

STATE OF SOUTH CAROLINA  
COUNTY OF Lexington  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP3202125

Irby Gibbons Power Of Attorney et al  
PLAINTIFF(S)

Stoney Hill Healthcare Inc et al  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

Defendants Jennie-Lynn Assisted Living, LLC D/B/A Jenni-Lynn Assisted Living Community, Premier Senior Living-Delaware, LLC, and Premier Senior Living, LLC move to dismiss and/or to compel arbitration, and to stay litigation and discovery. The motion is based on Rules 12(b)(1), (2), (3) and (6), SCRPC, and rises from the assertion that the plaintiffs are required to submit this dispute to binding arbitration. In the alternative, these defendants want an order that allows discovery only on the jurisdictional issue. The motion is denied, as is the alternative request regarding discovery. There appears to be a legitimate dispute concerning the authority of those who signed the documents in issue, and therefore there is a serious question about the enforceability of the arbitration provision. The court finds that limiting discovery at this point to only the jurisdictional issues is likely to result in a needless duplication of effort.

**ORDER INFORMATION**

This order  ends  does not end the case.  See Page 2 for additional information.

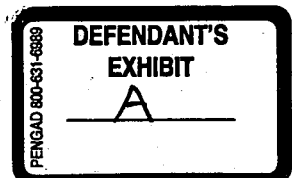
**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 08/23/2019.

Irby Gibbons  
Natasha Nadkarni

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 SC Court of Appeals

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**



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**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Lexington Common Pleas

**Case Caption:** Irby Gibbons Power Of Attorney , plaintiff, et al VS Stoney Hill  
Healthcare Inc , defendant, et al

**Case Number:** 2019CP3202125

**Type:** Order/Electronic Form 4

Circuit Judge (Code #2050)

s/ William P. Keesley

Electronically signed on 2019-08-23 13:00:40 page 3 of 3

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