

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

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JUN 04 2020
SC Court of Appeals

Appeal from Greenville County
Court of Common Pleas

Robin B. Stilwell, Circuit Court Judge

Case No. 2019-CP-23-00473

The Estate of Patricia Royston, by and through
the appointed personal representative, Marianne McCoig,
individually and on behalf of the statutory beneficiaries,

Respondent,

v.

Hunt Valley Holdings, LLC,
a/k/a Fundamental Long Term Care Holdings, LLC;
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,

**APPELLANTS' DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

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)
Kate C. Mettler (SC Bar No. 103762)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Attorneys for Appellants

Appellants propose the following to be included in the Record on Appeal (including, except as otherwise noted, all attachments/exhibits thereto but omitting any duplicative material):

Orders, Judgments, Decrees, or Decisions

1. Order Denying Facility's Motion to Dismiss, Compel Arbitration and Stay Court Proceedings, dated October 9, 2019;
2. Order Denying Defendants' Motion to Alter, Amend, and/or Reconsider, dated October 23, 2019;

Pleadings

3. Summons and Complaint, dated January 31, 2019;
4. THI of South Carolina at Magnolia Place at Greenville, LLC, d/b/a Magnolia Place-Greenville's Answer to Plaintiff's Complaint, dated March 6, 2019;
5. Fundamental Administrative Services, LLC's Answer to Plaintiff's Complaint, dated March 6, 2019;
6. Fundamental Clinical and Operational Services, LLC's Answer to Plaintiff's Complaint, dated March 6, 2019;
7. Hunt Valley Holdings, LLC, a/k/a Fundamental Long Term Care Holdings, LLC's Answer to Plaintiff's Complaint, dated March 6, 2019;

Transcripts

8. Hearing Transcript, August 29, 2019;

Other materials or documents

Motions and Memorandums

9. THI of South Carolina at Magnolia Place at Greenville, LLC, d/b/a

Magnolia Place-Greenville's Motion to Dismiss, Compel Arbitration, and Stay Court Proceedings, including exhibits, dated July 26, 2019 including exhibits;

10. Fundamental Administrative Services, LLC's Motion to Stay, dated August 7, 2019;
11. Fundamental Clinical and Operational Services, LLC's Motion to Stay, dated August 7, 2019;
12. Hunt Valley Holdings, LLC f/k/a Fundamental Long Term Care Holdings, LLC's Motion to Stay, dated August 7, 2019;
13. THI of South Carolina at Magnolia Place at Greenville, LLC, d/b/a Magnolia Place-Greenville's Memorandum in Support of Motion to Dismiss, Compel Arbitration, and Stay Court Proceedings and Motion in Reply to Plaintiff's Memorandum in Opposition, including exhibits;
14. Fundamental Administrative Services, LLC's Memorandum in Support of its Motion to Stay, dated August 28, 2019, including exhibits;
15. Fundamental Clinical and Operational Services, LLC's Memorandum in Support of its Motion to Stay, dated August 28, 2019, including exhibits;
16. Hunt Valley Holdings, LLC f/k/a Fundamental Long Term Care Holdings, LLC's Memorandum in Support of its Motion to Stay, dated August 28, 2019, including exhibits;
17. Plaintiff's Memorandum in Opposition to Motion to Compel Arbitration, filed August 27, 2019, without exhibits;
18. Motion to Alter, Amend, and/or Reconsider Order Denying Defendants' Motion to Dismiss, Compel Arbitration and Stay Court Proceedings, dated October 21, 2019, including exhibits;

Other Documents

19. Affidavit of Audrey Rabon Holmes, RN, BSN, dated September 17,

2018;

20. Letter from Judge Stilwell to all counsel dated September 24, 2019;
21. Notice of Appeal, including Proof of Service, filed with lower court, dated November 20, 2019.

I certify that this Designation of Matters contains no matter that is irrelevant to this appeal.

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)

Kate C. Mettler (SC Bar No. 103762)

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Attorneys for Appellants

Charleston, South Carolina

Dated: 6/2/20

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The Estate of Patricia Royston, by and through
the appointed personal representative, Marianne McCoig,
individually and on behalf of the statutory beneficiaries, Respondent,

v.

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a/k/a Fundamental Long Term Care Holdings, LLC;
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,

PROOF OF SERVICE

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
D. Jay Davis, Jr. (SC Bar No. 12084)
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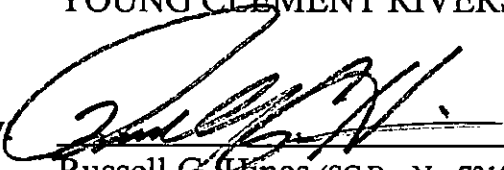
Attorneys for Appellants

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Appellants, hereby certify that the foregoing **APPELLANTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** was served on all other parties to this matter by depositing copies of the same in the U.S. Mail on June 2, 2020, properly posted for delivery to the following addressees:

Gary W. Poliakoff, Esquire
Raymond P. Mullman, Jr., Esquire
Poliakoff & Associates, P.A.
P.O. Box 1571
Spartanburg, South Carolina 29304
Attorneys for Respondent

Matthew W. Christian, Esquire
Christian & Davis, LLC
P.O. Box 332
Greenville, South Carolina 29602
Attorneys for Respondent

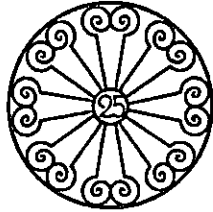
Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By 

Russell G. Hines (SC Bar No. 72100)
Attorneys for Appellants

Charleston, South Carolina

Dated: 6/2/20



YCR LAW

Russell G. Hines
Partner

Direct Dial: (843) 720-5488
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June 2, 2020

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

Re: Estate of Patricia Royston v. Hunt Valley Holdings, LLC
Appellate Case No.: 2019-001955
Case No.: 2019-CP-23-00473
Claim No.: HBLM# 1725803
YCR File: 14347-20180896

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Dear Ms. Kitchings:

Enclosed please find the following:

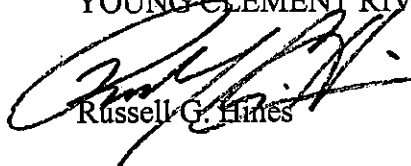
- The original and one (1) copy of both a **Motion to Accept Initial Brief of Appellants for Filing/Service Out of Time** and a **Proof of Service** for the same, as well as our check in the amount of \$50 for the filing fee;
- The original and one (1) copy of both the **Initial Brief of Appellants** (conditionally filed/served in accordance with the above motion) and a **Proof of Service** for the same; and
- The original and one (1) copy of both **Appellants' Designation of Matter to be Included in the Record on Appeal** (conditionally filed/served in accordance with the above motion) and a **Proof of Service** for the same.

Kindly file the originals and return court-stamped copies to me using the envelope provided.

With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP



Russell G. Hines

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.

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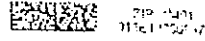
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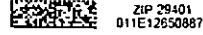
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