

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

WILLIAM P. KEESLEY, Circuit Court Judge

Appellate Case No. 2019-002098

**RECEIVED**  
**Apr 28 2020**  
**SC Court of Appeals**

Irby Gibbons, as Power of Attorney for Marian Beverly Gibbons,  
Respondent,

v.

Stoney Hill Healthcare, Inc., d/b/a Millennium Post-Acute  
Rehabilitation, The Ensign Group, Inc., Hopewell Healthcare, Inc.,  
Natasha Nadkarni, Jenni-Lynn Assisted Living, LLC, d/b/a Jenni-  
Lynn Assisted Living Community, Premier Senior Living-  
Delaware, LLC, and Premier Senior Living, LLC, Defendants,

Of Which Jenni-Lynn Assisted Living, LLC d/b/a Jenni-Lynn  
Assisted Assisted Living Community, Premier Senior Living-  
Delaware, LLC, and Premier Senior Living, LLC, are the  
Appellants.

**CONSENT MOTION FOR EXTENSION OF TIME TO ALLOW MEDIATION**

Pursuant to the South Carolina Appellate Court Rules, the Parties respectfully  
request that the time for filing Appellants' Initial Brief in this matter be extended to a  
date fourteen days after the completion of mediation in this matter, which is currently  
scheduled for June 5, 2020, with Karl Folkens, Esq., serving as mediator. This would  
make June 19, 2020, the new deadline for the filing of Appellants' Initial Brief.

The intent of this Motion is to afford the parties the opportunity to mediate and

potentially resolve this case in its entirety before Appellants are required to file their Initial Brief. Finally, this motion is occasioned and necessitated by the extraordinary circumstances resulting from the current Coronavirus (Covid-19) state of emergency, which caused unforeseeable interruptions to Appellants' counsel's practice and communications with clients.

s/Kevin R. Horton  
Joshua S. Whitley, Esquire  
SC Bar No.: 77824  
Kevin R. Horton, Esquire  
SC Bar No.: 101250  
126 Seven Farms Dr.  
Suite 260  
Charleston, SC 29492  
Tel.: (843) 606-5635  
Fax: (843) 654-4095

*Attorneys for Appellants*

**WE CONSENT:**

s/Neil E. Alger  
Lee D. Cope, Esquire  
SC Bar No. 14361  
Neil E. Alger, Esquire  
SC Bar # 100530  
Peters, Murdaugh, Parker, Eltzroth &  
Detrick, P.A.  
P.O. Box 457  
Hampton, SC 29924  
(803) 943-2111

*and*  
William H. Alexander, Esquire  
222 Main Street  
Barnwell, SC 29812

*Attorneys for Respondents*

April 28, 2020

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

WILLIAM P. KEESLEY, Circuit Court Judge

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**SC Court of Appeals**

Case No. 2019-CP-32-02125

Irby Gibbons, as Power of Attorney for Marian Beverly Gibbons,  
Respondent

v.

Stoney Hill Healthcare, Inc., d/b/a Millennium Post-Acute  
Rehabilitation, The Ensign Group, Inc., Hopewell Healthcare, Inc.,  
Natasha Nadkarni, Jenni-Lynn Assisted Living, LLC, d/b/a Jenni-  
Lynn Assisted Living Community, Premier Senior Living-  
Delaware, LLC, and Premier Senior Living, LLC, Defendants,

Of Which Jenni-Lynn Assisted Living, LLC d/b/a Jenni-Lynn  
Assisted Assisted Living Community, Premier Senior Living-  
Delaware, LLC, and Premier Senior Living, LLC, are the  
Appellants.

PROOF OF SERVICE

I certify that I have served the Motion for Extension of Time to Allow Mediation on Irby Gibbons, as Power of Attorney for Marian Beverly Gibbons, by depositing a copy of it in the United States Mail, postage prepaid, on April 28, 2020, addressed to his attorneys of record, Lee D. Cope, Esquire and Neil E. Alger, Esquire at Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. located at P.O. Box 457, Hampton, SC 29924 and William H. Alexander, Esquire at 222 Main Street, Barnwell, SC 29812.

s/Kevin R. Horton  
Joshua S. Whitley, Esquire  
SC Bar No.: 77824  
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Attorneys for Appellants



SMYTH WHITLEY, LLC  
ATTORNEYS AT LAW

April 28, 2020

**VIA FACSIMILE to 803-734-1839**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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Apr 28 2020

SC Court of Appeals

Re: *Irby Gibbons, as Power of Attorney for Marian Beverly Gibbons v. Stoney Hill Healthcare, Inc., d/b/a Millennium Post-Acute Rehabilitation, The Ensign Group, Inc., Hopewell Healthcare, Inc., Natasha Nadkarni, Jenni-Lynn Assisted Living, LLC d/b/a Jenni-Lynn Assisted Living Community, Premier Senior Living-Delaware, LLC, and Premier Senior Living, LLC*  
Appellate Case No.: 2019-002098  
Lexington County C/A No.: 2019-CP-32-02125

Dear Ms. Kitchings:

Enclosed please find the parties' joint Motion to Extend Time to Allow Mediation, which requests that the Court enter an Order extending the time for Appellants' Initial Brief so that the parties may take the case to mediation. I am following the modified Rule 262(a)(2) procedure set forth in the March 20, 2020, Order on Operation of the Appellate Courts with this filing. I also do not intend to submit a motion fee under that Order. Please let me know if this Motion requires a fee and/or must be filed by U.S. Mail as well.

Thank you for your assistance with this matter. Should you have any questions or wish to discuss this request, please do not hesitate to contact me directly. My best contact is email or my cell phone, 843-480-2816. I hope that you and yours are well.

Very truly yours,

Kevin R. Horton

Enclosure

cc(w/enc.): Lee D. Cope, Esquire/ Neil E. Alger, Esquire  
William Alexander, Esquire  
R. Gerald Chambers, Jr., Esquire/Kelli Sullivan, Esquire – *via email only*

**FAX COVER SHEET**

**To:** 18037341839

**From:** "Smyth Whitley, LLC"  
<firm@smythwhitley.com>

**Company:**

**Date:** 04/28/2020 14:11

**Fax Number:** 18037341839

**Pages (Including cover):** 6

**Re:** Appellate Case No.: 2019-002098 Irby Gibbons v. Jenni-Lynn Assisted Living, LLC

**Notes:**

Dear Ms. Kitchings:

Attached please find the parties=92 joint Motion to Extend Time to Allow Mediation in the above-referenced matter, which requests that the Court enter an Order extending the time for Appellants=92 Initial Brief so that the parties may take the case to mediation.

Thank you for your assistance with this matter. Should you have any questions or wish to discuss this request, please do not hesitate to contact me directly. My best contact is email or my cell phone, 843-480-2816.

Kindest regards,

Kevin R. Horton

khorton@smythwhitley.com

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**Apr 28 2020**

**SC Court of Appeals**

Smyth Whitley, LLC

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