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**SC Court of Appeals**

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

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Appeal from Spartanburg County  
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

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Appellate Case No. 2020-  
Case No. 2018-CP-42-03447

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Estate of Barbara Owens, by and through her Personal  
Representative, Mary Jane McCraw, Individually and on behalf of  
Statutory Beneficiaries,

Respondent,

v.

Fundamental Clinical and Operational Services, LLC;  
Fundamental Administrative Services, LLC; THI of South  
Carolina, LLC; THI Of South Carolina at Spartanburg, LLC d/b/a  
Magnolia Manor-Spartanburg,

Appellants.

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**NOTICE OF APPEAL**

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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)  
Kate C. Mettler (SC Bar No. 103762)  
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(843) 720-5488

*Attorneys for Appellants*

**Other Counsel of Record:**

Gary W. Poliakoff  
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*and*

Patrick E. Knie  
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P.O. Box 5159 (29304)  
(864) 582-5118

*Attorneys for Respondent*

Defendants, Fundamental Clinical and Operational Services, LLC; Fundamental Administrative Services, LLC; THI of South Carolina, LLC; THI Of South Carolina at Spartanburg, LLC d/b/a Magnolia Manor-Spartanburg (collectively, "Appellants"), hereby appeal the following orders of the Honorable J. Mark Hayes, II, Circuit Court Judge:

- Form 4 Order filed August 23, 2019;
- Order Denying Defendant THI of South Carolina at Spartanburg, LLC d/b/a Magnolia Manor Spartanburg's Motion to Dismiss, Compel Arbitration and Stay Proceedings, filed October 25, 2019;
- Form 4 Order filed June 25, 2020;
- ~~Order Granting in Part and Denying in Part Defendants' Motion to Alter, Amend, and/or Reconsider, filed July 13, 2020; and~~
- Confidentiality Order, filed July 13, 2020.

Copies of the appealed orders are attached hereto and incorporated herein by reference. Appellants received written notice of entry of the most recent order on July 13, 2020.

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: 8/12/20

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Appeal from Spartanburg County  
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Appellate Case No. 2020-  
Case No. 2018-CP-42-03447

Estate of Barbara Owens, by and through her Personal  
Representative, Mary Jane McCraw, Individually and on behalf of  
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v.

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Fundamental Administrative Services, LLC; THI of South  
Carolina, LLC; THI Of South Carolina at Spartanburg, LLC d/b/a  
Magnolia Manor-Spartanburg,

Appellants.

**PROOF OF SERVICE**

YOUNG CLEMENT RIVERS, LLP  
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*Attorneys for Appellants*

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for the Appellants above named, do hereby certify that I have served the **NOTICE OF APPEAL** on the above-named Respondent by depositing a copy of the same in the United States Mail, postage prepaid, on August 12, 2020, addressed as follows to Respondent's counsel (as well as via email to atty@gpoliakoff.com, rmullmanjr@gpoliakoff.com, jwaelde@gpoliakoff.com, and pknie@knielaw.com (see attached copy of the sent email) and via E-filing the Notice of Appeal in the lower court, which will also effect service of the Notice of Appeal on Respondent's counsel):

Gary W. Poliakoff, Esquire  
Raymond P. Mullman, Jr., Esquire  
~~Edward John Waelde, Esquire~~  
Poliakoff & Associates, P.A.  
P.O. Box 1571  
Spartanburg, SC 29304

*and*

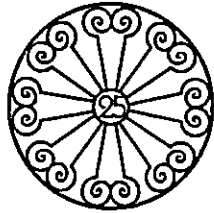
Patrick E. Knie, Esquire  
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*Attorneys for Respondent*

YOUNG CLEMENT RIVERS, LLP

By:   
Russell G. Hines (SC Bar No. 72100)  
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Charleston, South Carolina

Dated: 8/12/20



# YCR LAW

Pollyana Bell  
Project Assistant

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August 13, 2020

**VIA US MAIL**

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

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**SC Court of Appeals**

Re: Estate of Barbara Jean Owens, by and through her Personal Representative, Mary Jane McCraw, Individually and on behalf of Statutory Beneficiaries v. Fundamental Clinical and Operational Services, LLC; Fundamental Administrative Services, LLC; THI of South Carolina, LLC; THI of South Carolina at Spartanburg, LLC d/b/a Magnolia Manor-Spartanburg  
Case No.: 2018-CP-42-03447  
YCR File: 14347-20180214

Dear Ms. Kitchings:

Please find enclosed a filing fee in the above-referenced matter for the Notice of Appeal which was filed via e-mail yesterday. Additionally please find original copies of the Notice of Appeal and Proof of Service for filing.

With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

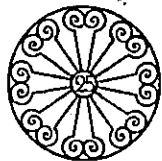
Pollyana Bell  
Project Assistant

/pbb

Enclosures

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**YCR LAW**  
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29211-162929

