

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Spartanburg County
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

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AUG 17 2015

SC Court of Appeals

Appellate Case No. 2012-212871 (Supreme Court)
Appellate Case No. 2011-204166 (Court of Appeals)
Case No. 2007-CP-42-4601 (Circuit Court)

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,

Respondents/Appellants.

AGREEMENT TO DISMISS APPEAL

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COME NOW Appellants/Respondents and Respondents/Appellants above named (the "Parties"), by and through their respective undersigned counsel, pursuant to Rule 260(b), SCACR, and hereby advise this Honorable Court of the Parties' agreement that this proceeding be dismissed, in its entirety.¹

WHEREAS, the Parties have reached agreement providing for the full and final resolution of all claims relating to this case and its subject matter;

NOW, THEREFORE, the Parties agree that this appeal should be dismissed, in its entirety, and the Parties jointly request an order of dismissal from the Court, with the Parties bearing their own costs on appeal, i.e., with **no** costs, fees, or other expenses being awarded to, or assessed against, any party.

<SIGNED ON THE FOLLOWING PAGE>

¹ Following Appellants/Respondents' successful petition for a writ of certiorari, this appeal is now pending in this Court in accordance with our Supreme Court's recent decision in Morrow v. Fundamental Long-Term Holdings, LLC, Op. No. 27532 (S.C. Sup. Ct. filed Jun 17, 2015) (Shearouse Adv. Sh. No. 23 at 24). Out of an abundance of caution, while agreeing that this appeal should be dismissed, in its entirety, Appellants/Respondents would make clear that the instant agreement does **not** include or otherwise reflect agreement by the Appellants/Respondents that dismissal of the appeal should have any effect on the Supreme Court's decision, and that, by filing the instant agreement, the Appellants/Respondents are **not** asking for the Supreme Court's decision to be affected in any way.

SO AGREED:

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I, Catherine H. Chase, of Young Clement Rivers, LLP, counsel for Respondents, do hereby certify that a copy of the **AGREEMENT TO DISMISS APPEAL** was served upon counsel for Appellants/Respondents via United States Mail, properly posted, on **August 14, 2015**, addressed as follows:

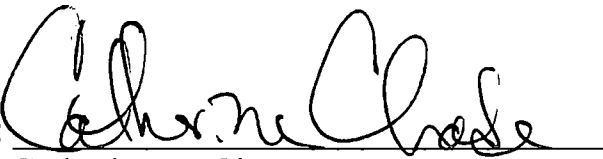
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By: 
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Charleston, South Carolina

Dated: August 14, 2015