

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

William H Seals, Jr., Circuit Court Judge

Appellate Case No. 2019-001419

Nancy Callaghan Respondent

v.

Five Star Quality Care, Inc., Five Star
Quality Care-OBX Operator, LLC d/b/a
Sweetgrass Court Senior Living
Community, Sweetgrass Village Assisted
Community, Lisa McLeod and Derrick
Defino Appellants.

RECEIVED
MAR 02 2020
SC Court of Appeals

MOTION TO STAY APPEAL DEADLINES AND REMAND

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Appellants, with the agreement and consent of Respondent, move to have this matter held in abeyance and for a remand of the case to the circuit court for the purpose of seeking approval of the parties' proposed settlement agreement. In support of this motion, Appellants states as follows:

1. This matter is before the Court of Appeals pursuant to a Notice of Appeal filed by Appellant on August 22, 2019.
2. Appellants filed and served their initial brief on November 20, 2019, and Respondent filed her response on February 4, 2020. Appellants' initial reply brief is currently due on March 16, 2020.

3. The parties have reached an agreement resolving all the matters in dispute. If that agreement is approved by the circuit court, it will bring an end to this litigation and allow for the withdrawal or dismissal of the current appeal.

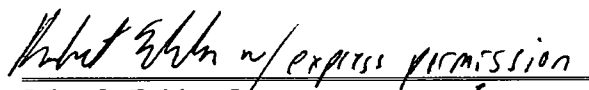
4. Because the jurisdiction of this matter is currently in the appellate court, it is necessary to seek a remand for the purpose of presenting the agreement to the circuit court for approval.

5. If the agreement is approved, Appellants will seek to have its appeal dismissed. If the agreement is not approved, Appellants will ask the Court to reestablish the deadline for filing Appellants' initial reply brief and allow this appeal to proceed.

6. This request is not made for the purpose of delay but in the interest of resolving the matters in dispute by agreement, and for the purpose of obtaining approval of that agreement in the circuit court.

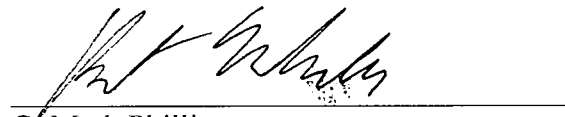
7. As shown by the signature of Respondent's counsel, Respondent is in agreement with the request made in this motion and consents to the relief requested.

Wherefore, Appellants respectfully move for an order holding this matter and all deadlines in abeyance, and remanding the case to the circuit court for the purpose of seeking approval of the agreement reached by the parties.


Robert W. Whelan w/ express permission
from

John G. Felder, Jr.
Richard A. "Trey" Jones III
McGowan, Hood & Felder, LLC
1517 Hampton Street
Columbia, SC 29201

Counsel for Respondent


G. Mark Phillips
Robert W. Whelan
Nelson Mullins Riley & Scarborough LLP
151 Meeting Street, Suite 600
Charleston, SC 29401

Counsel for Appellants

Charleston, South Carolina
February 28, 2020

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

Case No. 2018-CP-10-03588
Appellate Case No. 2019-001419

RECEIVED
MAR 02 2020
SC Court of Appeals

Nancy Callaghan,

Respondent,

v.

Five Star Quality Care, Inc., Five Star Quality Care-OBX
Operator, LLC d/b/a Sweetgrass Court Senior Living
Community, Sweetgrass Village Assisted Living
Community, Lisa McLeod, and Derrick Defino

Appellants.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, counsel for Five Star Quality Care-OBX Operator, LLC, d/b/a Sweetgrass Court Senior Living Community, Sweetgrass Village Assisted Living Community, Lisa McLeod and Derrick Defino, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) herein below specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

MOTION TO STAY APPEAL DEADLINES AND REMAND

Counsel Served:

John G. Felder, Jr.
Richard A. "Trey" Jones, III
McGowan, Hood & Felder, LLC
1517 Hampton Street
Columbia, South Carolina 29201
jfelder@mcgowanhood.com
tjones@mcgowanhood.com

Jordan C. Calloway
McGowan, Hood & Felder, LLC
1539 Health Care Drive
Rock Hill, SC 29732
jcalloway@mcgowanhood.com

Rose Mary Parham
Parham Law Firm LLC
PO Box 1514
Florence, SC 29503
parhamlaw@sc.twcbc.com

Counsel for Respondent



Traci Corallo
Administrative Assistant

February 28, 2020

92305



NELSON MULLINS RILEY & SCARBOROUGH LLP
ATTORNEYS AND COUNSELORS AT LAW

Robert W. Whelan
T 843.534.4113 F 843.534.4392
robert.whelan@nelsonmullins.com

151 Meeting Street | Sixth Floor
Charleston, SC 29401-2239
T 843.853.5200 F 843.722.8700
nelsonmullins.com

February 28, 2020

Via U.S. Mail

The Honorable Jenny A. Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: Nancy Callaghan v. Five Star Quality Care, Inc., Five Star Quality Care-OBX Operator,
LLC dba Sweetgrass Court Senior Living Community, Sweetgrass Village Assisted
Living Community, Lisa McLeod and Derrick Defino
Appellate Case No. 2019-001419
Case No. 2018-CP-10-3588
Our File No. 041123/01560

Dear Ms. Kitchings:

Enclosed for filing please find the original and seven (7) copies of the Motion to Stay Appeal
Deadlines.

Please file the original and return a clocked-in copy to me with the bearer of this letter. By copy
of this letter and the enclosure to all counsel of record, we are serving them with a copy of the
same. Please do not hesitate to contact me should you require anything further.

Very truly yours,

Robert W. Whelan

RECEIVED

MAR 02 2020

SC Court of Appeals

RWW:tlc
Enclosure

cc: John G. Felder, Jr., Esquire
Richard A. Jones, Esquire
Jordan C. Calloway, Esquire
Rose Mary Parham, Esquire



NELSON MULLINS

NELSON MULLINS RILEY & SCARBOROUGH LLP
151 Meeting Street, Suite 600
Charleston, SC 29401
www.nelsonmullins.com

The Honorable Jenny A. Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

041123/01580

RECEIVED
MAR 02 2009
SC COURT OF APPEALS

Hastler

FIRST CLASS MAIL

02/28/2020

US POSTAGE

\$002.40



ZIP 29401
011E11682684

