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NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

WILLIAM P. KEESLEY, Circuit Court Judge

Case No. 2019-CP-32-02125

RECEIVED
DEC 28 2019
SC Court of Appeals

Irby Gibbons, as Power of Attorney
for Marian Beverly Gibbons,

Respondent

v.


Jenni-Lynn Assisted Living, LLC
d/b/a Jenni-Lynn Assisted Living
Community, Premier Senior
Living-Delaware, LLC, and
Premier Senior Living, LLC,

Appellant.

NOTICE OF APPEAL

Jenni-Lynn Assisted Living, LLC d/b/a Jenni-Lynn Assisted Living Community, Premier Senior Living-Delaware, LLC and Premier Senior Living, LLC, hereby appeal the Order of the Honorable William P. Keesley dated December 10, 2019, denying Appellants' timely Motion to Reconsider the Court's denial of Defendants' Motion to Dismiss Action, or in the Alternative, Motion to Compel Arbitration and Stay Litigation and Discovery.

Appellants received the Court's formal order deny their motion to compel arbitration on August 23, 2019. Appellants moved to reconsider the Court's denial of its motion to compel arbitration on September 10, 2019. Appellants received the Court's Order denying their Motion to Reconsider on December 10, 2019. The Orders are attached hereto as Exhibits A and B.



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Attorneys for Appellants

December 20, 2019

Other Counsel of Record:

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William H. Alexander, Esquire
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Attorneys for Respondents

R. Gerald Chambers, Jr., Esquire
Allyce Bailey, Esquire
Turner Padgett Graham and Laney P.A.
P.O. Box 1473
Columbia, SC 29202

Attorneys for Stoney Hill Healthcare, Inc.,
d/b/a Millennium Post-Acute Rehabilitation,
The Ensign Group, Inc., Hopewell Healthcare, Inc.,
and Natasha Nadkarni

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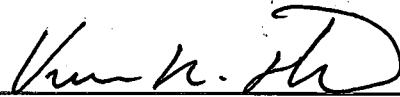
Jenni-Lynn Assisted Living, LLC
d/b/a Jenni-Lynn Assisted Living
Community, Premier Senior
Living-Delaware, LLC, and
Premier Senior Living, LLC,

Appellant.

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Irby Gibbons, as Power of Attorney for Marian Beverly Gibbons; by depositing a copy of it in the United States Mail, postage prepaid, on December 20, 2019, addressed to his attorneys of record, Lee D. Cope, Esquire and Neil E. Alger, Esquire at Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. located at P.O. Box 457, Hampton, SC 29924 and William H. Alexander, Esquire at 222 Main Street, Barnwell, SC 29812.



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Attorneys for Appellants



SMYTH WHITLEY, LLC
ATTORNEYS AT LAW

December 20, 2019

VIA UNITED STATES MAIL

Honorable Jenny Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
DEC 23 2019
SC Court of Appeals

Re: *Irby Gibbons, as Power of Attorney for Marian Beverly Gibbons v. Stoney Hill Healthcare, Inc., d/b/a Millennium Post-Acute Rehabilitation, The Ensign Group, Inc., Hopewell Healthcare, Inc., Natasha Nadkarni, Jenni-Lynn Assisted Living, LLC d/b/a Jenni-Lynn Assisted Living Community, Premier Senior Living-Delaware, LLC, and Premier Senior Living, LLC*
Lexington County Civil Case No.: C/A No.: 2019-CP-32-02125
Appellate Case No.: pending

Dear Ms. Kitchings:

Enclosed for service please find an original and two (2) copies of a Notice of Appeal on behalf of Jenni-Lynn Assisted Living, LLC d/b/a Jenni-Lynn Assisted Living Community, Premier Senior Living-Delaware, LLC and Premier Senior Living, LLC in this matter. Also enclosed are the following:

1. Proof of Service of the Notice of Appeal on the Respondents;
2. Copy of the Order Denying Defendants' Motion to Dismiss and Compel Arbitration;
3. Copy of Order Denying Defendants' Motion to Reconsider;
4. Copy of Correspondence requesting Hearing Transcript;
5. A filing fee of \$250.00; and
6. Record of e-filing a copy of the Notice of Appeal with the Lexington County Clerk of Court.

Please file the originals and return the clocked copies in the enclosed self-addressed envelope. By copy of this correspondence, I am serving a copy on the Lexington County Clerk of Court and all counsel of record in this matter.

Should you have any questions, please do not hesitate to contact my office.



SMYTH WHITLEY, LLC
ATTORNEYS AT LAW

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kevin R. Horton'.

Kevin R. Horton

KRH:cmr

Enclosures

cc(w/enc.): Lee D. Cope, Esquire/ Neil E. Alger, Esquire
William Alexander, Esquire
R. Gerald Chambers, Jr., Esquire/Allyce Bailey, Esquire
Lexington County Clerk of Court – *via e-file*