

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

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Appeal from York County
Court of Common Pleas

SEP 19 2019

SC Court of Appeals

William A. McKinnon, Circuit Court Judge

Case No. 2018-CP-46-01459

Teresa Murphy, as Personal Representative for the Estate of Isaac Strong,

Respondent,

v.

Hunt Valley Holdings, LLC f/k/a Fundamental Long Term Care Holdings, LLC;
Fundamental Clinical and Operational Services, LLC; Fundamental Consulting,
LLC; Fundamental Administrative Services, LLC; THI of Baltimore, Inc.; THI of
South Carolina, LLC; THI of South Carolina at Rock Hill, LLC d/b/a Magnolia
Manor of Rock Hill; and Amisub of S.C., Inc. d/b/a Piedmont Medical Center,

Defendants,

Of whom Fundamental Clinical and Operational Services, LLC; Fundamental
Administrative Services, LLC; THI of South Carolina, LLC; and THI of South
Carolina at Rock Hill, LLC d/b/a Magnolia Manor of Rock Hill are

Appellants.

**MOTION FOR ACCEPTANCE OF
INITIAL REPLY BRIEF OF APPELLANTS**

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
D. Jay Davis, Jr. (SC Bar No. 12084)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Attorneys for Appellants

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

COME NOW Appellants, by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and move for their initial reply brief (conditionally filed/served contemporaneously herewith) to be accepted as duly filed/served.

1. By order of this Court filed August 28, 2019, the deadline for Appellants' initial reply brief was September 5, 2019.

2. By motion filed/served September 3, 2019, Appellants requested that this deadline be extended through September 16, 2019, owing to then-approaching Hurricane Dorian.

3. Upon information and belief, the Court has not yet acted upon Appellants' motion.

4. Appellants counsel had anticipated being able to complete the brief so that it would be filed/served by September 16, 2019, but on account of work-related and other time commitments, and the disruption caused by Hurricane Dorian (to include the work backlog in its wake), he has been unable to do so, and he humbly asks that the Court consider the circumstances as sufficiently out of the ordinary to merit granting the dispensation requested herein, which he most respectfully submits is consistent with the interests of justice and will not unduly prejudice any other party.

WHEREFORE, Appellants respectfully request that—whether by granting them an extension of the deadline through today or allowing them to file/serve their initial reply brief today out of time—this Honorable Court allow them through to today, September 19, 2019, to file/serve their initial reply brief or otherwise accept their initial reply brief out of time as duly filed/served today. Further, Appellants respectfully request that this Court hold their present initial reply briefing deadline in abeyance until it acts upon this motion.

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 

Stephen L. Brown (SC Bar No. 66468)

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

Russell G. Hines (SC Bar No. 72100)

25 Calhoun Street, Suite 400

Charleston, South Carolina 29401

P.O. Box 993 (29402)

(843) 720-5488

Attorneys for Appellants

Charleston, South Carolina

Dated: 9/19/19

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Carolina at Rock Hill, LLC d/b/a Magnolia Manor of Rock Hill are

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, counsel for Appellants, hereby certify that the foregoing **MOTION FOR ACCEPTANCE OF INITIAL REPLY BRIEF OF APPELLANTS** was served on all other parties to this matter by depositing a copy of same in the U.S. Mail on September 19, 2019, properly posted for delivery to the following addressees:

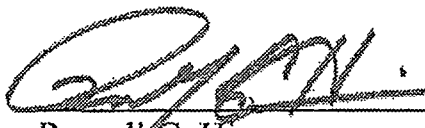
Chad A. McGowan, Esquire
Eve S. Goodstein, Esquire
McGowan, Hood & Felder, LLC
1539 Health Care Drive
Rock Hill, SC 29732

and

John Gressette Felder, Jr., Esquire
McGowan, Hood & Felder, LLC
1517 Hampton Street
Columbia, SC 29201

*Attorneys for Respondent
Teresa Murphy, as Personal Representative
for the Estate of Isaac Strong*

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By: 
Russell G. Hines (SC Bar No. 72100)

Attorneys for Appellants

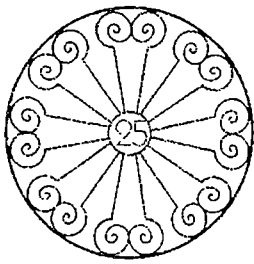
Charleston, South Carolina

Dated: 9/19/19

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SC Court of Appeals



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Young Clement Rivers, LLP

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Employment and Labor Law • Health Care • Insurance Coverage
Products Liability • Professional Liability • Retail Liability
Special Task Litigation • Tax, Estate Planning and Probate
Trucking and Transportation • Workers Compensation

THE FOLLOWING PAGES ARE FOR IMMEDIATE DELIVERY

To: 18037341839
From: kbarnes@ycrlaw.com
Date: September 19, 02:46:20 PM EDT
Subj: Murphy v. Hunt, et al; Appeal No. 2019-000028
Pages: 24

Good afternoon,

I hope this finds you well. Attached please find correspondence in the above-referenced matter. The originals, together with all necessary copies and filing fee has been placed in the mail. Please do not hesitate to let us know if you have any questions or concerns.

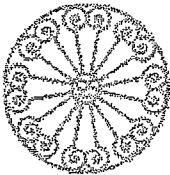
Thank you!

Katy B. Barnes
Commercial Litigation Secretary to
Stephen L. Brown, Joanna B. Stroud, Russell G. Hines & Michael R. Loignon
YCR LAW
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Charleston, SC 29401
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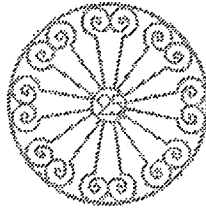
SC Court of Appeals



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Secretary

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September 19, 2019

VIA US MAIL AND FACSIMILE

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

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SC Court of Appeals

Re: Teresa Murphy, as Personal Representative for the Estate of Isaac Strong v. Hunt
Valley Holdings, LLC, et al
Case No.: 2018-CP-46-01459
Claim No.: HBLM# 1727638
YCR File: 14347-20170985

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of our Motion for Acceptance of Initial Brief of Appellants, the original and one (1) copy of the Proof of Service of same, the original and one (1) copy of Initial Reply Brief of Appellants and the original and one (1) copy of the Proof of Service of Same. Also enclosed is our firm's check in the amount of \$50.00 representing the filing fee for the motion. Please file the originals and return a court-stamped copy of each to me in the enclosed envelope.

With best wishes and kindest regards, I am,

Sincerely,

YCR LAW, LLP

Kathleen B. Barnes
Secretary

Enclosure

(all via US Mail and email)

cc: Chad A. McGowan Esquire, McGowan, Hood & Felder, LLC
Eve S. Goodstein, Esquire, McGowan, Hood & Felder, LLC
John Gressette Felder, Jr., Esquire, McGowan, Hood & Felder, LLC