

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Thomas A. Russo, Presiding Judge

APPELLATE CASE NO. 2017-001720

RECEIVED

AUG 31 2017

SC Court of Appeals

Sunday Kay Murphy, individually and in a representative capacity for
all others similarly situated..... Appellant

vs.

Five Star Florence, LLC..... Respondent

**APPELLANT'S MEMORANDUM ON
APPEALABILITY**

The South Carolina Court of Appeals has requested the parties file a Memorandum addressing the issue of appealability of the Lower Court's Order Denying Plaintiff's Motion to Compel State Arbitration and Granting Defendant's Motions to Stay Proceedings and Compel Federal Arbitration.

South Carolina has adopted the Uniform Arbitration Act. §15-48-200 addresses the issue of appealability concerning arbitration questions. §15-48-200 states as follows:

(a) An appeal may be taken from:

- (1) An order denying an application to compel arbitration made under §15-48-20;

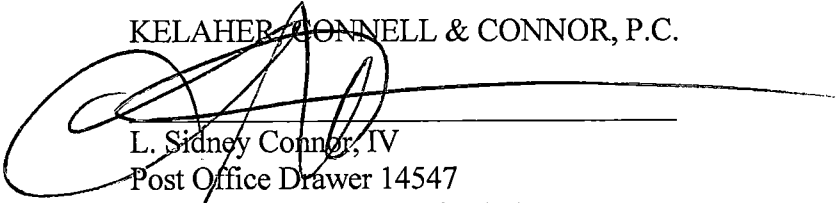
In this case, the Plaintiff made a Motion to Compel Arbitration under the South Carolina Uniform Arbitration Act. The Court's Order denies that Motion and therefore an appeal may be taken by the Plaintiff under the aforementioned section.

See also Widener v. Fort Mill Ford, 381 S.C. 522, 674 S.E.2d 172 (S.C. App. 2009).

CONCLUSION

Based upon the specific statutory section and the case law, the Order of the Lower Court is immediately appealable.

KELAHER, DONNELL & CONNOR, P.C.



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Attorney for Appellant

August 29, 2017

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PROOF OF SERVICE

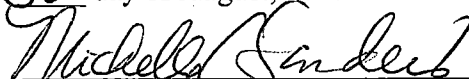
PERSONALLY appeared before me, Lynn C. Benton, who being duly sworn, deposes and
says that she is an employee of KELAHER, CONNELL & CONNOR, P.C., Attorneys at Law, and
that she has served the **Appellant's Memorandum on Appealability** on the Respondent, through
its attorney of record, by depositing a copy of same in the United States Mail, postage prepaid, to:

Sarah P. Spruill, Esquire
Haynsworth Sinkler Boyd, P.A.
Post Office Box 2048
Greenville, SC 29602

Date of Mailing: August 30, 2017


Lynn C. Benton

SWORN to before me this
30th day of August, 2017


Michelle Sinkler
Notary Public for South Carolina
My Commission Expires: 8-10-2021

KELAHER, CONNELL & CONNOR, P.C.

ATTORNEYS AT LAW

SUITE 209

THE COURTYARD

1500 U.S. HIGHWAY 17 NORTH

P.O. DRAWER 14547

SURFSIDE BEACH, SOUTH CAROLINA 29587

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LISA POE DAVIS

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August 29, 2017

AUG 31 2017

SC Court of Appeals

Ms. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Sunday Kay Murphy, individually and in a representative capacity for all others similarly situated v. Five Star Florence, LLC
Appellate Case No.: 2017-001720

Dear Mr. Kitchings:

Pursuant to your letter of August 23, 2017, enclosed please find an original plus one (1) copy of **APPELLANT'S MEMORANDUM ON APPEALABILITY** along with Proof of Service. Please file the original and return a clocked copy in the envelope provided.

By copy of this letter, I hereby serve the Respondents, through their attorney of record, with **APPELLANT'S MEMORANDUM ON APPEALABILITY**.

With best wishes, I remain


Sincerely,

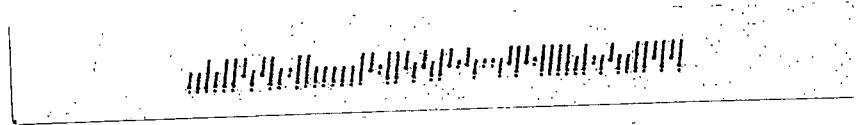

L. Sidney Connor, IV

LSCIV:lb
Enclosures

cc w/encl.: Sarah P. Spruill, Esquire



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