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**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

Appeal from Greenville County  
Court of Common Pleas

Robin B. Stilwell, Circuit Court Judge

**RECEIVED**  
MAY 14 2020  
SC Court of Appeals

Case No. 2018-CP-23-05088

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.

**MOTION TO ACCEPT APPELLANTS' INITIAL REPLY BRIEF  
FOR FILING/SERVING OUT OF TIME**

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*

NOW COME Appellants above named, by and through their undersigned counsel, on the grounds stated below, and, pursuant to Rule 263(b), SCACR, hereby move this Honorable Court to accept as filed/served their initial reply brief, which is conditionally filed/served contemporaneously herewith.

1. By order of April 21, 2020, the Court extended the deadline for Appellants' initial reply brief to April 30, 2020.

2. The undersigned recognizes that the Court's April 21 order stated that further extension of the initial reply-briefing deadline would have to be occasioned by extraordinary circumstances, and at the time that the undersigned requested extension of the initial reply-briefing deadline to April 30, 2020, the undersigned believed in good faith that the deadline would be met.

3. On account of work-related and other time commitments and disruptions (including those occasioned by the ongoing COVID-19 emergency), the undersigned needed until today to complete the Initial Reply Brief of Appellants, and he humbly asks the Court to deem the circumstances sufficiently out of the ordinary to merit the dispensation requested herein, which he most respectfully submits is consistent with the interests of justice and will not unduly prejudice any other party.

4. To avoid any delay in the overall progress of this appeal, unless, of course, the Court should prefer otherwise, Appellants will proceed with service of

the Record on Appeal (the next step in the appellate process) as if their initial reply brief was served on April 30, 2020, i.e., Appellants will serve the Record on Appeal no later than Monday, June 1, 2020. *See* Rule 210(a), SCACR (“Within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief.”); *see also* Rule 263(a), SCACR (“In computing any period of time prescribed or allowed by these Rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a state or federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday.”).

WHEREFORE, Appellants respectfully request that this Honorable Court allow the filing/service of their initial reply brief out of time and accept the Initial Reply Brief of Appellants (conditionally filed/served herewith) as duly filed and served.

**<SIGNED ON THE FOLLOWING PAGE>**

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)

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*Attorneys for Appellants*

Charleston, South Carolina

Dated: 5/5/20

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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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.

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**PROOF OF SERVICE**

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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)  
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*Attorneys for Appellants*

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I, Russell G. Hines, of Young Clement Rivers, LLP, attorney for Appellants, hereby certify that the foregoing **MOTION TO ACCEPT APPELLANTS' INITIAL REPLY BRIEF FOR FILING/SERVING OUT OF TIME** was served on all other parties to this matter by depositing a copy of same in the U.S. Mail on May 5, 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

*and*

Jordan C. Calloway, Esquire  
McGowan, Hood & Felder, LLC  
1539 Health Care Drive  
Rock Hill, SC 29732

*Attorneys for Respondents*

Respectfully submitted,  
YOUNG CLEMENT RIVERS, LLP

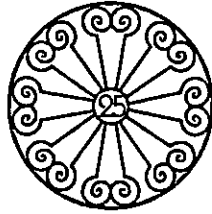
By

  
Russell G. Hines (SC Bar No. 72100)

*Attorneys for Appellants*

Charleston, South Carolina

Dated: 5/5/20



# YCR LAW

Russell G. Hines  
Partner

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May 5, 2020

Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Estate of Mozana Clinkscales vs. Fundamental Clinical and Operational Services, LLC  
Appellate Case No.: 2019-000887  
Case No.: 2018-CP-23-05088  
Claim No.: HBLM#1624932  
YCR File: 14347-20160580

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter, please find the original and one (1) copy of a **Motion to Accept Appellants' Initial Reply Brief for Filing/Serving Out of Time**, the original and one (1) copy of a **Proof of Service** for the same, and our firm's check in the amount of \$50 for the filing fee, as well as the original and one (1) copy of the **Initial Reply Brief of Appellants** and the original and one (1) copy of a **Proof of Service** for the same. Kindly file the originals and return one (1) court stamped copy of each document to me using the pre-stamped envelope provided. With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Russell G. Hines  
Partner

**RECEIVED**

MAY 14 2020

SC Court of Appeals

RGH/amj  
Enclosures

cc: Matthew W. Christian, Christian & Davis LLC  
Gary W. Poliakoff, Esquire, Poliakoff & Associates, P.A.  
Raymond P. Mullman, Jr., Esquire, Poliakoff & Associates, P.A.  
Jordan C. Calloway, Esquire, McGowan, Hood & Felder, LLC

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SC Court of Appeals



**YCR LAW** 25 Calhoun Street, Suite 400  
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Charleston, SC 29402-0993

Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
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