

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)
)
 RITA ST. AUBIN,)
 as personal representative of the)
 Estate of Irene Ramsey,)
)
 Plaintiff,)
)
 vs.)
)
 THI OF SOUTH CAROLINA AT CAMP)
 CARE, LLC d/b/a Lake Emory Post Acute)
 Care; THI OF SOUTH CAROLINA, LLC;)
 HUNT VALLEY HOLDINGS, LLC; THI)
 OF BALTIMORE, INC.; and CASEY)
 CADDELL, as Officer/Manager of THI of)
 South Carolina at Camp Care, LLC d/b/a)
 Lake Emory Post Acute Care,)
)
 Defendants.)
)

IN THE COURT OF COMMON PLEAS
 SEVENTH JUDICIAL CIRCUIT
 CASE NO. 2019-CP-42-03236

**ORDER REGARDING DEFENDANTS'
 MOTION TO ALTER, AMEND, and/or
 RECONSIDER THE COURT'S ORDER
 DENYING DEFENDANTS' MOTION TO
 COMPEL ARBITRATION AND STAY**

RECEIVED
 FEB 27 2020
 SC Court of Appeals

Counsel for Plaintiff: Stefan Bjorn Feidler
 Counsel for Defendants: D. Jay Davis, Jr.

This matter was before the Court on Wednesday, December 18th, 2019, at 2:30 p.m., in Spartanburg County, SC, the Seventh Judicial Circuit upon Defendants' Motion to Compel Arbitration. Attorney Stefan Bjorn Feidler of the Anastopoulo Law Firm, LLC, was present representing the interests of the Plaintiff. Attorney Russell G. Hines of Young Clement Rivers was present representing the interests of the Defendants. Michael R. Watts was the Court Reporter.

Judge Grace Gilchrist Knie signed and filed on January 9th, 2020, an order denying the Defendants' Motions to Compel Arbitration and Stay the Proceedings. On January 19th, 2020, Defendants filed a Motion pursuant to Rule 59 of the SCRCF to Alter, Amend, and/or Reconsider the Order regarding Defendants' Motions to Compel Arbitration and Stay Action. This order

pertains to the Motion to Alter, Amend, and/or Reconsider the Order regarding denying Defendants' Motion to Compel Arbitration and Stay the Action.

PROCEDURAL BACKGROUND:

This matter began with the filing of a Summons and Complaint on September 10th, 2019, asserting the causes of action of negligence/gross negligence, negligence per se, breach of contract, fraud/misrepresentation/spoliation, violation of the South Carolina Unfair Trade Practices Act, elder abuse, corporate negligence, breach of fiduciary duty, unjust enrichment, alter ego/piercing the corporate veil, amalgamation of interests, conversion, a survival action under S.C. Code Ann. § 15-5-90, and a wrongful death action under S.C. Code Ann. § 15-51-10. An Affidavit of Service was filed September 18th, 2019, certifying that the Summons and Complaint were served on Lynanne Gares, Litigation Management Services Leader, for Defendant Hunt Valley Holdings, LLC on September 12th, 2019. An Affidavit of Service was filed September 18th, 2019 certifying that the Summons and Complaint were served on Lynanne Gares, Litigation Management Services Leader, for Defendant THI of Baltimore, Inc. on September 12th, 2019. An Affidavit of Service was filed September 18th, 2019, certifying that the Summons and Complaint were served on Trey Williams, Billing Administrator, for Defendant THI of South Carolina, LLC on September 12th, 2019. An Affidavit of Service was filed September 18th, 2019 certifying that the Summons and Complaint were served on Trey Williams, Billing Administrator for Defendant THI of South Carolina at Camp Care, LLC d/b/a Lake Emory Post Acute Care on September 12th, 2019.

Defendant THI of South Carolina, LLC filed an Answer to the Complaint on October 14th, 2019. Defendant Hunt Valley Holdings, LLC filed an Answer to the Complaint on October 14th, 2019. Defendant THI of Baltimore, Inc. filed an Answer to the Complaint on October 14th,

2019. Defendant Casey Caddell filed an Answer to the Complaint on October 14th, 2019.

Defendant THI of South Carolina at Camp Care, LLC d/b/a Lake Emory Post Acute Care filed an Answer to the Complaint on October 14th, 2019.

Defendant THI of South Carolina at Camp Care, LLC d/b/a Lake Emory Post Acute Care filed a Motion to Stay the Action and Compel Arbitration on October 28th, 2019. Defendant Hunt Valley Holdings, LLC filed a Motion to Stay on October 28th 2019. Defendant THI of Baltimore, Inc. filed a Motion to Stay on October 28th, 2019. Defendant THI of South Carolina, LLC filed a Motion to Stay on October 28th, 2019. Defendant Casey Caddell filed a Motion to Stay the Action and Compel Arbitration on December 9th, 2019.

Judge Grace Gilchrist Knie signed and filed on January 9th, 2020, an order denying the Defendants' Motions to Compel Arbitration and Stay the Proceedings. On January 19th, 2020, Defendants filed a Motion to Alter, Amend, and/or Reconsider the Order regarding Defendants' Motions to Compel Arbitration and Stay Action. This order pertains to the Motion to Alter, Amend, and/or Reconsider the Order regarding denying Defendants' Motion to Compel Arbitration and Stay the Action.

CONCLUSION:

After careful consideration of the able arguments and filings of Counsel and review of the record, the Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately considered. Accordingly, the Defendants' Motion to Amend or Alter Judgment, made pursuant to Rule 59, SCRCF, filed with the Court on January 19th, 2020, is respectfully denied.

IT IS SO ORDERED.

/s/Grace Gilchrist Knie
Honorable Grace Gilchrist Knie
Resident Judge, Seventh Judicial Circuit

February 14th, 2020
Spartanburg, South Carolina



Spartanburg Common Pleas

Case Caption: Irene Ramsey VS Thi Of South Carolina At Camp Care, Llc ,
defendant, et al
Case Number: 2019CP4203236
Type: Order/Other

IT IS SO ORDERED.

S/GRACE GILCHRIST KNIE - 2760