

STATE OF SOUTH CAROLINA)
 COUNTY OF SPARTANBURG)
)
 Betty Nanney, by and through her)
 Attorney-In-Fact, Leslie Nanney,)
)
 Plaintiffs,)
)
 vs.)
)
 THI of South Carolina at Spartanburg, LLC)
 d/b/a Magnolia Manor-Spartanburg, Rusty)
 Flathmann, Laura Anne Winn, and Olishia)
 Gaffney,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

CIVIL ACTION NO.: 2019-CP-42-03075

Order regarding Defendants' Motion to
Alter, Amend, and/or Reconsideration of
the Court's Order denying Defendants'
Motions to Dismiss or Compel Arbitration

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 SC Court of Appeals

Counsel for Plaintiffs: Raymond Paul Mullman, Jr., Gary W. Poliakoff, & Edward John Waelde
 Counsel for Defendants: D. Jay Davis, Jr.

This matter was before the court on Monday, December 16th, 2019, at 2:30 p.m., in Spartanburg County, SC, the Seventh Judicial Circuit upon Defendants' Motions to Dismiss and to Compel Arbitration. Attorneys Raymond Paul Mullman, Jr., Gary W. Poliakoff, and Edward John Waelde of Poliakoff & Associates, P.A. were present representing the interests of the Plaintiffs. Attorney Russell G. Hines of Young Clement Rivers was present representing the interests of the Defendants. Sandy Satterwhite was the Court Reporter.

The Honorable Judge Grace Gilchrist Knie signed on January 6th, 2020, and filed on January 7th, 2020, an order denying the Defendants' Motion to Dismiss and Compel Arbitration. On January 17th, 2020, Defendants filed a Motion to Alter, Amend, and/or Reconsider the Order regarding Defendants' Motion to Dismiss and Compel Arbitration. This Order pertains to the Motion to Alter, Amend, and/or Reconsider the Order regarding denying Defendants' Motion to Dismiss and Compel Arbitration.

PROCEDURAL BACKGROUND:

This matter began with the filing of a Summons and Complaint on September 4th, 2019 asserting the causes of action of negligence/recklessness, neglect of a vulnerable adult, and negligent administration. An Expert Affidavit was filed September 4th, 2019. A Proof of Service filed September 17th, 2019 certified that a clocked copy of the Summons and Complaint and Expert Affidavit were deposited in the United States Mail to the Registered Agent, Corporation Service Company, for THI of South Carolina at Spartanburg, LLC. An Acceptance of Service was filed September 17th, 2019 acknowledging receipt of the Summons and Complaint by Attorney D. Jay Davis, Jr. on behalf of Defendant Laura Anne Winn. An Acceptance of Service was filed September 17th, 2019 acknowledging receipt of the Summons and Complaint by Attorney D. Jay Davis, Jr. on behalf of Defendant Olishia Gaffney. An Acceptance of Service was filed September 17th, 2019 acknowledging receipt of the Summons and Complaint by Attorney D. Jay Davis, Jr. on behalf of Defendant Rusty Flathmann.

Defendant THI of South Carolina at Spartanburg, LLC d/b/a Magnolia Manor-Spartanburg filed an Answer to the Complaint on October 9th, 2019. Defendant Laura Anne Winn filed a Motion to Dismiss the Plaintiff's Complaint on October 11th, 2019. Defendant Rusty Flathmann filed an Answer to Plaintiff's Complaint on October 11th, 2019. Defendant Olishia Gaffney filed an Answer to Plaintiff's Complaint on October 11th, 2019. Defendant THI of South Carolina at Spartanburg, LLC d/b/a Magnolia Manor-Spartanburg filed a Motion to Dismiss Plaintiff's Complaint, Motion to Compel Arbitration, and Motion to Stay State Court Proceedings on November 11th, 2019. Defendant Rusty Flathmann filed a Motion to Dismiss Plaintiff's Complaint, Motion to Compel Arbitration, and Motion to Stay State Court Proceedings on November 11th, 2019. Defendant Olishia Gaffney filed a Motion to Dismiss

Plaintiff's Complaint, Motion to Compel Arbitration, and Motion to Stay State Court Proceedings on November 11th, 2019.

The parties were before the Court on Monday, December 16th, 2019, to take up these Motions. Judge Grace Gilchrist Knie issued an Order on January 7th, 2020, denying the Defendants' Motion to Dismiss and Compel Arbitration. On January 17th, 2020, Defendants filed a Motion to Alter, Amend, and/or Reconsider the Order regarding Defendants' Motion to Compel Arbitration.

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, SCRPC, filed with the Court on January 17th, 2020, is respectfully denied.

IT IS SO ORDERED.

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

February 13th, 2020
Spartanburg, South Carolina



Spartanburg Common Pleas

Case Caption: Betty Nanney , plaintiff, et al VS Thi Of South Carolina At
Spartanburg, Llc , defendant, et al
Case Number: 2019CP4203075
Type: Order/Other

IT IS SO ORDERED.

S/GRACE GILCHRIST KNIE - 2760