

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

Appeal from Greenville County
Court of Common Pleas

Robin B. Stilwell, Circuit Court Judge

Case No. 2018-CP-23-05088

RECEIVED
MAY 30 2019
SC Court of Appeals

Estate of Mozana Clinkscales, by and through the
appointed Personal Representative Charlie E. Clinkscales,
Individually, and on behalf of Statutory Beneficiaries,

Respondents,

v.

Fundamental Clinical and Operational Services, LLC;
Fundamental Administrative Services, LLC; and
THI of South Carolina at Magnolia Place at Greenville, LLC
d/b/a Magnolia Place-Greenville,

Appellants.

NOTICE OF APPEAL

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
D. Jay Davis, Jr. (SC Bar No. 12084)
Perry M. Buckner, IV (SC Bar No. 100031)
J. Joseph Owens (SC Bar No. 102794)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
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Attorneys for Appellants

Other Counsel of Record:

Gary W. Poliakoff
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POLIAKOFF & ASSOCIATES, PA
215 Magnolia Street
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(864) 582-5472

and

Matthew W. Christian
CHRISTIAN & DAVIS, LLC
1007 E. Washington Street
Greenville, South Carolina 29601
(864) 408-8890

Attorneys for Respondents

Appellants, Fundamental Clinical and Operational Services, LLC; Fundamental Administrative Services, LLC; and THI of South Carolina at Magnolia Place at Greenville, LLC d/b/a Magnolia Place-Greenville, the defendants in this case, hereby appeal the following orders of the Honorable Robin B. Stilwell, Circuit Court Judge:

- His Honor's **Order Denying Motion to Compel Arbitration**, filed February 5, 2019,¹ and
- His Honor's **Form 4 Order filed May 13, 2019**, vacating and replacing the aforementioned Order Denying Motion to Compel Arbitration with the ruling set forth therein denying all Defendants/Appellants' motions to compel arbitration.

Copies of the appealed orders are attached hereto and incorporated herein by reference. Appellants received written notice of entry of the most recent order on May 13, 2019.

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 

Stephen L. Brown (SC Bar No. 66468)

D. Jay Davis, Jr. (SC Bar No. 12084)

Perry M. Buckner, IV (SC Bar No. 100031)

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P.O. Box 993 (29402)

(843) 720-5488

Attorneys for Appellants

Charleston, South Carolina

Dated: 5/28/19

¹ This order was vacated by His Honor's Form 4 Order filed May 13, 2019. It is identified herein out of an abundance of caution.

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v.

Fundamental Clinical and Operational Services, LLC;
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d/b/a Magnolia Place-Greenville,

Appellants.

PROOF OF SERVICE

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
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Attorneys for Appellants

I, Russell G. Hines, of Young Clement Rivers, LLP, attorney for Appellants, hereby certify that the foregoing **NOTICE OF APPEAL** was served on all other parties to this matter by depositing a copy of same in the U.S. Mail on May 28, 2019, properly posted for delivery to the following addressees:

Gary W. Poliakoff, Esquire
Raymond P. Mullman, Jr., Esquire
Poliakoff & Associates, PA
215 Magnolia Street
Spartanburg, SC 29306

and

Matthew W. Christian, Esquire
Christian & Davis, LLC
1007 E. Washington Street
Greenville, SC 29601

Attorneys for Respondents

I further certify that a copy of this **NOTICE OF APPEAL** is this day, May 28, 2019, being E-Filed with the lower court (which will also, i.e., in addition to service by mail, effect service of the notice electronically on all counsel of record).

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

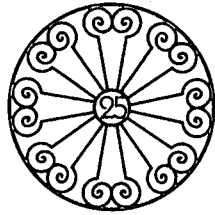
By: 

Russell G. Hines (SC Bar No. 72100)

Attorneys for Appellants

Charleston, South Carolina

Dated: 5/28/19



YCR LAW

Tiffany L. Bates
Legal Secretary

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May 28, 2019

RECEIVED
MAY 30 2019
SC Court of Appeals

Via Facsimile and U.S. Mail

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Estate of Mozana Clinkscales, by and through the appointed Personal Representative Charlie E. Clinkscales, Individually and on behalf of Statutory Beneficiaries vs. Fundamental Clinical and Operational Services, LLC, Fundamental Administrative Services, LLC, and THI of South Carolina at Magnolia Place at Greenville, LLC d/b/a Magnolia Place-Greenville
Circuit Court Case No.: 2018-CP-23-05088
YCR File: 14347-20160580

Dear Ms. Kitchings:

Enclosed herewith for filing with regard to the above-referenced matter please find the following:

- The original and two (2) copies of a Notice of Appeal;
- The original and two (2) copies of a Proof of Service regarding the same;
- Our firm's check in the amount of \$250.00 for the required filing fee.

Please file these documents and return to us a court-stamped copy of each filed document in the envelope provided.

By copy of this correspondence, I am serving the Notice of Appeal upon Respondent's counsel. I am also e-filing the Notice of Appeal in the lower court.

May 28, 2019

Page 2

Thank you for your assistance with this matter. Of course, if the Court has any questions or concerns, or needs anything further at this time, please do not hesitate to contact our office. With best regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP


Tiffany L. Bates
Legal Secretary

TLB/

Enclosures

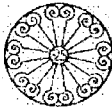
cc (w/enc., via email and U.S. Mail): Gary W. Poliakoff, Esquire
Raymond P. Mullman, Jr., Esquire
Matthew W. Christian, Esquire

cc (w/enc., via e-filing): Greenville County Clerk of Court

FIRST CLASS MAIL

REC'D

MAY 30 2019
SC Court of Appeals



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