

**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
Appellate Case No. 2019-000887

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.

**DESIGNATION OF MATTERS TO BE INCLUDED IN THE
RECORD ON APPEAL BY 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

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JAN 09 2020
SC Court of Appeals

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

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 propose the following to be included in the Record on Appeal, including, except as expressly stated otherwise, any/all exhibits or other attachments thereto, except insofar as they are duplicative:

Orders, Judgments, Decrees, or Decisions

1. Order filed 2/5/19
2. Form 4 Order filed 5/13/19

Pleadings

3. Summons and Complaint, filed October 4, 2018;

Transcripts

4. Transcript of Hearing on December 18, 2018;
5. Transcript of Hearing on April 22, 2019;

Other materials or documents

6. Facility Motion to Compel Arbitration, filed November 12, 2018;
7. FCOS Motion to Stay, filed November 12, 2018;
8. FAS Motion to Stay, filed November 12, 2018;
9. Facility Memorandum in Support of Motion to Compel Arbitration, filed December 17, 2018;
10. FCOS Memorandum in Support of Motion to Stay, filed December 17, 2018;
11. FAS Memorandum in Support of Motion to Stay, filed December 17, 2018;

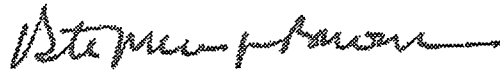
12. 12/21/18 Email to Court/counsel with Facility Amended Memorandum in Support of Motion to Compel Arbitration
13. Facility Amended Memorandum in Support of Motion to Compel Arbitration
14. Ex. 1 to Plaintiff's Memorandum in Opposition to Facility's Motion to Compel Arbitration
15. Facility Rule 59(e) Motion, filed February 14, 2019;
16. FCOS Rule 59(e) Motion, filed February 14, 2019;
17. FAS Rule 59(e) Motion, filed February 14, 2019; and
18. Notice of Appeal, signed May 28, 2019.

I certify that this Designation of Matters contains no matter which is irrelevant to this appeal.

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

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Attorneys for Appellants

Charleston, South Carolina

Dated: 1-09-2020

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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)
D. Jay Davis, Jr. (SC Bar No. 12084)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
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Attorneys for Appellants

I, Russell G. Hines, of Young Clement Rivers, LLP, attorney for Appellants, hereby certify that the foregoing **DESIGNATION OF MATTERS TO BE INCLUDED IN THE RECORD ON APPEAL BY APPELLANTS** was served on all other parties to this matter by depositing a copy of same in the U.S. Mail on January 9, 2020, properly posted for delivery to the following addressees:

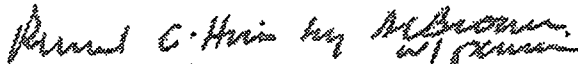
Gary W. Poliakoff, Esquire
Raymond P. Mullman, Jr., Esquire
Poliakoff & Associates, PA
215 Magnolia Street
Spartanburg, SC 29306

and

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

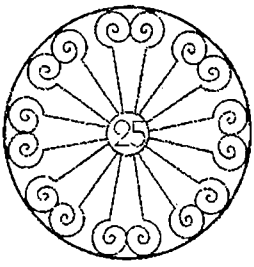
Attorneys for Respondents

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

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

Charleston, South Carolina

Dated: 1-09-2020



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Young Clement Rivers, LLP

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Commercial Real Estate • Commercial Transactions
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THE FOLLOWING PAGES ARE FOR IMMEDIATE DELIVERY

To: 18037341839
From: kbarnes@ycrlaw.com
Date: January 09, 04:00:56 PM EST
Subj: Clinkscales v. Fundamental, et al; Case No.: 2019-000887
Pages: 28

Good afternoon,

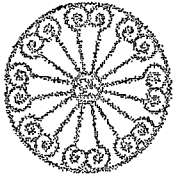
Attached please find correspondence regarding the Initial Brief of Appellants. The originals and all necessary copies have been placed in the mail to the court.

Katy B. Barnes
Commercial Litigation Secretary to
Stephen L. Brown, Russell G. Hines & Michael R. Loignon
YCR LAW
25 Calhoun Street, Suite 400
Charleston, SC 29401
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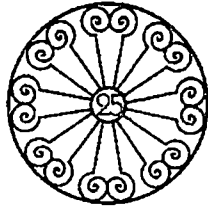
SC Court of Appeals



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January 9, 2020

VIA US MAIL AND FASCIMILE

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: 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, et al
Appellate Case No.: 2019-000887
Case No.: 2018-CP-23-05088
Claim No.: HBLM#1624932

Dear Ms. Kitchings:

Enclosed please find the following:

1. The original and one (1) copy of the Initial Brief of Appellants
2. The original and one (1) copy of the Proof of Service for same
3. The original and one (1) copy of the Designation of Matters to be Included in the Record on Appeal by Appellants
4. The original and one copy of the Proof of Service for same.

Please file the originals and return a court-stamped copy to me in the enclosed envelope.

With best wishes and kindest regards, I am

Sincerely,

YCR LAW, LLP

Kathleen B. Barnes
Secretary

Enclosures

(all via US Mail and email)

cc: Matthew W. Christian, Christian & Davis LLC
Gary W. Poliakoff, Esquire, Poliakoff & Associates, P.A.
Raymond P. Mullman, Jr., Esquire, Poliakoff & Associates, P.A.