

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Case No. 2007-CP-42-4601

Lawrence E. Morrow and Evelyn M. Morrow,

Appellants/Respondents,

v.

Fundamental Long-Term Care Holdings, LLC;
Fundamental Clinical Consulting, LLC; Fundamental
Administrative Services, LLC; THI of Baltimore, Inc.;
THI of South Carolina, LLC; THI of Baltimore
Management, LLC; THI of South Carolina at Magnolia
Place at Spartanburg, LLC d/b/a Magnolia Place at
Spartanburg,

Defendants,

Of whom Fundamental Long-Term Care Holdings, LLC;
Fundamental Clinical Consulting, LLC; Fundamental
Administrative Services, LLC; THI of Baltimore, Inc.;
THI of South Carolina, LLC; and THI of South Carolina
at Magnolia Place at Spartanburg, LLC d/b/a Magnolia Place
at Spartanburg are,

Respondents/Appellants.

NOTICE OF APPEAL

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DEC 05 2011
SC Court of Appeals

Case No. 2007-CP-42-4601

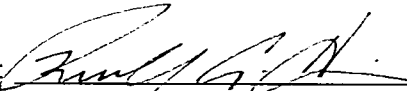
Respondents/Appellants, Fundamental Long-Term Care Holdings, LLC; Fundamental Clinical Consulting, LLC; Fundamental Administrative Services, LLC; THI of Baltimore, Inc.; THI of South Carolina, LLC; and THI of South Carolina at Magnolia Place at Spartanburg, LLC d/b/a Magnolia Place at Spartanburg, hereby appeal the order (judgment) of The Honorable J. Derham Cole dated October 24, 2011, a copy of which is attached hereto.¹ This is a cross-appeal, Respondents/Appellants having received the Appellants'/Respondents' Notice of Appeal on November 23, 2011.

<SIGNED ON THE FOLLOWING PAGE>

¹ On motion of the Appellants/Respondents, by order entered October 12, 2011, the above-captioned defendant THI of Baltimore Management, LLC was dismissed from this action.

Respectfully submitted,

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By:  _____

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Attorneys for the Respondents/Appellants

Charleston, South Carolina

Dated: 12/1/11

Other counsel of record:

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Attorneys for Appellants/Respondents

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2007-CP-42-4601

Lawrence E. MORROW, et al.,

FUNDAMENTAL LONG-TERM CARE HOLDINGS,
LLC, et al.,

PLAINTIFF(S)

DEFENDANT(S)

CHECK ONE:

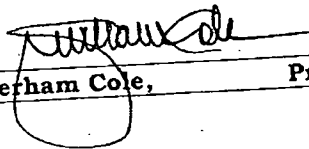
- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED** (CHECK REASON): 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

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

This matter came before this court on **plaintiffs' motions**; to **reconsider** and **clarification** of order for **bifurcation**; to **exclude** cumulative defense **experts**; to **compel** a 30(b)(6) witness deposition to **compel** deposition of **Ken Tabler**; and defendant **FLTCH's motion** to **dismiss** and defendants' **motion** for **protective order** (Tabler).

After consideration of the record, memoranda submitted, and the argument of counsel, this court finds plaintiffs' **motions** to **reconsider** and for clarification and to **exclude** experts should be and are therefore **denied**. Plaintiff's **motion** to **compel** 30(b)(6) and Tabler's deposition should be and is therefore **granted**. Defendant **FLTCH's motion** to **dismiss** and defendants' **motion** for **protective order** should be and are therefore **denied**.

FILED
2011 OCT 15 11:28 AM
CLERK OF COURT
SPARTANBURG, SOUTH CAROLINA


J. Derham Cole, Presiding Judge

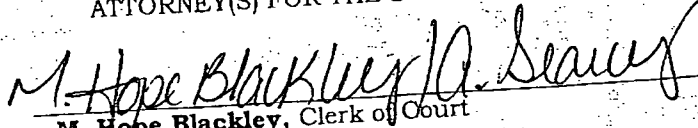
This judgment was entered on the 24th day of **October, 2011**, and a copy mailed first-class this 24th day of **October, 2011** to attorneys of record or to parties (when appearing pro se) as follows:

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ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)


M. Hope Blackley, Clerk of Court

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