; Providence Group, Inc.; Providence
Administrative Consulting Services, Inc.;
PACS Group, Inc.; PACS Holdings, LLC;
and 501 Gulliver Property, LLC,.....

Appellants.

**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Appellants Fountain Inn Healthcare, LLC d/b/a Fountain Inn Post Acute;
Providence Group, Inc.; Providence Administrative Consulting Services, Inc.;;
PACS Group, Inc.; PACS Holdings, LLC; and 501 Gulliver Property, LLC

(“Appellants” or “Defendants”) propose the following to be included in the Record on Appeal for the following appealed civil cases, which were consolidated by the Court of Appeals: (A) Survival Action, Case No. 2025-CP-23-01757 and (B) Wrongful Death Action, Case No. 2025-CP-23-01759. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to this appeal.

ORDERS

1. Form 4 Orders Denying Motions to Compel Arbitration in both Survival Action (“SA”) and Wrongful Death Action (“WD”), filed September 22, 2025;
2. Form 4 Orders Denying Motions to Reconsider in SA and WD, filed October 24, 2025;

PLEADINGS

3. Plaintiff’s SA Summons and Complaint, filed March 18, 2025;
4. Plaintiff’s WD Summons and Complaint, filed March 18, 2025;

TRANSCRIPTS

5. Transcript of September 19, 2025 Hearing on Defendants’ SA & WD Motions to Dismiss, Stay Litigation and Discovery, and Compel Arbitration;
6. Transcript of October 21, 2025, Deposition of Kimberly Haag;

OTHER MATERIALS

7. Defendants’ SA Motion to Dismiss, Stay Litigation and Discovery, and Compel Arbitration, filed May 9, 2025;
 - a. Exhibit A, Arbitration Agreement;

- b. Exhibit B, Management and Operations Transfer Agreement;
 - c. Exhibit C, General Durable Power of Attorney of R. Zeigler;
8. Defendants' WD Motion to Dismiss, Stay Litigation and Discovery, and Compel Arbitration, filed May 9, 2025;
 - a. Exhibit A, Arbitration Agreement;
 - b. Exhibit B, Management and Operations Transfer Agreement;
 - c. Exhibit C, General Durable Power of Attorney of R. Zeigler;
9. Defendants' SA Motion for Protective Order, filed May 9, 2025;
10. Defendants' WD Motion for Protective Order, filed May 9, 2025;
11. Co-Defendants'¹ SA Motion to Compel Arbitration, including Exhibit A through Exhibit B, filed on May 14, 2025;
12. Co-Defendants' WD Motion to Compel Arbitration, including Exhibit A through Exhibit B, filed on May 14, 2025;
13. Co-Defendants' SA Memorandum of Law in Support of Motion to Compel Arbitration, filed on September 16, 2025;
14. Co-Defendants' WD Memorandum of Law in Support of Motion to Compel Arbitration, filed on September 16, 2025;
15. Affidavits of Kimberly Haag , filed in SA on September 17, 2025;
16. Affidavits of Kimberly Haag , filed in WD on September 17, 2025;
17. Plaintiff's SA Memorandum of Law in Opposition to all Defendants' Motions to Dismiss, Stay Litigation and Discovery, Compel Arbitration, and for

¹ Co-Defendants/Co-Appellants are the remaining Defendants/Appellants to this Appeal who are as follows, Carlyle Senior Care of Fountain Inn, LLC; Carlyle Senior Care Management Company, Inc.; New Day Health Ventures, LLC; and LARK of Fountain Inn, LLC

- Protective Order, including Exhibit A through Exhibit R, filed September 17, 2025;
18. Plaintiff's WD Memorandum of Law in Opposition to all Defendants' Motions to Dismiss, Stay Litigation and Discovery, Compel Arbitration, and for Protective Order, including Exhibit A through Exhibit R, filed September 17, 2025;
 19. Defendants' SA Memorandum of Law in Support of Motion to Dismiss, Stay Litigation and Discovery, and Compel Arbitration, including Exhibit A through Exhibit E, filed September 18, 2025;
 20. Defendants' WD Memorandum of Law in Support of Motion to Dismiss, Stay Litigation and Discovery, and Compel Arbitration, including Exhibit A through Exhibit E, filed September 18, 2025;
 21. Defendants' SA Motion to Reconsider Trial Court's September 22, 2025 Orders, filed October 2, 2025;
 22. Defendants' WD Motion to Reconsider Trial Court's September 22, 2025 Orders, filed October 2, 2025;
 23. Co-Defendants' SA Motion to Reconsider Trial Court's September 22, 2025, Orders, filed October 2, 2025;
 24. Co-Defendants' WD Motion to Reconsider Trial Court's September 22, 2025, Orders, filed October 2, 2025;
 25. Plaintiff's SA Memorandum of Law in Opposition to all Defendants' Motions to Reconsider Trial Court's September 22, 2025 Order, filed October 9, 2025;
 26. Plaintiff's WD Memorandum of Law in Opposition to all Defendants' Motions to Reconsider Trial Court's September 22, 2025 Order, filed October 9, 2025;
 27. Defendants'/Appellants' SA & WD Notices of Appeal (omitting appealed orders) with Proof of Service, served/filed November 7, 2025; and

28. Co-Defendants'/Co-Appellants' SA & WD Notices of Appeal (omitting appealed orders), served/filed November 12, 2025.

Respectfully submitted,

BURR & FORMAN, LLP

s/ Cameron Tabrizian

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Attorneys for Appellants Fountain Inn Healthcare, LLC d/b/a Fountain Inn Post Acute; Providence Group, Inc.; Providence Administrative Consulting Services, Inc.; PACS Group, Inc.; PACS Holdings, LLC; and 501 Gulliver Property, LLC

February 6, 2026
Charleston, South Carolina